

From,

The Chief Administrator,
Haryana Urban Development Authority,
Sector-6, Panchkula.

To,

1. All the Zonal Administrators of HUDA in the State.
2. All the Estate Officers of HUDA in the State.

Memo. No. A-PHK-UB-I-2009/ 11563-85

Dated: 16.04.2009

Subject: Regarding handing over of possession of plots.

As already emphasized a number of times in the past through specific communications, and discussed regularly in the various review meetings, it is once again requested that the status of handing over of possession of allotted plots in the urban estates under your jurisdiction may be comprehensively reviewed periodically say at least in three months.

2. Terms and conditions contained in the brochures for floatation of residential plots clearly specify that possession of the plot shall be delivered to the allottee in about 3 years of the date of allotment. However, possession may be given earlier if the development of basic services in a scheme is completed before the above mentioned period. At the time of offer of possession, only the basic services i.e. water supply, approach road, sewerage and electrification shall be made available in the sector. Administrators should start reviewing the progress of development works immediately after floatation of the sectors/plots.

3. Besides inviting litigations and adversely affecting the credibility of the organization, delay in handing over of possession has financial implications also, because interest on balance instalments of any allotted plot accrues only after the date of offer of possession. Moreover, the Authority in its 98th meeting held on 12.12.2006 has decided that in case the possession of the plot is not offered within the prescribed period of 3 years from the date of allotment, the allottee will have to be paid simple interest @ 9% per annum (or as may be fixed by the Authority from time to time) on the amount deposited by him after the expiry of 3 years of allotment, and the allottee will be required to pay future instalments only after the possession of plot/alternative plot is offered. Instructions regarding the same were issued vide memo no. HUDA-Acctts-Acctt-I-2007/2912-47 dated 25.01.2007. Estate officers should review it on monthly basis and Administrators on Quarterly basis. Administrators and/or Estate Officers shall be personally held liable for payment of interest to allottees and also loss of interest to HUDA if there are no sufficient reasons for not offering possession.

4. In an effort to minimize the problems arising out of handing over of possession, guidelines have been issued vide memo no. A-PWN-2008/UB-I/39995-96 dated 27.11.2008, making it compulsory for the allottee to take physical possession of his allotted plot within a maximum period of three months of offer of possession. They should also construct a boundary wall at least of 9" height within another three months, so that if there are any disputes regarding shape /size /clear availability of the allotted plot, the same can be taken care of immediately. In order to eliminate this problem in future sectors, it has also been decided that offer of possession will only be made after the plot is demarcated at site & 9" boundary wall is constructed by HUDA , cost of which will be included in the cost of allotment. You are requested to ensure compliance of these instructions.

5. With a view to ensure that in future sectors only those plots get allotted which are available at site free of dispute/encumbrances, the Authority in its meeting dated 12.12.2006 decided that the plots will be advertised only after their demarcation at site, and a committee under the chairmanship of concerned Administrator, comprising of S.E, DTP and Estate Officer will verify the clear number of plots available at site. Block of plots will be marked, roads will also be marked on the ground before the verification in order to ensure that only clear plots i.e. free from litigation & free from encroachment are advertised. Instructions regarding the same have been issued vide letter dated 25.01.07. You are once again requested to ensure compliance of these instructions.

6. To redress the grievance of such allottees to whom possession of the plot could not be given, HUDA has framed a policy for Exchange of plots/ allotment of alternative plots. Conditions where such exchange of plots/allotment of alternative plots is necessary are:

- i) Where HUDA could not deliver the possession of plots due to litigation pending in the courts,
- ii) Where the plot is not actually available on the ground as per layout plan.

Recently, in its 102nd meeting held on 24.02.09, Authority has decided that allotment of alternative plots can be made in those cases also where the plot is of an irregular shape/size. Definition/criteria for the same is being finalized.

7. Time and again, the Zonal Administrators and Estate Officers have been requested to identify the disputed plots (those plots whose possession could not be offered due to conditions mentioned in Para 6 above) and to send urban estate wise consolidated cases for allotment of alternative plots in lieu of all the disputed plots in the sectors/urban estates under their respective jurisdiction. Such an exercise has been carried out for a number of sectors of Urban Estate Gurgaon, Faridabad, Panipat, Sonipat, Gohana, Hisar etc. However, still a number of cases for adjustment of the

allottees of disputed plots are being regularly received, inspite of the HQs stressing for sending of Urban Estate wise consolidated cases for allotment of alternative plots to the allottees of disputed plots.

8. Through this letter you are once again called upon to comprehensively review the status of handing over of possession of all the plots in various sectors/pockets/schemes and to take following action:-

1. Compile details of Sectors/Schemes where the time limit of more than three years since allotment of plots has already passed or is approaching soon, but possession has not yet been handed over. For your convenience a list of schemes floated during the last five years is enclosed as annexure-'I'.
2. Analyse the reasons for non-handing over of the possession especially in case of those plots where land is under litigation, because the execution of development works and the offer of possession of a large number of plots in HUDA sectors is held up due to operation of stay orders granted by various Courts. Kind attention is invited to memo no. 10705-65 dated 02.12.2008 vide which all the Superintending Engineers/Executive Engineers of HUDA and all the Estate Officers of HUDA were requested to compile list/details of cases where the development works and offer of possession are held up due to stay orders, and to peruse the cases in various courts in the right earnest so that the stay orders are got vacated (copy enclosed as annexure-II). It is requested that while sending the proposals for allotment of alternative plots in lieu of plots effected due to land under litigation, the court/case number, specific orders of the court, whether written statement has been filed by HUDA or not, and the present status/next date of the case must be specifically indicated. Land under litigation in each court case must also be distinctly marked on the layout/demarcation plan so as to exactly ascertain the total number of plots actually affected by litigation.
3. Prepare an inventory of disputed allotted plots, which qualify for allotment of an alternative plot of same size category in terms of prevailing policy for allotment of alternative plots.
4. Prepare an inventory of all unallotted plots clearly available, in various sectors of each Urban Estate, for allotment as alternative plots.

5. Formulate and send consolidated proposal for allotment of alternative plots as per policy to the allottees of all the disputed plots in the Urban Estates under your jurisdiction.

8. This exercise for all the plots allotted upto 31.12.2008 must be completed by 30th June, 2009. Thereafter, the Zone wise review of possession shall be conducted at headquarters level. It is not out of place to mention that with completion of 100% computerization of allottee accounts, this review can easily be done through MIS reports which can be generated from the system.

(Naresh Mehtani)
Incharge Urban Branch-I,
For Chief Administrator, HUDA, Panchkula.

Memo No. A-PHK-UB-I-2009/11586-97 Dated: 16.04.2009

A copy is forwarded to the following for information and necessary action:

1. FCTCP, Haryana for information only please.
2. Chief Controller of Finance, HUDA, Panchkula.
3. Chief Engineer/ Chief Engineer-I, HUDA, Panchkula.
4. Chief Town Planner, HUDA, Panchkula.
5. Legal Remembrancer, HUDA, Panchkula.
6. Incharge, Urban Branch-II.
7. All Assistants in Urban Branch-I & II.

(Naresh Mehtani)
Incharge Urban Branch-I,
For Chief Administrator, HUDA, Panchkula.

