हरियाणा शहरी विकास प्राधिकरण
HARYANA SHEHARI VIKAS PRADHIKARAN

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To

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

Memo No. A-7-UB-2020/**193109-110**

Dated: **05-12-2020**

Subject:- Regarding Registration of 'Independent floors' of SCOs, SCFs & DSS.

This is with reference to the subject cited above.

The matter Regarding Registration of 'Independent floors' of SCOs, SCFs & DSS. was placed before the Pradhikaran in its 120th meeting held on 29.09.2020 vide agenda item no. 120th. (27) for consideration and approval. The Pradhikaran has approved the agenda and following decision have been taken:-

1. APPLICABILITY OF FLOOR WISE REGISTRATION:

Registration of independent floors shall be allowed only in case of SCOs, SCFs & DSS carved out in HSVP Sectors. In case of built up property of SCOs, SCFs & DSS situated in existing sectors (where owner has applied for/obtained occupation certificate prior to the date of issuance of these guidelines) registration of independent floors shall also be allowed.

2. PARAMETERS FOR FLOOR WISE REGISTRATION OF BUILDINGS:

i) Every building subject to the provisions of HSVP Act 1977, Rules and Regulations framed thereunder can have a separate and independent unit on each floor. Each such unit shall be designated as 'Independent Floor'. Each 'Independent Floor' shall be recognized as a distinct, identifiable property with a separate identification number, to which the owner shall have title alongwith proportionate rights in the declared common areas and common facilities, rights to access, easements and other ownership rights as well as the right to use, transfer or dispose-off the property in accordance with the applicable law and rules.

ii) Owner of each 'Independent Floor' shall be entitled to separate utility connections such as water supply, electricity, etc subject to building regulations/rules of Concerned Department.

iii) The basement, if any, allowed in a building shall not constitute a separate sub division/floor. The basement shall form a part of the 'Independent Floor' at ground level.

iv) No increase in maximum permissible FAR will be allowed. Architectural Control/Building bye Laws will be followed by the owner meticulously.

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v) No sub division of plot and vertical divisions of buildings shall be allowed in any case.

vi) Disputes, if any, shall be limited amongst the agreement partners only. HSVP shall not be a party to it. No claim shall be entertained/instituted against HSVP by any of the parties for non-construction etc..

3. **ELIGIBILITY CRITERIA & OTHER CONDITIONS:-**

3.1 Only such owner shall be eligible to transfer the floor-wise ownership of his/her building:

i) Who has completed all the three floors as per approved Architectural Control/ building bye laws and obtained occupation certificate thereof from the competent authority,

OR

ii) Who has got approved the building plans for all floors and submits a joint undertaking by the transferee/transferors in the form of an affidavit that they mutually agree to complete construction of their respective floors, as per approved plan and shall apply for Occupation Certificate for the complete building in one go and not partially. The normal period of construction allowed will be reckoned from the date of offer of possession shall continue to be the same.

iii) There are no pending dues/arrears in respect of his/her plot/building.

iv) That there is no misuse of the site/building. Change of use will not be allowed.

3.2 Any two 'Independent Floors' can be jointly allowed to be transferred provided the ownership of both the floors being transferred belongs to one person.

3.3 In case the building is not constructed and floor wise building plans are approved as per clause 3.1(b), then the transfrees/owners of different floors shall be liable to make the following payments as & when and in the manner whenever demanded by the Pradhikaran:

i) Extension fee - to be recovered in the percentage of coverage under his/her ownership or on fixed percentage decided by the transferors/transferees through a joint undertaking in the form of an affidavit.

ii) Compounding fee will be paid by the owner of each floor as levied by HSVP.

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4. **PROCEDURE FOR TRANSFER OF OWNERSHIP OF FLOORS.**

4.1 The present owner/allottee shall make an application on the prescribed Performa to the concerned Estate Officer, HSVP for granting permission to transfer the ownership of 'Independent Floor'. The request shall be accompanied by the following information/documents:

i) The area/floor proposed to be transferred alongwith details of Common areas and common facilities duly defined on the prescribed format(s) and further shown and marked on the approved building plan.

ii) For the purpose of working out payable fee, administrative charges etc. the whole of state has been divided into 6 potential zones, as described hereunder:

Sr. No.	Potential Zones	Index
1.	**Hyper:** Area forming part of the development plan of Gurgaon-Manesar Urban Complex	1.0
2	**High-I**: Areas forming part of development plan of Faridabad-Ballabhggarh Urban Complex, Part of Sohna Development Plan falling in Gurgaon District, Areas forming part of development plan of Gwal Pahari.	0.90
3.	**High-II:** Periphery Controlled Areas of Panchkula, Sonipat-Kundli Urban Area Complex & Panipat.	0.70
4.	**Medium**: Areas forming part of development plan of Karnal, Ambala, Kurukshetra, Bahadurgarh, Hisar, Rohtak, Rewari, Palwal, Yamuna Nagar – Jagadhari, Dharuhera, Prithla, Ganaur, Hodal, the Urban Areas devlared under clause (0) of Section 2 of the Haryana Development and Regulation of Urbn Areas Act, 1975 (8 of 1975) to cover the Controlled Areas declared under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) in Faridabad District (excluding the Controlled Areas of Faridabad-Ballabhgarh Complex), and Oil Refinery Panipat (Baholi) in Panipat District.	0.60
5.	**Low-I**: Bhiwani, Fatehabad, Jind, Kaithal, Mahendergarh & Narnaul, Sirsa and Jhajjar.	0.50
6.	**Low-II**: Gharaunda, Hansi, Assandh, Indir, Naraingarh, Narwana, Nilokheri-Taraori, Ratia, Shahbad, Tohana, Talwandi Rana and any other town not appearing in any of the potential zones.	0.40

iii) Accordingly, Administrative Charges will be payable as under or as amended from time to time by the Pradhikaran:-

Sr. No.	Type of Properties	Proposed Rates in Rupees Potential Zones (As per TCP memo no. 8/2/2016-2TCP Dated 11.02.2016)					
		Low-II	Low-I	Medium	High-II	High-I	Hyper
1.	SCOs	50,000/-	60,000/-	75,000/-	80,000/-	1,00,000/-	1,50,000/-
2.	SCFs	40,000/-	50,000/-	70,000/-	75,000/-	80,000/-	1,00,000/-
3.	DSSs	20000/-	25000/-	30000/-	40000/-	60000/-	75000/-

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iv) Original allotment letter.
v) A copy of the approved building plan.
vi) A copy of the occupation certificate (in case of constructed building).
vii) Photographs of the existing building from all corners.

4.2 The Estate Officer shall, "if he is satisfied with correctness of information/documents provided with the declaration and after having the site/building inspected and upon fulfillment of required formalities and prescribed payment of Administrative Charges", shall grant permission to transfer the ownership of floor, subject to the following terms and conditions:

i) The transferee shall get a sale deed/transfer deed (as the case may be) of the respective 'Independent Floor' executed/ registered in his/her favour with concerned Sub-Registrar and shall submit a certified copy thereof to the Estate Officer, HSVP concerned.
ii) The Indemnity Bond by the owner/transferor on the Performa No.....I.F.C.-1.
iii) An affidavit from the transferee on the perscribed Performa No.....I.F.C.-2.
iv) To deposit the arrears, if any.

4.3 The above documentation/formalities shall be completed by the transferor and transferee both within a period of 90 days to be reckoned from the date of issuance of permission to transfer failing which the permission to transfer shall stand withdrawn and the owner shall have to apply afresh. The administrative charges deposited alongwith the earlier request shall stand forfeited.

4.4 Thereafter, on fulfillment of required formalities and documentation by the transferor and transferee, transfer of ownership as an Independent Floor shall be accorded by the Estate Officer concerned under HSVP Rules and Regulations way of a fresh letter of allotment in favour of transferee and also in favour of transferor in supersession of the previous letter of allotment.

4.5 Such letter of allotment shall recognize the ownership of the 'Independent Floor' as the owner thereof, who shall be liable to comply with all the provisions of the HSVP Act, 1977, rules and regulations framed there under. All the covenants and liabilities contained in the original allotment letter and in the conveyance deed pertaining to building or site, shall be construed to be contained in the subsequent letter of allotment , as the case may be, even though no specific mention may have been made therein. Each 'Independent Floor' after it has been transferred by the concerned Estate Officer, shall be sole and

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exclusive property of the declared owners. Such owners shall be fully and exclusively responsible and liable for complying with all provisions of the HSVP Act 1977, rules & regulations framed there under and covenants of the allotment letter.

4.6 All the provisions of HSVP Act, rules and regulations framed there under from time to time and covenants shall apply, pari passu, to the Independent Floors and to the owners thereof, as they did and would have, to the site of building and the owners thereof.

4.7 Floor wise partition on the basis of WILL:

Where the testator has bequeathed the property floor wise the transfer in favour of the beneficiaries shall be made floor wise in accordance with the WILL and not jointly. Before floor-wise transfer, the procedure given in the policy pertaining to WILL dated 03.06.2013 shall be followed, where after, the Estate Officer concerned shall suo motu pass an order registering the property floor wise. After floor wise transfer, the transferee shall abide by Rules/Regulations/Policy etc. governing floor wise partition issued from time to time. All pending representations and Court cases, if any, shall be dealt with accordingly.

5. COMMON AREAS AND COMMON FACILITIES

5.1 ***Definition:***

"Common Area and common facilities in relation to a building shall include the land covered by the building and all easements rights of access and other similar rights belonging to the land and the building. The common structures such as foundations, columns, beams, supports, main valves, common roofs, corridors, staircase, fire escapes, entrances and exist of the building. Such parking areas, passages, drive ways, storage space, spaces for security, as are required or specified for common use. Installations of common services such as power, light, gas, water, heating, refrigeration, air conditioning, sewerage , elevators, tanks, pumps, ducts and such other common facilities as may be prescribed from time to time. All other parts of the building and land necessary for maintenance, safety and common use."

5.2 Every declaration for registration of 'Independent Floor' of a building shall contain the complete details regarding the common areas and common facilities. These may be used by all the owners and occupiers of the building equally and without hindrance, subject to reasonable restrictions to ensure privacy and common access to all owners and occupiers.

5.3 The owners of each 'Independent Floor' shall be entitled to the exclusive use and possession of the 'Independent Floor' as declared, and shall be entitled to ownership of such percentage of the un-divided

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interest in the common areas and common facilities as specified in the declaration. Such percentage shall be computed by taking as basis the value of the sub-division in relation to the value of the building.

5.4 The percentage of the un-divided interest of each 'Independent Floor' in the common areas and common facilities shall be a permanent character and shall not be altered without the written consent of all the owners to be obtained and filed before the concerned Estate Officer.

5.5 The common areas and common facilities shall remain un-divided and no owner or occupier of any 'Independent Floor' or any person shall be entitled to seek a partition or division of any part thereof before the concerned Estate Officer, or while making changes or amendments to the building, or in any other proceedings before the Chief Administrator, HSVP related to the building, without the written consent of all owners of the building.

5.6 Certain restricted common areas or restricted common facilities may be specified for use of some but not all the 'Independent Floors' and the owners and occupiers thereof.

5.7 The roof rights shall vest with the owner of top floor as per approval of competent authority except access to the owners of ground/first floor for the purpose of common facilities i.e. Water Tank, Installation of Solar Panels etc.

A copy each of the following performa is enclosed:-

1. Application for Transfer of 'Independent Floor'.	IFC-A
2. Indemnity bond by the transferor.	IFC-1
3. Affidavit by the transferee.	IFC-2
4. Re-allotment letter.	IFC-RA
5. Schedule-I: Description of each 'Independent Floor'.	IFC-SI
6. Schedule-II: Schedule of Common Areas.	IFC-SII
7. Schedule-III: Schedule of Restricted Common Areas.	IFC-SIII
8. Schedule-IV: Schedule of Common Facilities.	IFC-SIV
9. Schedule-V: Schedule of Restricted limited Common Facilities.	IFC-SV

5.8. In addition to the normal stamp duty, 1% extra stamp duty will be charged when registration of Independent Floor is done for the first time. Thereafter, on re-sale, no extra stamp duty is to be charged. This 1% Stamp Duty will be paid by the treasury to the ULB/HSVP depending on where the property in question is located, for defraying the costs of additional external development that the ULB/HSVP will have to incur due to the pressure on the civic amenities that will arise due to extra persons living on the plotted areas. One percent extra Stamp Duty, in case of registration of

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'Independent Floors' on the plots/property located in the Urban Estates of HSVP, is to be paid by the treasury to the concerned Estate Officer of HSVP for the Urban Estate in which the 'Independent Floor' is located, on monthly basis.

6. A copy of Agenda item and extract of proceedings of the meeting alongwith Annexures are sent herewith. You are therefore requested to take further action accordingly.

7. This issues with the approval of Pradhikaran.

DA/As above.

(K. L. Kamboj)
Superintendent, UB,
for Chief Administrator,
HSVP, Panchkula.

Endst. No. A-7-UB-2020/ Dated:

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

1. The Chief Vigilance Officer, HSVP, Panchkula.
2. The Chief Controller of Finance, HSVP, Panchkula.
3. The Chief Engineer-I & II, HSVP, Panchkula.
4. The Chief Town Planner, HSVP, Panchkula.
5. The Chief Information Technology Officer, HSVP, Panchkula. He is requested to host it on HSVP web-site.
6. The Legal Remembrancer, HSVP(HQ), Panchkula.
7. The Chief Architect, HSVP, Panchkula.
8. The Secretary, HSVP, Panchkula.
9. The Enforcement Officer, HSVP, Panchkula.
10. The Dy. ESA, HSVP(HQ), Panchkula.
11. All the Assistant/Record Keepers, Urban Branch, HSVP(HQ), Panchkula.

(K. L. Kamboj)
Superintendent, UB,
for Chief Administrator,
HSVP, Panchkula.