

From

The Principal Secretary,
to Government Haryana, Town & Country Planning, Haryana,
Chandigarh.

To

1. The Director General, Town & Country Planning, Haryana, Chandigarh.
2. Chief Administrator, Housing Board Haryana, Sector-6, Panchkula.

Memo no. LC-147/2021/4830-31

Dated:26.02.2021

Subject: Policy for Allotment of Plots/ Flats earmarked for Economical Weaker Section in the Licensed Colony.

Reference: - In supersession of policy issued vide memo no LC-147-7/16/2006-2TCP/14950 dated 17.05.2018.

In the interest of the general public, the policies issued vide memo no. LC- 147-7/16/2006-2TCP/14950 dated 17.05.2018 has been reviewed and in supersession of this policy, the following comprehensive policy is framed with immediate effect:-

1. EWS PLOTS

1.1 Quota of EWS plots: The licensee shall reserve 20% of the total number of residential plots in residential plotted colony for allotment to such eligible applicants as prescribed under this policy.

1.2 Size of EWS plots: EWS plot size shall vary within 50 sq. mts to 125 sq. mts. or as otherwise approved specifically in the Layout plan by the Director.

1.3 Transfer of EWS plots-Eligibility and Allotment criteria:

1.3.1 The licensee shall transfer all the EWS category plots to Housing Board Haryana at the rate fixed by the Government from time to time which presently is Rs. 600/- per Sq. Mtr.

1.3.2 (i) The EWS plots shall be handed over to Housing Board, Haryana only after issuance of part completion certificate of such EWS plots by the Director. In addition, before taking over the possession of such EWS plots, Housing Board Haryana shall satisfy itself regarding completion of all services and such clause shall also be included as a part of handing over of possession of plots, so that issues regarding deficient infrastructure do not emerge at later date.

(ii) Housing Board Haryana may construct units on the transferred plots and allot to BPL applicants and/or EWS applicants in accordance with the provisions of layout plan/ zoning plan after following a transparent procedure for calling applications and selection of eligible beneficiaries.

(iii) For the purpose of this policy, the definition of EWS stands adopted as provided under PMAY guidelines i.e. with household income less than Rs. 3 lakhs per annum or as amended under PMAY guidelines from time to time.

- 1.3.3 Housing Board Haryana after carrying out construction as per specifications shall allot the EWS units to the eligible beneficiaries, with first preference being granted to the BPL applicants.
- 1.3.4 Housing Board Haryana may also earmark these units for Rental Housing Scheme for eligible beneficiaries.
- 1.3.5 The allottees of such plots shall not be allowed to further transfer the plots to any other person within a period of five years after getting the possession. Housing Board Haryana shall impose this condition in the allotment letter. The breach of this condition will attract penalty equivalent to 100% of selling price of the allotted unit to be paid by the purchaser. Execution of irrevocable power of attorney in favour of any person other than blood relation alongwith irrevocable will and for consideration passed on to the executor of irrevocable power of attorney or to anybody on his behalf, shall be construed as sale of property for this purpose. This penalty is to prevent misuse of such plot and allotment of plot shall also be liable for cancellation.
- 1.3.6 For avoiding duplicacy, Housing Board Haryana shall maintain the data of all beneficiaries and their Aadhar Card details. The list of successful BPL as well as EWS beneficiaries shall also be shared with Department of Urban Local Bodies Haryana for maintaining an integrated database of allottees so as to avoid duplicate allotment to same beneficiaries.
- 1.3.7 BPL as well as EWS verification shall be duly carried out in case of successful allottees only.

2. EWS Flats:

- 2.1 **Quota of EWS flats:** The licensee shall reserve 15% of total number of residential flats in Group Housing colony for allotment to such eligible applicants as prescribed under this policy.
- 2.2 **Size of EWS flats:** The minimum size of EWS flat shall be 200 sq. ft. and maximum 400 sq. ft.
- 2.3 **Cost/price of EWS flats:** Maximum Price for allotment of EWS flats in group housing colonies shall be as fixed by the Government from time to time which presently is Rs. 1,50,000/- per flat or Rs. 750/- per sqft.
- 2.4 **Floating of EWS category flats through Housing Board Haryana (HBH):**
 - 2.4.1 Complete scheme shall be floated within six months from issuance of occupation/part-occupation certificate of EWS flats. The colonizer upon obtaining such occupation/part-occupation certificate shall immediately and not later than 60 days convey the detail of such flats to Housing Board Haryana for the purpose of inviting application and for identification of the eligible beneficiaries.
 - 2.4.2 Housing Board of Haryana shall act as an intermediary for the purpose of

identification of eligible beneficiaries only on behalf of the colonizers and DGTCP, Haryana. By no means, the involvement of Housing Board Haryana shall amount to it being designated as a developer for the project, as far as compliance under RERA Act is concerned.

2.4.3 All compliance pertaining to Haryana Development and Regulation of Urban Areas Act, 1975 as well as Apartment Ownership Act 1983 shall continue to be the sole responsible of the licensee.

2.4.4 (i) While identifying the beneficiaries for allotment, Housing Board Haryana shall grant first preference to the BPL families and thereafter to the EWS applicants of the State.

(ii) For the purpose of this policy, the definition of EWS stands adopted as provided under PMAY guidelines i.e. with household income less than Rs. 3 Lakhs per annum or as amended under PMAY guidelines from time to time.

2.4.5 In cases where EWS flats have already been advertised, the licensee shall conduct draw of lots within three months from issuance of this policy.

2.5 Guidelines for conducting draws of lot by Housing Board Haryana:

2.5.1 The Housing Board Haryana shall give advertisement in three newspaper (1 leading English National Daily and 2 in Hindi language) having circulation of more than 10,000 copies in the state.

2.5.2 The list of successful allottees alongwith waiting list of 25% of total number of flats shall be published in newspaper as specified above.

2.5.3 After completion of the process of identification of successful allottees, Housing Board Haryana shall convey the list of successful applicants' alongwith waiting list to the concerned colonizer under intimation to DTCP, Haryana.

2.5.4 All further formalities pertaining to issuance of allotment letter and recovery of installment for the successful allottees continue to remain with the colonizer. If successful allottee fails to deposit the installments, he may be given 15 days time period from date of Show Cause Notice and further 15 days from the issuance of publication of such list in one leading Hindi newspaper, failing which allotment shall stand cancelled.

2.5.5 For avoiding duplicacy, Housing Board Haryana shall maintain the data of all beneficiaries and their Aadhar Card details. The list of successful BPL as well as EWS beneficiaries shall also be shared with Department of Urban Local Bodies Haryana for maintaining an integrated database of allottees so as to avoid duplicate allotment to same beneficiaries.

2.5.6 BPL as well as EWS verification shall be carried out in case of successful allottees only.

2.6 Procedure for refund of earnest money:

- 2.6.1 Housing Board Haryana shall charge Rs. 10,000/- as registration/earnest money alongwith each application. Housing Board Haryana shall retain such registration charges from each successful allottee after conducting the draw of lots. The balance amount of Rs. 1.4 lakhs shall be recovered directly by the colonizer from the beneficiaries as identified by Housing Board Haryana.
- 2.6.2 For unsuccessful candidate, refund of registration/earnest money (without interest/compensation) shall be made by Housing Board Haryana within two months from date of draw.
- 2.6.3 The earnest money of the applicants in the waiting list may be retained by the Housing Board Haryana till the process of allotment of successful applicants is completed. Thereafter, the earnest money shall be refunded within one month period. However in case any applicant in waiting list requests for refund of earnest money even during the process of allotment, the Housing Board Haryana shall refund the same within a period of one month from receipt of the request without making any deductions.
- 2.6.4 In case a successful candidate surrenders his flat, entire amount will be refunded by the colonizer without any deduction. However, the registration amount of Rs. 10,000/- recovered by Housing Board Haryana Shall remain non-refundable.

2.7 Procedure for refund in case of delay in conducting the draw: Housing Board Haryana shall refund the earnest money to unsuccessful candidate's alongwith normal interest of saving bank account in State Bank of India as applicable from time to time. However, no interest shall be paid for a period of six months from the date of submission of application alongwith earnest money.

2.8 Sale/transfer of EWS flat: The allottees of such flats shall not be allowed to further transfer the flats to any other person within a period of five years after getting the possession. The breach of this condition will attract penalty equivalent to 100% of selling price of the allotted unit to be paid by the purchaser. Execution of irrevocable power of attorney in favour of any person other than blood relation alongwith irrevocable will and for consideration passed on to the executor of irrevocable power of attorney or to anybody on his behalf, shall be construed as sale of property for this purpose. This penalty is meant for misuse of such plot and allotment of plot shall also be liable for cancellation.

2.9 Provision of Rental Housing on EWS Flats by Housing Board Haryana (HBH): HBH may also earmark such EWS units for rental housing scheme for eligible beneficiaries.

- 2.9.1 The formulation of such rental housing scheme shall be the prerogative of HBH.
- 2.9.2 The colonizer shall hand-over the possession of the EWS units to the CA, HBH (or his representative authorized in this regard) and consequent to such handing over/taking over the possession by HBH, all legal and jurisdictional rights vis-à-vis the EWS units shall vest with the HBH. The rights of the colonizer shall be limited to the receipt of payment amounting to Rs. 1.5 lakhs per dwelling unit in such time frame and in such manner as prescribed.
- 2.9.3 Payment shall be made to the colonizer within three months period from taking over of possession by HBH, failing which simple interest at the rate of 9 percent per annum shall be payable on the deferred amount.
- 2.9.4 Further, formalities pertaining to the issuance of revised Deed of Declaration and Deed of Apartment in favour of HBH under the Apartment Ownership Act 1983, leading to transfer of ownership in favour of HBH shall take place in due course.

3 Special Dispensations: Notwithstanding, the policy parameters as prescribed above, since repeated efforts of Housing Board Haryana have not received response from the targeted EWS/BPL beneficiaries in last few years, the following alternate mechanism for allotment of such dwelling units is also prescribed:

- i. For unsold inventory lying with the Housing Board Haryana till date, one last and final opportunity shall be given to the targeted beneficiaries (BPL/EWS) and thereafter remaining inventory, if any, may be sold to general/open category beneficiaries of Haryana Domicile.
- ii. In future, two (02) attempts shall be made by Housing Board Haryana to sell the new properties, transferred by developers under EWS category, to the targeted beneficiaries. Thereafter, these properties may be sold by the Housing Board Haryana to general/open category beneficiaries of Haryana Domicile.
- iii. Sale of all such properties shall be by way of an open e-auction widely advertised on print and electronic media.

-Sd-

Principal Secretary to Govt.
Town & Country Planning Department,
Haryana, Chandigarh.