

From

Additional Chief Secretary to Govt. Haryana,
Town and Country Planning Department
Haryana Chandigarh

To

1. Chief Administrator,
Haryana Shehri Vikas Pradhikaran, Sector 6, Panchkula,
Haryana -134109.
2. Chief Administrator,
Housing Board, Haryana.
3. Director, Town & Country Planning Department,
Sector-18, Madhya Marg, Chandigarh.
4. Director, Urban Local Bodies,
Bays No. 11-14, Sector-4, Panchkula, Haryana -134112.
5. Managing Director, HSIIDC
C-13-14, Sector 6, Panchkula, Haryana -134109.

Memo No. Misc-2339(L)(S+4)/2024/19679-83

Dated:- 02.07.2024

Subject: - Approval of Stilt + four floors on residential plots.

The issue of allowing Stilt + four floors construction on residential plots has been engaging the attention of the Government. After deliberations with all stakeholders, the Expert Committee constituted in this regard had submitted its report few months back. After deliberations on the recommendation of the Expert Committee, the following directions are issue for compliance by all concerned:

1. Construction of S+4 floors on residential plots where layout plan is approved, including DDJAY colonies for which services plan is either approved or revised, with density of 18 persons per plot:-

- i. Construction of S+4 floors shall be permitted for all residential plots in such colonies/ sectors whose layout plan is approved with density of 18 persons per plot.
- ii. Permission for construction of S+4 floors shall also be granted in already licenced DDJAY colony(ies) if the services plan is approved/ revised with density of 18 persons per plot.
- iii. In order to enable ease of implementation, the concerned departments/ authorities shall host the list of sectors/ licenced colonies where service plan estimates/ layout plans (whichever applicable) have been approved/ got revised with density of 18 persons per plot. Such list shall be continuously updated on the Department/ Authority website for clear intimation of latest status to the general public.

(Action by: CA HSVP/ MD HSIIDC/ DTCP / DULB)

(Time: 15 days)

2. Construction of Stilt+4 Floors on residential plots where layout plan is approved with density of 13.5 persons per plot:-

- i. Construction of S+4 floors shall also be allowed in colonies/ sectors whose layout plan is approved with 13.5 persons per plot, but only for such residential plots that derive access from a 10 meters or wider road and also satisfy either of the following two conditions, viz:

- (a) submission of irrevocable mutual consent agreement with all adjoining plot owners excepting those who have already obtained S+4 approval, or,
- (b) side setback of 1.8 meters (on all floors) being maintained from the adjoining plot(s).

Further provided that in case of plots abutting service road of the sector dividing road, the width of road shall be considered as that of sector dividing road;

Further, such adjoining plot owners who refuse to grant such consent shall be in-eligible for S+4 approvals on their plots in future.

- ii.** Such mutual consent agreement as mentioned at S.no. 2(i)(a) shall be obtained in two stages:

- a) Along with application to be submitted by the applicant for approval of building plan, and,
- b) Confirmation of such consent by the building plan approving authority before approval of building plan.

Provided that deemed consent shall be considered from any such plot owner who has either constructed S+4 or has obtained permission for construction of S+4 floors.

- iii.** Infrastructure Augmentation of all sectors/colonies, wherever required, shall be undertaken out of the IAC funds collected against approval of S+4 plans.

(Action by: All concerned Departments)

3. Increase in rates of Purchasable Development Rights (PDR):

The rates of Purchasable Development Rights (PDR) shall be increased for plots measuring more than 250 sqm., as follows:

Proposed Higher Rates for Purchasable Development Rights (PDR) for plots having area above 250 sqm									
Plot Size /Category	Max. Permissible Coverage for each floor	FAR		Zone potential/ Proposed Rate of purchasable FAR (Rs. Per sqm)					
		Existing	Max. with PDR	Hyper	High-I	High-II	Medium	Low-I	Low-II
Above 250 & upto 350 sqm	66	1.3	2.4	4500	3600	2700	2250	1800	1350
Above 350 & upto 500 sqm	66	1.2	2.4	6500	5200	3900	3250	2600	1955
Above 500 sqm	66	1.0	2.4	10000	8000	6000	5000	4000	3000

(Action by: All concerned Departments)

4. Cases where plots stand auctioned with in-built purchasable FAR rates in the reserve price:

- i.** Cases where plots stand auctioned by HSVP with in-built purchasable FAR and are covered under either (1) or (2) mentioned above, can either construct Stilt + four floors or, seek refund as prescribed hereinafter.

Provided that in case of construction of Stilt + four floors falling under purview of S.No. 2 above, the conditions of allotment shall presumed to have been amended as at 2(i)(a) or 2(i)(b) above.

- ii.** Where the owner chooses not to build S+4 floors and avails lesser Purchasable Development Rights (PDR), the amount calculated against such unutilised PDR shall be eligible for refund with 8% interest till the date of

application for request of refund, that must to be made within 60 days from date of issuance of this order.

- iii. If the case does not fall in either (1) or (2) mentioned above, the allottee shall be eligible for refund of the entire auction amount paid alongwith 8% interest till the date of receipt of request for refund, to be made within 60 days from today.
- iv. As an example for calculation of the refund amount, for a plot of 600 sq meter located in Gurugram on which the base FAR is 1.2 and 'maximum permissible FAR with PDR' is upto 2.4, but, the allottee is able to achieve FAR of 1.9, then for the balance unavailed FAR of 0.5, i.e. 300 sq. meter, the allottee shall be eligible for refund of an amount, calculated as per following, balance unavailed FAR (in sqm) multiplied by applicable prescribed rate of PDR (in Rs per sqm) for the plot size in the zone in which the plot is situated. Accordingly, in case the plot is located in Gurugram (Hyper potential zone), then the refundable amount shall be Rs. 24,21,000/- and in case the plot is located in Panipat (High-II potential zone), then the refundable amount shall be Rs. 14,53,500/-.
- v. Further, these cases shall also be covered under the infrastructure augmentation to be carried out by respective development agencies, wherever necessary.

(Action by: CA, HSVP)

5. Restriction on construction of common wall and basement:-

A. For Residential Plots covered under S.No. 1 above:-

Construction of common wall and basement shall be allowed, without any restrictions, strictly in conformity with the provisions of Haryana Building Code.

B. For Residential Plots covered under S.No. 2 above:-

- i. Construction of basement storey and transfer of load onto common wall shall not be allowed on plots where S+4 construction is permitted. However, in cases where either or both of them are consented to in the mutual consent agreement executed with the adjoining plot owners, as the case may be, such construction of basement storey and/or transfer of load onto common wall shall be allowed.

Provided that construction of basement storey shall in no case be permitted on plots of less than 10 m width and 250 sqm area.

- ii. Further, construction of common wall shall be allowed if the entire row of residential plots is taken up in one go for approval of building plans and for construction.

(Action by: All concerned Departments)

- iii. Necessary action for appropriate amendment in Haryana Building Code be taken, to be effective from the date of issuance of present instructions.

(Action by: HBC Committee)

(Time: 60 days)

6. Transfer of infrastructure augmentation charges:

- i. Rs. 1178.95 crore collected against Purchasable Development Rights (PDR) by various agencies shall be utilized for undertaking infrastructure augmentation in respective areas.
- ii. Rs. 689.8 crores collected by TCP Department for the purpose shall be transferred to HSVP within a week. In future, the funds accrued against PDR shall be transferred to HSVP on monthly basis.

- iii. HSVP shall prepare a SOP for utilization of the entire corpus of funds to ensure proper targeting of such services, within a period of one month.
- iv. SOP shall be prepared duly considering identification of areas for infrastructure augmentation, prioritisation of areas, responsibilities of concerned agencies, transparency in mechanism for utilization of infrastructure augmentation charges and infrastructure augmentation on an ongoing basis.

(Action by: CA, HSVP, DTCP)

7. Setting up of S+4 Portal:

Each Department shall set up a 'S+4 Portal' for dealing with issues pertaining to S+4 cases and for uploading of various information including permissions pertaining to S+4 floors, from time to time.

i. Receipt and approval of building plans:

- a. In case any application is found to be eligible for S+4 floors by the competent authority, the application details shall be uploaded on the respective HOBPAS portal of concerned Agencies/Departments/Authorities for further scrutiny and final approval of building plans.
- b. A detailed SOP, if necessary, shall be prepared and uploaded by all concerned Departments on their respective S+4 Portal for information of all concerned.

ii. Grievance Redressal: Concerned Agencies/Departments/ Authorities shall constitute Grievance Redressal Committees (GRC).

- a. The GRC in TCP Department shall be constituted under the Chairmanship of concerned DTP, whereas, in HSVP the same shall be chaired by respective Estate Officer. Other agencies shall also constitute their respective GRC and notify the same within 30 days.
- b. The GRC shall be responsible for addressing all complaints of plot owners primarily pertaining to structural damages and infrastructure issues raised with regard to construction of S+4 floors. Grievance Redressal Committee (GRC) shall ensure disposal of each grievance within a period of 15 days.
- c. In case of any compensations required to be paid, the recommendation of the GRC shall be forwarded to concerned DC for final orders regarding payment of compensation, if any.
- d. Disposal of grievances shall be notified under RTS Act prescribing a time limit of 15 days for its disposal. The concerned Departments shall get the said service notified under Right To Service Act, 2014 within a period of three months.
- e. In case of failure to decide grievance within 15 days, the complaint shall be auto-escalated to the Deputy Commissioner, as First Appellate Authority, for orders.

iii. Enforcement:-

Complaints in this regard shall be submitted on respective S+4 Portal and examined for redressal by the concerned DTP or Estate Officer (HSVP), as applicable.

iv. Applicability: These directions shall come into force from the day 'S+4 Portal' goes live.

(Action by: All concerned Departments)
(Time : 15 days)

8. Strict action against enclosing of stilt area: In order to curtail the practice of enclosing the stilt area, while approving building plans and/ or grant of occupation certificate, in future, a condition shall be imposed that the approval of building plan and/ or grant of occupation certificate shall be deemed to be withdrawn in case the stilt area is enclosed either fully or partially.

(Action by: All concerned Departments)

9. Composition policy for such cases where construction has been raised without approval of building plan for S+4 floors:

For all such cases where S+4 construction has been raised without approval of building plans till date, Standard Operating Procedure shall be formulated on the following principles:

- a. All such persons who have raised such unauthorized construction may apply to the competent authority for composition of offence.
- b. In all such cases of raising of unauthorized construction, in case no objections were filed by the adjoining plot owner(s), during the time such construction was being raised, permission will be granted within 90 days of receipt of application for composition of offence, subject to recovery of composition charges.
- c. In case objections were filed by the adjoining plot owner(s) at the time of raising of construction, one more opportunity shall be given to submit mutual agreement/ consent from the complainant(s). In case the applicant is unable to provide consent of complainant(s), then the case shall be decided by passing speaking order.
- d. Composition of such offence may be allowed after charging of composition fees at ten times the rate prescribed for 'construction raised without approval of building plans and the construction conforms to the provisions of HBC'.

(Action by: All concerned Departments)

10. Removal of doubts/ difficulties: In order to take care of any difficulty arising out of implementation of these instructions and to clarify any doubts in this regard in future, the Administrative Secretary, Town and Country Planning Department has been empowered by the Government to issue clarifications in this regard.

Sd/-

(Arun Kumar Gupta)

Additional Chief Secretary to Govt. of Haryana,
Town and Country Planning Department,
Haryana, Chandigarh.

Endst. No. Misc-2339(L)(S+4)/2024/19684-86

Dated: 02.07.2024

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

1. Additional Chief Secretary to Govt. Haryana, Department of Industries and Commerce, Sector-17, New Secretariat Chandigarh.
2. Principal Secretary to Govt. Haryana, Department of Urban Local Bodies, Sector-17, New Secretariat Chandigarh.
3. Principal Secretary to Govt. Haryana, Department of Housing for All, Sector-17, New Secretariat Chandigarh.

Sd/-

(Arun Kumar Gupta)

Additional Chief Secretary to Govt. of Haryana,
Town and Country Planning Department,
Haryana, Chandigarh.