

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HOUSING-II BRANCH)

Notification

The 9th December, 2010

No.G.S.R.41/P.A.14/1995/Ss.38 and 45/Amd.(2)/2010- With reference to the Government of Punjab, Department of Housing and Urban Development, Notification No.12/1/09-5HG2/2571, dated the 30th August, 2010, and in exercise of the powers conferred by section 45 read with sub-section (2) of Section 38 of the Punjab Apartment and Property Regulation Act, 1995(Punjab Act No. 14 of 1995) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Apartment and Property Regulation Rules, 1995, namely:-

RULES

1. Short title and Commencement.-(1) These rules may be called the Punjab Apartment and Property Regulation (First Amendment)Rules, 2010.
 - (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab Apartment and Property Regulation Rules, 1995 (hereinafter referred to as the said rules), in rule 2, after clause(f), the following clause shall be added, namely:-
"(g) "Un-Authorized Colony" means a colony which has been developed in contravention of the provisions of the Act and the rules made there under."
3. In the said rules, after rules 30, the following rules shall be added, namely:-
"31. Compounding of offences-(1) Notwithstanding anything contained in these rules, the competent authority on an application, made by the promoter in Form APR-V-A, may either before or after the institution of the proceedings for prosecution, compound an offence of developing an unauthorized colony.
 - (2) On receipt of an application under sub-rule(1),the competent authority may, if it deems proper, compound the said offence on the fulfillment of following conditions and restrictions by the promoter, namely:-
 - (a) That the promoter first of all, shall obtain a license in accordance with the provisions of the Act and the rules made there under;
 - (b) That the unauthorized colony should not fall within the distance of sixteen kilometres from the outer boundary of Union Territory of Chandigarh;
 - (c) That promoter shall submit to the competent authority, the proof of absolute ownership of the land, on which unauthorized colony has been developed by him, from the concerned authority.
 - (d) That the land on which unauthorized colony has been developed, is in conformity of development of the colony with neighbouring areas.
- (3) For compounding an offence in the case of an unauthorized colony, developed before the 17th day of August, 2007, in addition to the conditions and restrictions, specified in sub-rule(2), the following conditions shall also be fulfilled, namely:-
 - (a) the promoter shall deposit such fee by way of demand draft, as may be determined by the State Government from time to time by notification in the Official Gazette by taking into consideration all relevant aspects;
 - (b) the width of the access road to such colony shall not be less than thirty-five feet;
 - (c) the width of the internal roads in such colony shall not be less than twenty-five feet;

- (d) in the layout plan of such colony, the land reserved for roads, open spaces, schools and public and community buildings and other common purposes, shall not be less than thirty-five percent of the gross area of such colony; and
 - (e) such colony must have a site for water works and Sewage Treatment Plant or it should have been linked with the water supply and sewerage laid down by a local authority in the area of such colony.
- (4) (1) For compounding an offence in the case of an unauthorized colony developed on or after the 17th day of August, 2007, the promoter shall, in addition to other charges, payable in the case of a colony, developed in accordance with the provisions of the Act and the rules, made thereunder, deposit such fee by way of demand draft, as may be determined by the State Government from time to time by notification in the Official Gazette by taking into consideration all relevant aspects. However, the promoter shall have to fulfill all the prevailing norms and criteria, specified by the competent authority for developing a colony under the Act.

32. Mode of making payment- (1) The promoter of an unauthorized colony, mentioned in sub-rule(3) or sub- rule (4) of rule 31, shall pay twenty –five per cent of the compounding fee to the competent authority within a period of thirty-days from the date of order for compounding and offence of developing such colony.

- (2) The balance of seventy-five per cent amount may be paid in six annual equal installments with ten per cent compound interest;

Provided that if such amount is paid within a period of one year from the date of order of compounding such offence, then no interest shall be charged from the promoter.

- (3) In case, the payment of balance amount is not made within the period, as stipulated in sub-rule(2), the promoter shall pay further interest at the rate of three per cent on the balance amount.
- (4) In case, the balance of seventy-five per cent amount, referred to in sub-rule(2), is paid within a period of thirty days from the date of order of compounding an offence by the competent authority, then the promoter shall be entitled to a rebate at the rate of ten per cent on such balance amount.

33. Fulfilment of requirements after compounding an offence (1) After an offence of developing an unauthorized colony is compounded by the competent authority, all necessary clearance like 'No Objection Certificate" etc. from the concerned authorities shall be obtained by the promoter of such colony.

- (2) All internal development works shall be completed by the promoter of such colony within a period of one year from the date of compounding such offence. The promoter shall also provide a bank guarantee as per provisions of the Act and the rules, made there under."

4. In the said rules, after Form APR-V, the following Form shall be added, namely:-

" FORM APR V-A
(See rule 31)

Form of Application for compounding of an offence for developing an un-authorised colony.

To

The Competent Authority,

Sir,

I/ We beg to apply for the grant of a license to develop a residential/ commercial/ industrial colony at _____ in district _____. The requisite particulars are as under:-

- (i) Status of the applicant, whether individual/ Co-operative Society/ Company.
- (ii) In the case of individual—
 - (a) Name:
 - (b) Father's Name :
 - (c) Occupation :
 - (d) Permanent Address :
- (iii) In the case of Firms/ Co-operative Societies/ Companies—
 - (a) Name:
 - (b) Address:
 - (c) Major Activities.
 - (d) Name and address of Partners/
Chief Executive/ Full time Directors.
- (iv) Whether applicant is income tax payer, if so give income tax account No. _____
- (v) Name and address of the bank or banker with which account in terms of section 9 of the Act will be mentioned _____
- (vi) Details of immovable property held by the applicant _____
- (vii) Particulars about financial position:
 - (a) Latest audited accounts in the case of company/firm/co- operative society.
 - (b) In case of individual details of his bank accounts.
- (viii) Whether the applicant had ever been granted permission to develop a colony under any other law, if so, details thereof.....

(ix) Whether the applicant has ever established a colony or is establishing a colony and if so, details thereof.....

(x) Agency to take up external development works :

Self	Government Department	Development Authority	Local Authority
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(xi) Agency to take up internal development works:

Self	Government Department	Development Authority	Local Authority
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(xii) Any other information, the applicant may like to furnish. I/We enclose the following documents in triplicate, namely:-

(i) Copy or copies of all the title deeds and other documents showing the interest of the applicant in the land under the proposed colony alongwith a list of such deeds and other documents and if the land is owned by another person, the consent of owner of such land to the development of the colony or construction of the building;

(ii) A copy of the shajra plans showing the location of the colony along with the name of the revenue estate, khasra number of each field and the area of each field;

(iii) A guide map on a scale of not less than 1:1000 showing the location of the colony in relation to surrounding geographical features to enable the identification of the site;

(iv) A survey map of the land under the colony on a scale of not less than 1:1000 showing the spot levels at a distance of 30 metres and where necessary, contour plans and the survey will also show the boundaries and dimensions of the said land and existing means of access to and from existing roads;

(v) Layout plan of the colony on a scale of not less than 1:1000 showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots, sites reserved for open spaces, community buildings and schools with area of each proposed building;

(vi) Plans showing the cross section of the proposed roads indicating particular width of the proposed carriage ways, cycle tracks and foot paths, green verges, position of electric poles and of any other works connected with such roads;

(vii) Plans referred to in clause (vi) indicating in addition, the position of sewers, storm water channels, water supply and other public services.

(viii) Detailed specifications and designs of road works as shown in clause (vi) and estimated cost thereof;

(ix) Detailed specifications and designs of storm water and water supply scheme with estimated cost of each.

(x) Detailed specifications and designs for disposal and treatment of storm and sullage water and estimated cost of works; and

(xi) Detailed specifications and designs of electric supply including street lighting .

3. I/We enclose the further following documents, namely;
- (i) Demand Draft No. _____ dated _____ for Rs. _____ Drawn on _____ bank;
 - (ii) A copy of the latest statement of annual accounts duly audited by the chartered accountant in case of a company or a firm or a co-operative society and disclosure of the account maintained along with the name of the bank in the case of an individual.; and
 - (iii) Income tax clearance certificate issued by the Income Tax Authorities.
4. Number of plots—
- (i) which have already been sold; and
 - (ii) the number of plots which are available for disposal
5. Level of development works and infrastructure provided in the colony in terms of roads, water supply, sewerage, electricity, parks, tubewell and cost incurred on the provisions of the infrastructure.
6. Two copies of coloured photographs of the site.
7. I/We solemnly affirm and declare that the particulars given above are true and correct to the best of my/our knowledge and belief and nothing has been concealed therein.

Dated:

Yours faithfully,

Place:

Signatures of the applicant(s)

DR. S.S. Sandhu,
Secretary to Government Punjab,
Department of Housing and Urban Development.