

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

NOTIFICATION

The 21st August 2013

No.12/2/13-5HG2/3052 Whereas the Government of Punjab in order to bring unauthorized colonies under the umbrella of planning framework and to provide basic facilities to the residents of these colonies had notified a policy vide notification No. 12/2/2013– 5HG2/ 2245 dated 26.06.2013 for compounding of offences for creation of unauthorized colonies and regularization of plots/ buildings falling within these colonies.

Whereas while implementing this policy, the individual plot owners, Colonizers and Punjab Colonizers' Association raised various issues pertaining to implementation of the policy and charges prescribed for regularization of plots and compounding of offences.

Whereas Government of Punjab had constituted a Committee comprising of Sh. Bikramjit Singh Majithia, Hon'ble Revenue Minister; Sh. Sharanjit Singh Dhillon, Hon'ble Minister PWD; Sh. Anil Joshi, Hon'ble Minister Industries and Commerce and Sh. Som Parkash Hon'ble Chief Parliamentary Secretary, Local Government to review the policy in view of the issues so raised. The matter was deliberated by this Committee in the larger public interest and decided to reframe this policy so as to make it simple and understandable.

Therefore, the Governor of Punjab is pleased to notify this new policy for compounding/ regularization of unauthorized colonies and plots/ buildings falling in these colonies in the State of Punjab framed under the provisions of The Punjab Laws (special provisions) Act 2013. This notification will supersede the previous notification no. 12/2/2013-5HG2/2245 dated 26-06-2013:-

1. Background

The Government of Punjab vide its Notification No.GSR. 41/PA14/1995/Ss 38 & 45/ Amd. (2)/ 2010 dated 09-12-2010 had amended the Punjab Apartment and Property Regulation Rules 1995 to incorporate the relevant provisions for compounding of the offences in the rules. Accordingly in Rule 31 (3) some conditions were laid down for compounding of the offences of unauthorized colonies to fulfill certain conditions so as to make an offence under the Punjab Apartment and Property Regulation Act, 1995 eligible for compounding. During the last two decades numerous unauthorized colonies have come up in the State of Punjab but as per the provisions incorporated in the Rules as stated above, only a few Colonizers actually opted for getting the offences compounded. The study on the ground has brought out that most of the colonies do not fulfill the provisions as laid down under Rule 31(3) (b), (c), (d) & (e). These amendments under the Rules have not been able to meet the desired results.

The problem being faced by the State and people living in these colonies is that they have not been provided with basic amenities like water supply, sewerage and adequate roads etc. Compounding of offence of developing unauthorized colony is one aspect of the problem while the other aspect is to make provisions of basic facilities and amenities to the inhabitants of their colonies who have built their houses in these colonies or have purchased land/plots for housing purposes. The policy should be strict with the Colonizers who have violated the provisions of the Act/ Rules but some need based provisions are required to be made for the innocent general public who knowingly or unknowingly has fallen into the trap of owning plots/ houses in their unauthorized colonies. It is the basic duty of the Government to provide minimum essential amenities to each and every citizen of the State.

The detailed survey conducted a few years back to identify unauthorized colonies in the State, identified 5340 colonies which have come up on about 20600 acres of land in various cities and towns. Now as per rough estimates the number of colonies has grown to about 10,000 involving approximately 40,000 acres. Besides this, a number of scattered buildings of different categories have also come up without approval in

different parts of the State of Punjab. Such sub-standard development of buildings and unauthorized sub-divisions of land into plots is not only defeating the very objective of planned development but also affecting the planned extension of services and amenities by the Authorities.

Therefore, in order to bring all these unplanned areas into the fold of planned development and to provide basic amenities and to ensure better quality of life to the public, it would be appropriate and desirable to formulate a policy under the provisions of **The Punjab Laws (Special Provisions) Act, 2013** by which the violators of unauthorized colonies can be punished by imposing suitable charges/ fee in order to compound their offences and for those individuals who have fallen into the trap of unscrupulous Colonizers should be provided basic amenities at a cost so fixed.

Stringent provisions to be made for future:

The present legal provisions provide, on conviction, punishment with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees or both for establishment of unauthorized colonies. But for future, to have strict control on the development of unauthorized colonies and building activity the stringent legal provisions are being made which provide seven years imprisonment and with a fine which may extend to Rupees five lakhs on conviction of the Colonizer of an unauthorized colony. Under the proposed provisions, unauthorized buildings in an unauthorized colony shall not be sanctioned water supply, sewer or electric connection, no Registrar or Sub-Registrar shall register their sale deed or any other document regarding the sale of that plot or building besides the building shall be liable for demolition.

Keeping, this in view the following policy for **one time regularization** of these unauthorized colonies, developments and building activities is formulated hereunder.

2. Definitions

“**Unauthorized Colony**” means a colony which has been developed in contravention of the provisions of the Punjab Apartment and Property Regulation Act, 1995 and the rules framed thereunder.

“**Competent Authority**” means Chief administrator of the concerned Special Development Authority in case of areas falling outside municipal limits, Commissioner Municipal Corporation in case of areas falling within municipal corporation limits and Regional Deputy Director Local Government if the area falls within the municipal limits of Municipal/Nagar Councils.

“**Developer**” means a person who has developed an unauthorized colony and shall include the owner of the land or the person who entered into an agreement to develop or Power of Attorney holder who has got the registered sale deed/ agreement executed on behalf of the land owner, or any other person who was associated with the sale of land in contravention of PAPRA or development of unauthorized colony.

“**Plot Holder**” means a person in whose name the plot is registered with a registered sale deed prior to the 1.4.2013.

“**Unauthorized Building**” means the buildings constructed in violation of the Punjab Regional and Town Planning and Development Act, 1995, the Punjab Apartment and Property Regulation Act, 1995, the Punjab Municipal Corporation Act, 1976, the Factories Act, 1948, the Punjab Town Improvement Act, 1922, the Punjab Municipal Act, 1911.

“**Public building**” means a building used or constructed or adapted to be used either ordinarily or occasionally as a place open to general public and it includes a hospital, college, school, theatre, public concert room, public lecture room, public exhibition hall or as a public place of assembly or entertainment for persons admitted there to by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any similar public purposes;

“**High rise Building**”, all buildings 15 m or above in height shall be considered as high rise buildings;

The terms and expressions which are not defined in this policy shall have the same meaning as in the respective Acts/ Rules/ Regulations/ Byelaws of the respective Authorities unless the context otherwise requires.

3. Applicability of policy

This policy shall be applicable from the date of notification to 16-04-2014 in the entire State of Punjab except areas covered under Punjab New Capital (Periphery) Control Act,1952.

A. Un-authorized Colonies

B. Un-authorized constructions/ buildings in unauthorized colonies

This policy shall not be applicable to the unauthorized Marriage Palaces for which the Government has already notified a separate policy.

4. Objectives

The objectives of this policy are:

- a) To bring all un-authorized colonies/ buildings into planning framework and to regularize the development.
- b) To facilitate the implementation of Master Plan's land uses.
- c) To improve the circulation pattern of streets / roads.
- d) To provide basic amenities residents/ plot holders of these area.
- e) To make provisions to compound offences made under the Punjab Regional and Town Planning and Development Act 1995, the Punjab Apartment and Property Regulation Act 1995, the Punjab Municipal Corporation Act 1976, the Factories Act 1948, the Punjab Town Improvement Act 1922, the Punjab Municipal Act 1911.

5. Cut-off date for Regularization of Unauthorized Colonies/ Buildings

Only those unapproved colonies or buildings constructed before 01.04.2013 shall be considered under this policy.

6. Restrictions on approval in certain areas

No un-authorized colony/ building in unauthorized colonies shall be regularized in the following situations:-

- i) Over land belonging to State/ Central Government/ Public Undertakings/ Panchayat Lands/ Shamlat Lands/ Jumla Mushtarka Malkaan/ Waqf Board/ Land under PLPA etc.

Restricted areas under Works of Defense Act, 1903, the Ancient Monuments and Archaeological Sites and Remains Act, 1958, the Punjab new Capital (periphery) Control Act, 1952 or any other Act prohibiting the development of colonies/ buildings in a particular area.

- ii) Within the restricted zone near the Airport.
- iii) Within the restricted zone along Scheduled Roads.
- iv) In case of sites in the vicinity of oil/ gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.
- v) Buildings/ constructions on the open spaces earmarked in any approved layout shall not be considered for regularization.

1. Compulsory application for Regularization

It shall be compulsory for all developers of un-authorized colonies/ owners of plots/ buildings in such areas to file an application in the prescribed format by the department for compounding/ **regularization of layout/ plots/ buildings before the Competent Authority within 45 days from the date of notification of this policy or as per the time frame fixed by the Department of Housing and Urban Development.**

A. Un-authorized Colonies

On the basis of survey, unauthorized colonies can be categorized into following groups:-

- i) Where more than 65% area is sold
- ii) Where area between 35% to 65% is sold
- iii) Where area less than 35% is sold

i) Where more than 65% area is sold:

In such colonies as per the rules of PAPRA, a minimum of 35% area is supposed to be utilized in roads, open spaces and in providing basic amenities. In these colonies this condition of rules may not be fulfilled in toto, but there may be space available for provision of basic amenities. In this category the regularization shall be guided by the following parameters:

- In this category of colonies although the most of the area is already developed and built up but still there may be some scope for widening of the roads/ streets, space for parks, water works etc. The developer shall be required where ever possible to provide space for widening of the roads/ streets, parks, water works, sewerage treatment plant etc. However, these colonies shall be regularized keeping in view the present site conditions provided that each road/ street of the colony shall be wide enough to permit the free movement of fire tender/ ambulance.
- The charges for regularization of unauthorized colonies shall be of two-fold:
 - i) The developer of the colony shall be bound to pay Composition fee as fixed by the government under this policy for getting the offense compounded.
 - ii) Regularization Charges as fixed under this policy shall be paid by the plot holders in the colony for getting his plot/ construction regularized.
- The concerned local authority only after regularization of the colony or regularization of about 70% of the plots/ buildings may provide basic amenities like water supply/ sewerage etc to the residents of these colonies depending on the funds generation and availability.

ii) Where area between 35 – 65% is sold:

In such colonies area between 35-65% has been sold and the roads and the basic amenities have not come up to the norms laid down in the

provisions of the law but the area is available which can be utilized for providing minimum required infrastructure viz; roads, parks and other amenities.

In this category the regularization shall be guided by the following parameters:

- In this category of colonies although all the norms required under PAPR Act,1995 may not be possible to be fulfilled but there is a scope to provide minimum infrastructure viz; widening of roads, space for parks, water works, sewerage treatment plant and other social infrastructure. The regularization shall be governed by following parameters:
 - a) 35% area will be utilized for provision of parks/ open spaces, basic amenities, roads etc. The unsold plots in such colonies shall be utilized for the provision of these services.
 - b) The Competent Authority wherever possible shall require the applicant to widen the streets/ roads upto the extent possible. However, such street/ road should be wide enough to allow the movement of fire tender/ ambulance.
- The charges for regularization of unauthorized colonies shall be of two-fold:
 - i) The developer of the colony shall be bound to pay Composition fee as fixed by the government under this policy for getting the offense compounded.

Provided that besides the promoter/ colonizer, the Resident's Welfare Association or the individual plot holders may also deposit the composition fee for the regularization of unauthorized colony and in that eventuality, proceedings with regard to criminal complaint made to the police or pending in the competent Court of Law, if any, shall be got suspended or withdrawn, as the case may be, by the Competent Authority upon deposit of requisite amount of Composition fee.

ii) Regularization Charges as fixed under this policy shall be paid by the plot holders in the colony for getting his plot/ construction regularized.

- The concerned local authority only after regularization of the colony or regularization of about 70% of the plots / buildings may provide basic amenities like water supply/ sewerage etc to the residents of these colonies depending on the funds generation and availability.

iii) Where area less than 35% is sold:

In this category of colonies most of the area is available for re-planning. So in order to bring these colonies at par to the norms as laid down under the present Act/ Rules/ Instructions, the area that remains to be sold shall be got demarcated and frozen for widening of the roads/ streets, space for parks, water works etc for these facilities. The promoter will have to get a license under the provisions of PAPRA, 1995 and a revised layout plan has to be approved by the competent authority keeping in view the present norms applicable to colonies.

- The developer shall be responsible to complete all the required internal development works in such colony and shall maintain these service as per conditions of license.
- Developer shall be bound to pay Composition fee for getting the offense compounded and CLU, EDC, LF/ PF, SIF etc at the prevalent rates as fixed by the Government.

A.1 Composition Fee for Regularization of Unauthorized Colonies

Composition Fee for each category of unauthorized Residential colonies upto 20 acres contiguous chunk of land shall be as given below:

Year of Establishment of unauthorized colony	%age of Collector Rate as on 01.04.2013	Remarks
Before 17.08.2007	0.5	Subject to minimum of Rs. 25000/- and maximum of Rs. 1,00,000/- per acre
After 17.08.2007	2.0	Subject to minimum of Rs. 1,00,000/- and maximum of Rs. 5,00,000/- per acre

Note:

- *Composition Fee for each category of unauthorized colonies above 20 acres contiguous chunk of land shall be 0.5% of Collector rate (as on 01.04.2013) for colonies established before 2007 and 5% of the collector rate for colonies established after 2007.*

- *Composition fee for industrial colonies shall be 50% of the composition fee and of maximum and minimum caps as given in the above table.*
- *The composition fee for commercial colonies shall be three time of the composition fee as given in the above table. This fee shall be charged on proportionate basis for each type of colony. There will be neither maximum nor minimum cap of composition fee in this case.*
- The sale of more than 50% of total number of plots or more than 50% of the area shall be the basis for determining the time period of establishment of an unauthorized colony. The sale of plot may be in the shape of registered sale deed or full and final payment agreement on stamp paper signed before 31.03.2013.
- * In case of Category A.iii (where less than 35% is sold) colonies, the composition fee at the rate of **10%** of the total Composition fee as prescribed in the above table shall be charged from the developer, at the time of submission of application for the grant of license. This concession is given as the developer in this case will have to pay CLU, EDC, LF/ PF and SIF etc at the present rates.

A.2 General Conditions:

- i)** This policy shall provide one time settlement to unauthorized colonies in the State of Punjab and **no unauthorized colony or construction shall be regularized which has come up on or after 1st April 2013.**
- ii)** These colonies shall be regularized in all land use zones of the Master Plans. However, no new/ addition in the area of the existing colony shall be allowed if such colony falls within a zone of Master Plan in which the residential use is not permissible.
- iii)** The charges received from the developers/ plot holders shall be deposited in the following manner:
 - a) 10% of the total composition fee realized from regularization of colonies both within Municipal limits and outside municipal limits shall be deposited in government treasury along with the application, 15 % within one month of submission of application and the remaining 75% shall be deposited in the government treasury in three equal six – monthly instalments along with an interest @ 12% per annum.
 - b) Out of total proceeds of Composition fee, 1% will be deposited as Cancer Cess and 1% will be deposited for Culture Cess.
 - c) A rebate of 5% shall be allowed, if the total Composition fee is paid in lump sum at the time of submission of application.
- iv)** In case of Category I and II, the layout plan submitted by the developer shall be approved **as it is** provided that the street width is adequate to permit the free movement of fire tender/ ambulance. However, wherever possible, the developer shall be asked to provide space for road/ street widening, park(s), water works etc. But in case of Category III colonies the promoter has to amend the layout plan as per guidelines.

- v) The Competent Authority may relax any of the conditions, if it is satisfied that it is not possible for the developer to provide any of the requirements or any of the facility exists in the vicinity of such colony by passing a speaking order.
- vi) For the colonies within MC Limits, MC shall be responsible for regularization and for providing basic amenities and outside MC limits; concerned Development Authorities shall be responsible for the same subject to the availability of funds.
- vii) In case developer of an unauthorized colony or the plot holder, as the case may be, fails to pay the Composition/ Regularization Fee etc as fixed by the Government under this policy, then the amount shall be recoverable as Arrears of the Land Revenue.
- viii) Any area under green spaces, revenue rastas/ roads etc shall vest with Local Authority or the Development Authority as the case may be. Necessary notification will be issued under relevant provisions of the relevant Acts in this regard by the Competent Authority.
- ix) The applicant shall submit the application along with the bank draft of requisite charges/ Fee.
- x) The compounding of building plans shall be independent from the regularization of colony or composition fee paid by the developer.

A.3 Procedure of Compounding an Unauthorized Colony

a) Submission of application:

The applicant will apply for compounding of the offence as per Performa to be prescribed by the Department to the Competent Authority along with the following documents:

b) List of Documents:

- i. Proof of ownership viz., Registered Sale Deed, full and final payment agreement/ agreement to sell on stamp paper, Power of Attorney to sell, Fard Jamabandi of the time when such a colony was sold / developed and the present jamabandi.
- ii. Location Plan of the colony along with Khasra plan of the area.

- iii. Self Certificate by the applicant stating that the site of the colony does not violate any of the clauses as mentioned at para 6 of this policy.
- iv. Existing fully dimensioned Layout Plan showing detail of plots sold, under agreement to sell, unsold, built up/vacant plots, road circulation with width, space left for parks, public amenities, if any and duly signed by the Applicant.
- v. Service Plan of the Colony, if any.
- vi. Details of the development works carried out in the colony, if any.
- vii. The promoter shall give an undertaking to pay Composition Fee in case of category A(i) and (ii) colonies and in case of category A(iii) the promoter shall also undertake to pay CLU, EDC, LF/ PF, SIF or any other charges levied under this policy at present rates along with Composition fee fixed under this policy.
- viii. ***Minimum 10% of composition fee shall be deposited along with the application and 15% of Composition Fee shall be paid within a period of 30 days from the date of application.*** The rest amount shall be payable as per para A.2 (iii) (a).
- ix. Any other document if required

c) Scrutiny by the Competent Authority:

The Competent Authority after verifying the ownership and other required documents within 30days or as prescribed by the department will come up with the proposed amendments in layout plan, if any and will identify area for park(s), improvement of connectivity to the colony if required, space for public services as per policy.

Thereafter, the Competent Authority will seek the comments/ consent of applicant within 10 days and raise demand for payment of charges.

After receiving the consent and requisite charges, the Competent Authority will approve the layout plan and upload it on website and copies of the same shall be sent to the concerned Sub-Registrar and District Town Planner. ***The legal proceedings, if any, will be got suspended after receipt of application from the promoter along-with 25% of charges.*** The promoter will give an undertaking to the Competent Authority regarding the payment of balance amount as per schedule to get his offense compounded. The Competent Authority will inform the concerned police station or the competent Court of law, as the case may be to

suspend the legal proceedings against the applicant. The legal proceedings may only be dropped after the final order for compounding of the offense committed under PAPRA is passed by the Competent Authority.

Note: -

- For category I and II colonies the competent authority shall issue the regularization certificate to the developer after the fulfillment of conditions as laid down in this policy but in case of category A iii colony the competent authority shall grant license after compliance of present conditions of the license under PAPRA, 1995.
- Technical advice for layout plans/ CLU approval for all sized unauthorized colonies falling outside MC limits, covered under this policy shall be rendered at the level of concerned Senior Town Planner of the Directorate of Town and Country Planning, Punjab. For colonies falling within MC limits the necessary technical advice/ CLU approval shall be as decided by the Department of Local Government, Punjab.

B. Regularization of plots/ buildings in an unauthorized colonies

In unauthorized colonies a number of plots are sold out and many of the plot holders may have constructed buildings. Majority of such colonies are without pucca road network and are devoid of other basic amenities like water supply, sewerage network and electricity etc. The burden of providing all these amenities shall lie on the concerned local authority/ development authority as the case may be. To share this burden the plot holders/ building owners shall have to pay the regularization charges. These charges shall be independent of the composition fee to be charged from the developer of the unauthorized colony:

Regularization charges in case of residential plots/ buildings in unauthorized colonies developed before and after 17/08/2007:-

Collector Rates Rs/ sq yd	Regularization Fee for residential plots per sq yd in rupees Before 2007 Note: Mid values i.e., 25, 75, 200, 400 and 500 sq yd are taken as an example for calculation purpose					Regularization Fee for residential plots per sq yd in rupees After 2007 Note: Mid values i.e., 25, 75, 200, 400 and 500 sq yd are taken as an example for calculation purpose				
	0-50 sq yds	Above 50-100 sq yds	Above 100 to < 250 sq yds	250 to < 500 sq yds	500 sq yds & above	0-50 sq yds	Above 50-100 sq yds	Above 100 to < 250 sq yds	250 to < 500 sq yds	500 sq yds & above
	25 sq yds	75 sq yds	200 sq yds	400 sq yds	500 sq yds	25 sq yds	75 sq yds	200 sq yds	400 sq yds	500 sq yds
More than 8000/-	Nil	50	100	150	250	Nil	100	200	300	500
	Nil	3750	20000	60000	125000	Nil	7500	40000	120000	250000
2000/- to 8000/-	Nil	25	50	75	125	Nil	50	100	150	250
	Nil	1875	10000	30000	62500	Nil	3750	20000	60000	125000
Below 2000/-	Nil	Free	25	35	70	Nil	Free	50	75	125
	Nil	Free	5000	14000	35000	Nil	Free	10000	30000	62500

Regularization charges in case of commercial plots/ buildings in unauthorized colonies developed before and after 17/08/2007:-

Collector Rates Rs/ sq yd	Regularization Fee for commercial plots per sq yd in rupees				Regularization Fee for commercial plots per sq yd in rupees			
	Before 2007				After 2007			
	Note: Mid values i.e., 12.50, 37, 75 and 100 sq yd are taken as an example for calculation purpose				Note: Mid values i.e., 12.50, 37, 75 and 100 sq yd are taken as an example for calculation purpose			
	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above
	12.50 yds	37 yds	75 yds	100 yds	12.50 yds	37 yds	75 yds	100 yds
More than 5000/-	150	300	450	625	300	600	900	1250
	1875	11100	33750	62500	3750	22200	67500	125000
2500/--5000/-	140	200	350	475	275	400	700	950
	1750	7400	26250	47500	3437	14800	52500	95000
less than 2500	Free	30	45	65	Free	60	90	125
	Free	1110	3375	6500	Free	2220	6750	12500

Note:

- The *industrial plots/* buildings shall be charged at half the rates as fixed for residential plot/ buildings in the above table and institutional plot/ buildings shall be charged at par with residential plots/ buildings.
- The plot size as mentioned in the registered sale deed or full and final payment agreement on stamp paper shall be considered for levying regularization charges even if the plots is owned jointly by more than one owner, i.e., the rates will not be calculated according to the share of the co-owners in registered sale deed or agreement, rather this calculation will be done on area transaction involved in the sale deed/ agreement.
- *The composition fee/ regularization charges on buildings shall be charged proportionately to the use of the building, i.e., as per the percentage of area used for residential, commercial, institutional use shall be charged accordingly.*
- In addition to regularization charges for plots the composition fee on unauthorized buildings shall be charged as under:
 - Residential Rs 12.50/- per sq ft of covered area
 - Other buildings Rs 25.00/- per sq ft of covered area
- Regularization charges and composition fee on buildings only shall be retained by the Department of Local Government, Punjab, if the site falls within municipal limits and by the concerned Development Authority, if the site falls outside MC limits.
- In case of illegal colonies, where building plans have already been approved by the Competent Authority or where NOC has been issued after receiving EDC/ SIF in that case, the regularization charges as mentioned in the above tables shall not be charged.

B.1 General Conditions

- The individual plot/ building in an unauthorized colony will be regularized on application by the owner of the plot/ building by receiving regularization charges only, even if the offense of the colonizer has not been compounded so far.
- Residential buildings upto 750 sq yd plot area:-** In case of residential buildings having less than 750 sqyd plot area, the applicant shall submit an application along with self attested building plan of the existing building and a self certificate regarding structure safety of the building or site plan of the plot,

as the case may be. The applicant shall also certify that the building is constructed before 01.04.2013.

b) **Residential buildings above 750 sqyd plot area and other buildings:-** The applicant shall submit an application along with a building plan of existing building prepared and duly signed by a qualified architect or site plan of the plot, as the case may be. The applicant shall also submit structural safety certificate. In this case the architect shall also certify that the building is constructed before 01-04-2013.

iii) Regularization Charges shall be paid by the plot holders/ building owners as given below:

a) 25% of the total regularization charges shall be deposited with concerned local body/ development authority, as the case may be, along with 5% as Social Infrastructure Fund which will be deposited with Chief Administrator, PUDA, Mohali by the applicant along with application. The balance 70% charges shall be deposited in three equal six – monthly instalments along with an interest @ 12% per annum with the concerned local body/ authority.

b) Out of total proceeds of regularization charges 1% will be deposited as Cancer Cess and 1% will be deposited for Culture Cess.

c) A rebate of 5% shall be allowed, if the total regularization charges are paid in lump sum along with the application.

iv) The regularization charges will be used only for internal and external development of the colonies as far as possible. Preference will be given to water supply, sewerage and widening of roads, in these colonies. Some of the funds will be used for general urban development of the areas also.

v) The existing buildings shall be approved on *as is where is basis subject* to the condition that they do not violate the conditions as mentioned in para 6 of this policy. However, new construction in a vacant plot or any addition to the existing building shall be approved as per present building rules.

vi) In case of public buildings, public safety, security and public conveniences and parking shall not be compromised for regularizing such buildings. The owner

shall have to make such structural changes in the building, if required within a period of six months from the date of approval and also submit mandatory clearances from other departments, if required in this period. In case he fails to fulfill, any of the conditions within this period, the approval granted to him shall deem to be cancelled and the owner of the building shall be proceeded against as per provisions of the law.

- vii) In case of un-authorized buildings/ plots for which the owner does not submit the application to the Competent Authority within the prescribed period, the legal proceedings shall be initiated against owners of such buildings.

B.2 Procedure for compounding unauthorized plots/ buildings in unauthorized colonies

i) Submission of application:

The application for regularization of un-authorized plot/ buildings may be submitted as per Performa prescribed by the department to the Competent Authority by the owner of the building along with the following documents:

- a) Proof of ownership viz., Registered Sale Deed/ Fard Jamabandi, full and final payment agreement to sell on stamp paper, Power of Attorney to sell as the case may be.
- b) Location Plan of the site showing the detail of surrounding area
- c) i) **In case of residential building upto 750 sqyd plot area:-** A fully dimensioned plan of the plot/ building showing detail of plot area/ constructed area on all floors (in case of building) along with service plan of the building duly prepared and signed by the owner along with a self certificate of structure safety.
ii) **In case of residential building for more than 750 sqyd plot area and other buildings: -** The above mentioned documents shall be duly signed by a qualified architect and the owner.
- d) Self Certificate by the applicant stating that the site of the plot/ building does not violate any of the clauses as mentioned at para 6 of this policy.
- e) In case of high rise buildings, the clearance from Airport Authority of India shall be mandatory, if the building falls in the air funnel of the Airport/ Air Force Station.

- f) Undertaking from the owner to pay Regularization Charges or any other charges levied under this policy.
- g) Minimum 25% of regularization charges and 5% as Social Infrastructure Fund shall be deposited along with the application.
- h) Any other document, if required

iii) Scrutiny of Application:

- The Competent Authority shall scrutinize the plot/ building application within a period of 30 days from the date of application and convey to the applicant the demand notice along with observations, if any. The Competent Authority will also ascertain that the plot/ building being regularized does not fall under any category of land as mentioned at para 6 of this policy.
- The applicant shall deposit the required charges along with modified building plans, if required (in case of a building) within a period of 15 days. The Competent Authority shall approve the plot/ building plans within 15 days from the receipt of charges and complete documents, if satisfied. The legal proceedings, if any, will be withdrawn only after the receipt of final payment of total charges.

8. Consequences for non submission of application for regularization of unauthorized Colonies/ plots/ buildings

In case an application is not submitted by the concerned Promoter/ Developer/ Plot holder/ building owner as the case may be, within the stipulated time for regularization of un-authorized colony/ plot/ building, the following consequences may follow:-

- a) Such Colony/ plot/building shall remain as unauthorized and offense shall be treated as continuing against the promoter/ developer/ plot holder/ building owner as the case may be and penal action which includes lodging of FIR will be initiated under the provisions of PAPR Act, 1995.
- b) No connection for water supply and allied services like sewerage, drainage, electricity etc shall be provided to such colony/ plot/ building.
- c) Such unauthorized colony/ plot/ building shall be reported to the concerned Registration Authority of the Revenue Department and no sale

transaction or transfer or disposal of any kind shall be allowed in such unauthorized colonies.

- d) No building plan shall be approved by the Building Plan Sanctioning Authority in such unauthorized colonies.
- e) Other enforcement action including demolition of the unapproved building, if any on such plots shall be initiated.

9. Amount levied to be kept in a separate account

The amount collected by the Competent Authority under this policy shall be kept and maintained under its control in a separate account and utilized mainly for improvement of amenities in such area. The Competent Authority shall review the development works undertaken by the local authority relating to such un-approved layouts on a quarterly basis and shall have the power to issue necessary instructions and directions in this regard.

10. Committee for identification of un-authorized developers:

The Developer of an unauthorized colony shall be allowed self - certification of layout plan, service plans, revenue/ ownership documents etc of his colony but where the developer of such colony does not come forward for regularization of his offence **within 45 days** from the date of notification of this policy, the following Committees shall identify within three months from the expiry of 45 days' time, the person(s) who are/ were responsible to develop such illegal colony after making due investigation, scrutiny of relevant record and summoning of persons involved in the development of such colony. The committee shall submit its finding report to the Competent Authority. The colonizer of an unauthorized colony who has not applied within a stipulated period of 45 days for regularization of his colony but applies after identification by the committee within a period of 3 months from the expiry of 45 days (time given to submit application), then he will be charged 10% extra of composition fee as penalty beyond which the Competent Authority shall get the FIR registered or take necessary action under relevant Acts.

For colonies falling within municipal limits:-

- | | |
|--|----------|
| 1. Joint /Additional Commissioner (Corp. cities)/
Regional Deputy Director (LG) (Other towns) | Chairman |
| 2. Sub Divisional Magistrate (concerned) | Member |
| 3. Executive Officer (concerned) | Member |
| 4. Municipal Town Planner/ Municipal Engineer | Member |

For colonies falling outside municipal limits:-

- | | |
|---|----------|
| 1. Additional Chief Administrator of the
Concerned Authority | Chairman |
| 2. Sub Divisional Magistrate (concerned) | Member |
| 3. District Town Planner | Member |
| 4. S.E. of the Concerned Authority | Member |

11. Appeal

- i) Any applicant aggrieved by an order passed by the Competent Authority may prefer an appeal to the Appellate Authority constituted by the Government within thirty days from the receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in this policy.

Application form for regularization of colonies and plots/ buildings for applicants and certificate form for compounding of colonies and regularization of plots/ buildings to be issued by the Competent Authority shall be prepared and circulated by the Department of Housing and Urban Development separately.

**Dated, Chandigarh the
20-08-2013**

**A Venu Prasad, IAS
Secretary to Government of Punjab,
Department of Housing & Urban Development**

Endst. No.12/2/2013-5HG2/3053

Dated, Chandigarh, the:21st Aug.,2013

A copy with a spare copy is forwarded to the Controller, Printing & Stationery, Punjab, SAS Nagar with a request to publish this notification in the Punjab Govt. Gazette (Extra Ordinary) and 100 copies thereof may be supplied to this Department for official use.

Special Secretary

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

1. Financial Commissioner, Revenue, Punjab.
2. Principal Secretary, Industry and Commerce, Punjab.
3. Principal Secretary to the Deputy Chief Minister, Punjab for kind information of the Hon'ble Deputy Chief Minister, Punjab - Cum- Minister Housing and Urban Development Department .
4. Secretary, Local Government, Punjab.
5. Chief Administrator, PUDA, Mohali.
6. Chief Administrator, GMADA, Mohali.
7. Chief Administrator, PDA, Patiala.
8. Chief Administrator, BDA, Bathinda.
9. Chief Administrator, GLADA, Ludhiana.
10. Chief Administrator, JDA, Jalandhar.
11. Chief Administrator, ADA, Amritsar.
12. Director, Town and Country Planning, Punjab, SAS Nagar.
13. Director, Local Government, Punjab, Chandigarh
14. Chief Town Planner, Punjab, Mohali.
15. Managing Director, Punjab Infotech, Chandigarh.
16. Incharge, IWDMS, Chandigarh.
17. Superintendent, Cabinet Affairs Branch, Main Sectt. Chandigarh.
18. Chief Nodal Officer, Nodal office, PUDA, SAS Nagar.

Superintendent