

**GREATER MOHALI AREA DEVELOPMENT AUTHORITY
PUDA BHAWAN, SECTOR- 62, SAS NAGAR**

OFFICE ORDER

Whereas a number of violations of PUDA (Building) Rules 1996 have been committed by the allottees of the plots/sites/houses/dwelling units and the Competent Authority had launched proceedings for resumption of such plots/sites/houses/dwelling units under the provisions of the Punjab Regional & Town Planning & Development Act, 1995.

2. Whereas PUDA/GMADA had framed compounding policy for compounding the violations of PUDA (Building) Rules 1996, vide office order dated 6.11.2003 issued vide Endst.No. PUDA/Policy/2003/7486-7505 dated 6.11.2003 and another policy called Need Based Changes Policy in the dwelling units constructed by PHDB/PUDA and plots in the Urban Estates, was framed and circulated vide endst. No. PUDA-policy-A-1-2005/3775-3875 dated 5.12.2005. Further, GMADA vide office order dated 31.8.2010 as issued vide bearing endst. No. GMADA/Arch/2010/11393 Dt. 7.9.2010 had framed policy for the plots/houses falling in the jurisdiction of GMADA.

3. Whereas on the representations received from the Resident Welfare Associations of the allottees of MIG(S) and LIG Houses, after consideration of the matter and recommendations made by Need Based Changes Committee of GMADA, and keeping in view the larger public interest, some facilities/relaxations regarding compounding of un-authorized structures, were granted to the allottees of MIG(S) and LIG Houses in exercise of powers conferred under the provisions of Section 157 of the Punjab Regional and Town Planning & Development Act, 1995 vide office order dated 28.7.2011 issued vide Endst. No. GMADA/Arch/2011/9004-9032 dt. 28.7.2011.

4. Whereas during hearing of CWP 7714 of 2012 (Brij Lal Sharma vs. State of Punjab & Others) before the Hon'ble Punjab and Haryana High Court, some technical anomalies came to the notice, which had arisen due to the said relaxations and it was desired by the Hon'ble High Court to reconsider the matter afresh. Accordingly, after detailed discussion by a Committee of officers on 30.10.2012, it was felt that the relaxations related with the compounding of

violations, provided to the allottees of MIG (S) houses, Phase-XI issued vide endst.No. GMADA-Arch-2011/9004-9032 dated 28.07.2011 be withdrawn. Accordingly, vide office order dated 21.11.2012, the relaxations provided to the allottees of MIG (S) houses situated in Phase – 11, SAS Nagar were withdrawn with immediate effect. Consequently, the said writ petition was disposed of by Hon'ble High Court vide order dated 03.12.2012.

5. And whereas again a number of representations were received from the Resident Welfare Associations of the allottees of MIG (S) for not considering their demands regarding additions/alterations in their houses, which had been made in terms of living conditions of the residents in the policies referred above.

6. And whereas representation has also been received from the association of allottees of Bulk Material Market of Sector – 65, SAS Nagar for allowing basic provisions of coverage area i.e. FAR, height and basement to commercial sites at par with other commercial sites of SAS Nagar.

7. Whereas the Committee, constituted under the Chairmanship of Additional Chief Administrator, GMADA, has examined the issue threadbare from different angles raised by the Resident Welfare Associations and Bulk Material Market (BMM) Association pertaining to the policy on Need Based Changes and keeping in view the nature of violations, quality of space, air, light and ventilation, made detailed recommendations for compounding the violations raised in the built up MIG (S) and commercial sites of Bulk Material Market of Sector 65, SAS Nagar.

Therefore, after consideration of the entire matter and recommendations made by the Committee, and keeping in view the larger public interest, and in exercise of powers conferred under the provisions of Section 157 of the Punjab Regional and Town Planning and Development Act, 1995, the rates of compounding fee and terms and conditions for compounding of the violations of the Punjab Urban Planning & Development Authority (Building) Rules, 2013 are hereby determined as mentioned in the schedule attached to this order for MIG (S) Houses in Sectors 65 and 66 and commercial sites situated at BMM, Sector-65-A, SAS Nagar instead of demolition of such constructions raised in violation of the aforesaid Building Rules.

However, in the case of non-compoundable violations, action shall be taken in accordance with law.

Dated:

A. K. Sinha , IAS.
Chief Administrator,
GMADA, S.A.S Nagar.

SCHEDULE

SCHEDULE REGARDING COMPOSITION FEE/CHARGES FOR COMPOUNDING VIOLATIONS OF PUDA (BUILDING) RULES, 2013.

1. MIG (S) HOUSES IN SECTOR-65 & SECTOR-66 SAS NAGAR .

- i) The construction of one room of size 13'-9" x 10'-0" over the future room in the back courtyard by the ground floor allottees shall be compoundable.
- ii) The construction of room size 18'-9" x 10'-6" on the second floor over the living room of the first floor by the allottees of the first floor shall be compoundable.
- iii) Construction of Lobby/Study size 7'-10 1/2" x 10'-6" on First floor over the store/garages on Ground floor is compoundable.

TERMS & CONDITIONS:-

1. The allottee will submit the building plans showing proposed construction and already constructed portion.
2. The compoundable construction is subject to the light & ventilation of the adjoining room and as per the attached map prepared by the Senior Architect, GMADA.
3. A certificate from Registered Structural Engineer regarding structural stability of the houses will have to be submitted with the building plan that the foundation of the house would be able to bear the weight of additional construction and the structure will remain stable after the construction of additional area.
4. The allottee will submit an undertaking that he would be fully responsible to bear the expenses of any damage to the neighbouring house which might occur with the construction already done or during any future construction.
5. The allottees of MIG(S) will pay compounding fee @ Rs. 100/- per square feet for the constructed portion already raised in violation of rules. Composition fee at the same

rate shall be payable for the proposed construction being now allowed to be compounded.

6. Any construction carried out by the allottee in violation of this compounding policy shall be treated as contempt of court. The allotment shall be liable to be cancelled and orders for demolition of such unauthorized construction shall be issued as per law.

2. Bulk Material Market at Sector-65,SAS Nagar (sites of Timber, Iron and Marble Trade)

- i. Sites of Timber, Iron and Marble Trade in BMM, Sector-65, SAS Nagar shall be allowed one additional floor (second floor) by increasing the floor area ratio (FAR) upto 1:1.5.
- ii. Construction of basement shall also be allowed as per PUDA Building Rules 2013.

TERMS AND CONDITIONS:-

1. The allottee will submit the building plans showing proposed construction and already constructed portion for approval from the Competent Authority. Structural stability certificate from a registered Structural Engineer shall be submitted with the building plans.
2. The allottee shall pay fee @ Rs. 2702/- (Rs. Two thousand seven hundred two only) per sq. feet for availing additional FAR, which shall form the part of cost of the plot.
3. The fee shall be payable in six half yearly installments i.e. in three years alongwith interest @ 12% per annum on the balance amount. The first installment shall be payable within thirty days from the date of issuance of demand note. However, allottee can make the payment in lump sum within sixty days from the date of issuance of demand note and 10% rebate shall be allowed for making lump-sum payment.
4. In case of non-payment of installments by due date, GMADA will resume the plot. However, if applicant moves application for condonation of delay, he/she shall be liable to pay interest and penalty on the amount due at the following rates for the delayed period on due amount:-

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| i) Upto one year | Normal (12%) applicable rate of interest + 3% P.A. for delayed period. |
| ii) If the delay is upto 2 years | Normal (12%) applicable rate of interest + 4% P.A. for delayed period. |
| iii) If the delay is upto 3 years or more. | Normal (12%) applicable rate of Interest 5% P.A. for delayed period. |
5. The trade and use of additional area shall be as per the terms and conditions of the allotment letter.
6. This scheme shall be valid for one year from the date of issuance of this notification.

Endst.No. GMADA-Arch-2015/

Dated:-

1. A copy of the above is forwarded to Estate Officer(Plots/Housing/Regulatory), Chief Engineer, Chief Accounts Officer, Administrative Officer(Policy),DTP, Legal Advisor, GMADA,SAS Nagar for information and necessary action.
2. A copy of above alongwith soft copy (CD) is forwarded to General Manager (IT&C),GMADA, SAS Nagar for information and necessary action. He is requested to uploaded this office order on the website of GMADA.
3. A copy of the above is forwarded to PS/PSHUD for kind information of Secretary to Govt. of Punjab Department of Housing and Urban Development, Chandigarh.

DA/As above.

**Senior Architect,
GMADA, SAS Nagar.**

CC.

1. PS/CA, GMADA for kind information worthy Chief Administrator, GMADA, SAS Nagar.
2. PA/ACA), GMADA for kind information of Additional Chief Administrator, GMADA, SAS Nagar.