

No. 141

Dated: 29/5/17

**ORDER**

A number of cases are pending in the Supreme Court of India, High Court and other Courts regarding false statements/affidavits falsely stating that the applicant is not having a house in the name of the applicant or his/her wife/husband or any of his/her dependent relations including unmarried children, while applying for the allotment of a dwelling unit under the various schemes floated by the Chandigarh Housing Board.

Therefore, a decision had been taken by the Board in its 399<sup>th</sup> meeting held on 28.09.2016 vide Table Agenda Item No. 399.04, to formulate a uniform policy to restore all such dwelling units subject to payment of all outstanding dues, revival charges etc. and penal charges as under:-

1. EWS houses - 5% of existing market value
2. LIG houses - 10% of existing market value
3. MIG houses - 15% of existing market value
4. HIG houses - 20% of existing market value
5. HIG(Upper) houses- 25% of existing market value
6. HIG(Ind) houses -30% of existing market value
7. Commercial units-50% of the existing market value

It was decided that this policy shall give a window of approximately 3 months until 31/12/2016 to all those allottees who may be interested in regularizing their possessions or in having their possessions restored and matters regularized on payment of above cited penal charges. This window was to remain operational uptill 31/12/2016. If any of the allottees did not avail of this policy by paying the penal amount as stipulated above, the existing legal procedures/legal frameworks would apply.

However, the existing formula of fixation of price has many complex aspects. Recently a commercial Shop cum Office has been

sold for 27.54 crores on 31/3/2017 through e-auction and another residential property in Sector-51 has fetched CHB an amount of Rs.77.50 lakhs on 10/06/2016. The Collector rates have been reduced in Industrial Area by 20% and in residential areas upto 10% with creation of three new zones. Commercial property Collector's rates have also been reduced by 10% in Sector 17, 22, Sub City Centre-34, Madhya Marg and dividing road of Sector 34/35, Chandigarh. It has been decided by the Deputy Commissioner, U.T., Chandigarh that every year, the Collector rates will be revised on 31<sup>st</sup> March. The detailed amendments in the previous collector rates and Collector's rate w.e.f. 02/01/2016 are attached at Annexure-A.

It is further pointed out that the CHB had recently allotted flats under Assured Bidding scheme in the Self Financing Scheme-2016 on leasehold basis in Sector-51-A, Chandigarh. Accordingly, the average price of the bid of residential flats, Sector-51, Chandigarh (i.e. Highest bid of Sector 51 + Lowest Bid of sector 51 / 2) may be taken as market value in respect of the concerned dwelling units. It had been intimated that the highest bid in sector 51 of 2BR consisting of covered area 1073 sq.ft was Rs.77.50 lakhs and lowest was Rs.70.50Lacs and the average price per sq.ft is worked out as under:

$$\begin{aligned} \text{Average Market Price per sq. ft. of the covered area of 2BR} \\ \text{leasehold flats} &= \frac{\text{Highest bid of Sector 51} + \text{Lowest Bid of sector 51}}{2 \times 1073 \text{ sqft}} \\ &= \frac{77,50,000 + 70,50,000}{2 \times 1073} \\ &= 74,00,000/1073 \\ &= 6896.56 \text{ Say Rs.6897/- sqft} \end{aligned}$$

(In case of freehold property the market price will be determined at 10% extra of the market value of the leasehold property i.e. Rs.7587/- sqft (6897+690)

Therefore, the issue is resubmitted to Worthy Chairman, CHB for approval on the following points:

1. that the market price would be charged @Rs.6897/- per sq ft. on the covered area of the respective dwelling unit of leasehold residential property to work out the penal charges to regularize the allotment where the applicant has given false affidavit.
2. that the market price would be charged @Rs.7587/- per sq ft. on the covered area of the respective dwelling unit of freehold residential property to work out the penal charges to regularize the allotment where the applicant has given false affidavit.
3. that the revival charges will be 2% of the above said market value irrespective of the cancellation status of the property.
4. the amount of penal charges and revival charges would be kept in separate saving account of SBI, CHB to be opened shortly by Accounts Branch working under the supervision of SO-II.

The said proposal was approved by the Chairman, CHB on 07/11/2016.

The Board in its 399<sup>th</sup> and 404<sup>th</sup> meeting held on 28/09/2016 and 09/02/2017 had formulated a uniform policy to restore all such dwelling units, wherein a number of cases were lying pending in the Supreme Court of India, High Court and other Courts regarding giving false statements/affidavits for not having a house in the name of the applicant or his/her spouse or any of his/her spouse or any of his/her

dependent relations including unmarried children, while applying for the allotment of a dwelling unit under various schemes floated by the Chandigarh Housing Board, subject to payment of all outstanding dues, revival charges etc. and penal charges as under:-

1. EWS houses - 5% of existing market value
2. LIG houses - 10% of existing market value
3. MIG houses - 15% of existing market value
4. HIG houses - 20% of existing market value
5. HIG(Upper) houses -25% of existing market value
6. HIG (Ind) houses -30% of existing market value
7. Commercial units-50% of the existing market value

As per decision, an opportunity was given to all those who were interested in regularizing their possessions or in having their possessions restored and matters regularized, uptill 31/12/2016 and the scheme was further extended till 31/03/2017. However, keeping in view the demand of a large number of applicants and in the interest of the General Public, the Board accorded approval for further extension of the scheme till 30/06/2017.

The Board in its 399<sup>th</sup> meeting has also relaxed Regulation 6 of the Chandigarh Housing Board (Allotment, Management and Sale of Tenements) Regulations 1979, in exercise of its powers under Regulation 50 of the above laid Regulations of 1979, and it is further clarified that these relaxations are also applicable to the cases where Chandigarh Housing Board has not released possession to the allottees due to the violation of Regulation 6.

It has also come to notice that many CHB Houses have been cancelled due to non payment, illegal construction and for either filing false affidavits or suppression of material facts from the Board in order to seek the allotment from the board by fraudulent means.

It is proposed that the CHB will revive the allotments as follows:

- i) In case of show cause notice or cancellation made due to nonpayment- complete upto date payments + Revival charges + the penal charges as approved by the Board.
- ii) In case of show case notice or cancellation made due to violations and misuse of Dwelling Unit – Removal of violations/ misuse + payment of upto date dues + Revival charges and penal charges as approved by the Board.
- iii) In case of show case notice or cancellation made due to suppression of facts and for having furnished false affidavits/ information - payment of upto date dues + Revival charges and penal charges as approved by the Board

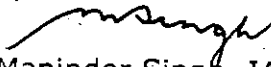
In the first two cases of nonpayment and illegal construction the allotments can be revived as and when the erring allottee make the requisite payment and removes the illegal construction and violations by payment of the fees already approved by the Board. However, in cases of suppression of facts and false affidavits the Board has decided to give them another opportunity till 30.09.2017 for coming forward and getting the said allotments regularized by payment of penal fees, as already decided by the Board and to qualify the giving of this further opportunity by the board such allottees must come forward and deposit at least 10percent of the said fees on or before 30.06.2017.

There are cases where the Dwelling Units have been sold by the erring allottee and the buyer is in the possession of such houses which have been cancelled for the various reasons as mentioned above. No doubt in such matters the buyer needs to be aware that he/she shall acquire the title/rights in the said property as held by the allottee/seller. In order to mitigate the loss suffered by such buyers it,

has been decided by CHB to regularize such cancellations of Dwelling Units as brought out in the preceding paragraphs.

These orders shall however be applicable in case of the sold dwelling units only where such property has been sold uptill 11/10/2011, this being the date when the Hon'ble Supreme Court of India in the case of Suraj Lamps and Industries Vs State of Haryana- SLP(C) No.13197 of 2009 has categorically laid down that "immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance. Transactions of the nature of 'GPA sales' or 'SA/GPA/WILL transfers' do not convey title and do not amount to transfer, nor can they be recognized as a valid mode of transfer of immoveable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. They cannot be recognized as deeds of title, except to the limited extent of section 53A of the TP Act. Such transactions cannot be relied upon or made the basis for mutations in Municipal or Revenue Records. What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold property. A lease can be validly transferred only under a registered Assignment of Lease. It is time that an end is put to the pernicious practice of SA/GPA/WILL transactions known as GPA sales."

These orders shall not be applicable to the Dwelling Units which have been cancelled or evicted after cancellation and are in the possession of CHB.


  
Maninder Singh, IAS  
Chairman  
Chandigarh Housing Board  
Chandigarh

Endst. No. HB/2017/ 1554

Dated:- 29-05-2017

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

1. The Chief Engineer/The Superintending Engineer-I/II, CHB
2. The Executive Engineer-I/II/III/IV/V/VI/VII/VIII/Enf./ Arch., CHB
3. The Chief Accounts Officer, CHB.
4. The Senior Law Officer, CHB.
5. The Chief Finance & Accounts Officer, CHB.
6. The Accounts Officer-I/II/III/IV/ADMN/ Reception, CHB.
7. The Section Officers-I/II/III/IV/V, CHB.
8. The Computer In-charge CHB.
8. The Chief Liaison Officer, CHB.
9. PA to Chief Executive Officer/Secretary, CHB.
10. Office Order file.

  
Maninder Singh, IAS  
Chairman

Chandigarh Housing Board

## DEPARTMENT OF PUBLIC RELATIONS

## CHANDIGARH ADMINISTRATION

Press Release

## Revision of Collector Rates

Chandigarh, 02 January, 2016: In response to the representations given by various organizations and keeping in view demand of residents of Chandigarh, the Collector rates have been revised with effect from 02-01-2016 in accordance with prevailing market rates. Generally, there was a demand that Collector rates were more than prevailing market rates in various pockets of U.T., Chandigarh like Industrial Area, Show Room on Madhya Marg, Sectors 17, 22, Sub City Centre-34 & dividing road 34/35 and at the same time, there was demand to rationalize the rates as per location of Sectors like in Northern and Old Sectors, prevailing market rate is at higher side than Southern newly developed Sectors. Further to bring more clarity in certain categories new words like Shop-cum-Flat (SCF), Shop-cum-Shop (SCS), Bay shop, other Flats (Co op Societies' Flats, etc.) have been added.

Keeping in view the demand of the citizens of Chandigarh, the general reduction in rates is likely to benefit people to the tune of Rs. 15-20 Crore but at the same time, due to this deduction, transactions would be more, which will ultimately generate more revenue for the Government.

The Collector rates have been reduced in Industrial Area by 20% and in residential area upto 10% with creation of three new zones. Commercial property Collector's rates are also reduced by 10% in area of Sector 17, 22, Sub City Centre-34, Madhya Marg and dividing road of Sector 34/35, Chandigarh. It has decided by the Deputy Commissioner, U.T., Chandigarh that every year, the Collector rates will be revised on 31<sup>st</sup> March.

AMENDMENTS IN PREVIOUS COLLECTOR RATE

Sr. No.	Area	Approx value of Plot.	Variation/Remarks for revision.
	URBAN AREA		
	Commercial	Previous Rates	



1.	(a) Indl. Area Ph-I & II, Chd (b) Coal Depots, Chakki Sites in UT, Iron Market, Timber Market & Transport Area.	Rs. 82,368/- per sq yds. Rs. 92,664/- per sq yds.	20% reduction in (a)
2.	(a) Motor Market Complex Commercial (Booths) in Mani Majra. (b) Shivalik Enclave(Commercial)(SCO) (c) Milk Colony, Dhanas	Rs. 1,54,440/- per sq.yds. Rs. 3,60,360/- per Sq.Yds. Rs. 3,60,360/- per Sq.Yds.	No change.
3.	(a) Booth in Sec 17,19,34,22 & 35 (b) Booth in Sec 7,8,9,26,16,18,20 & 21. (c) Booth in Sec 23, 24, 32, 37, 38 & other Sectors.	Rs. 4,63,320/- per sq. yds. Rs. 3,70,656/- per sq. yds. Rs. 2,57,400/- per sq.yds	No change.
4.	(a) SCO in Sector 17, Chd. (b) SCO on Madhya Marg, Sub City Centre, Sec 34, Sec 22 and 35-34 dividing road. (c) Other SCO's (d) Indl. Plots/Shops which have be converted into commercial with the permission of Estate Office  (e) Vacant converted plots from Industrial to Commercial	Rs. 7,20,720/-per sq.yds. Rs. 5,14,800/-per sq.yds Rs. 3,08,880/- per sq.yds. (i) G.floor-Rs. 15,593/- per sq.ft (ii) 1 <sup>st</sup> floor-Rs. 13,860/- per sq.ft (iii) 2 <sup>nd</sup> floor Rs. 12,994/- per sq.ft & onwards Rs. 1,62,162/- per Sq. Yds.	10% reduction in (a) & (b).  The words SCF & Bay shops is included. Word Shop-cum-Shop (SCS) added for first time with 5% increase from rate of SCO/SCF. Rate of (e) is reduced to Rs. 1,50,000/- per sq. yrd
<b>RESIDENTIAL URBAN AREA</b>			
5.	Per sq. yds /Residential	Rs. 82,368/- per sq. yds	Sectors are divided into three zones i.e (i) Sec 1 to 12 is same rate, (ii) Sec 14 to 37 5% reduction and (iii) Sec 38 onwards 10% reduction.
6.	Housing Board Flats/ Industrial Houses	Rs. 82,368/-per Sq Yards Independent) Rs. 30,888/- per Sq (G.Floor) Rs. 24,024/- per Sq. Yds Floor) Rs. 17,160/- Per Sq. Yds (2 <sup>nd</sup> Floor)	New words other flats i.e.Flats in Coop. Societies, etc. is added for the first time.

		Rs. 10,296/- Per Sq. Yds (3 <sup>rd</sup> Floor)	
7.	Cheap House	Rs. 51,48,000/-	
8.	(a) Shivalik Enclave (Residential) (b) Milk Colony, Dhanas, (Residential)	Rs. 51,480/- per Sq. Yds. Rs. 51,480/- per Sq. Yds.	
5% extra, in case of Corner Plot, Converted residential sites into Nursing Homes, Hospitals, etc. in case of categories mentioned at Sr. No. 5, 6, 7 & 8 above.			
<b>RURAL AREA (AGRICULTURAL)</b>			
9.	(a) Agricultural land (b) Gair Mumkin Jhund, Khadan nadi, and Banjar Kadim etc.	Rs. 1,15,50,000/- per Acre Rs. 28,87,500/- per 2 Kanals Rs. 66,00,000/- per Acre. Rs. 16,50,000/- per 2 Kanals	New Category Rs. 1.5 lac per marla or Rs. 30 lac per Kanal is added for area upto 1 Kanal in (a). and Rs. 85,000/- per marla or Rs. 17 lac per Kanal is added for area upto 1 Kanal in (b). If the area is more than 1 kanal, unchange.
<b>RURAL AREA (RESIDENTIAL/COMMERCIAL)</b>			
10.	(a) Residential area Abadi Deh and Extended Abadi. (b) Commercial Area	Rs. 10,296/- per Sq. Yds. Rs. 20,592/- per Sq. Yds.	No change.
11.	(a) Residential area, Abadi Deh and Extended Abadi. (b) Commercial Area	Rs. 6,864/- per Sq. Yds. Rs. 13,728/- per Sq. Yds.	No change.

Note:- For the calculation of value of constructive/covered area per sq.ft. the following criteria is fixed for charging stamp duty:-

- (FOR URBAN AREA ONLY)**
1. Less than 10 yrs. Old Rs. 1518/- per sq.ft.
  2. 10 or more than 10 yrs old Rs. 759/- per sq.ft.
- (FOR RURAL AREA ONLY)**
3. Kacha House/Girder & Batten Roof House. Rs. 181/- per sq. ft.
  4. RCC. House Rs. 333/- per sq. ft. (10 or more than 10 Yrs old).
- Rs. 669/- per sq. ft. (Less than 10 Yrs old).

Increased from Rs. 1518/- per sq. ft. to 1600/- per sq. ft. in (1), from Rs. 759/- per sq. ft. to Rs. 800/- per sq. ft. in (2), from Rs. 181/- per sq. ft. to Rs. 200/- per sq. ft. in (3), from Rs. 333/- per sq. ft. to Rs. 350/- per sq. ft. and from Rs. 669/- per sq. ft. to Rs. 700/- per sq. ft. in (4)

**COLLECTOR'S RATES OF U.T. CHANDIGARH (W.E.F 02/01/2016)**

Sr. No.	Area	Approx value of Plot.
	<b>URBAN AREA</b>	
	<b>Commercial</b>	
1.	(a) Indl. Area Ph-I & II, Chd	Rs. 65,894/- per sq yds.
	(b) Coal Depots, Chakki Sites in UT, Iron Market, Timber Market & Transport Area.	Rs. 92,664/- per sq yds.
2.	(a) Motor Market Complex Commercial (Booths) in Mani Majra.	Rs. 1,54,440/- per sq.yds.
	(b) Shivalik Enclave(Commercial)(SCO)	Rs. 3,60,360/- per Sq.Yds.
	(c) Milk Colony, Dhanas	Rs. 3,60,360/- per Sq.Yds.
3.	(a) Booth in Sec 17,19,34,22 & 35	Rs. 4,63,320/- per sq. yds.
	(b) Booth in Sec 7,8,9,26,16,18,20 & 21.	Rs. 3,70,656/- per sq. yds.
	(c) Booth in Sec 23, 24, 32, 37, 38 & other Sectors.	Rs. 2,57,400/- per sq.yds
4.	(a) SCO/SCF in Sector 17, Chd.	Rs. 6,48,648/-per sq.yds.
	(b) SCO/SCF/Bay Shops on Madhya Marg, Sub City Centre, Sec 34, Sec 22 and dividing road of Sec 35-34.	Rs. 4,63,320/-per sq.yds
	(c) Other SCO/SCF/Bay Shops	Rs. 3,08,880/- per sq.yds.
	(d) Indl. Plots/Shops which have been	(i) G.floor- Rs. 15,593/- per

	<p>converted into</p> <p>commercial with the permission of Estate Office</p> <p>(e) Vacant converted plots from Industrial to Commercial</p> <p>Note:- 5 % extra for SCS (Shop-cum-Shop) in all the above categories.</p>	<p>sq.fts</p> <p>(ii) 1<sup>st</sup> floor- Rs. 13,860/- per sq.fts</p> <p>(iii) 2<sup>nd</sup> floor Rs. 12,994/- per sq.fts &amp; onwards</p> <p>Rs. 1,50,000/- per Sq. Yds.</p>
<b>RESIDENTIAL URBAN AREA</b>		
5.	<p>Per Sq. yds/Residential</p> <p>(a) Sector 1 to 12</p> <p>(b) Sector 14 to 37</p> <p>(c) Sector 38 onwards</p>	<p>Rs. 82,368/- per sq. yds</p> <p>Rs. 78,250/- per sq. yds</p> <p>Rs. 74,131/- per sq. yds</p>
6.	<p>Housing Board Flats/ Industrial Houses &amp; other Flats i.e Flats in Co-operative Societies etc.</p>	<p>Rs. 82,368/- per Sq Yards Independent)</p> <p>Rs. 30,888/- per Sq Yds. (G.Floor)</p> <p>Rs. 24,024/- per Sq. Yds (1st Floor)</p> <p>Rs. 17,160/- Per Sq. Yds (2<sup>nd</sup> Floor)</p> <p>Rs. 10,296/- Per Sq. Yds (3<sup>rd</sup> Floor)</p>
7.	Cheap House	Rs. 51,48,000/-
8.	<p>Shivalik Enclave (Residential)</p> <p>Milk Colony, Dhanas, (Residential)</p>	<p>Rs. 51,480/- per Sq. Yds.</p> <p>Rs. 51,480/- per Sq. Yds.</p>
<p>Note:- 5 % extra in case of corner plots, converted residential sites into nursing homes, hospitals etc. in case of categories at Sr. No. 5, 6, 7 &amp; 8.</p>		
<b>RURAL AREA (AGRICULTURAL)</b>		
9.	<p>(a) Agricultural land</p> <p>If the area is upto 1 Kanal</p> <p>(b) Gair Mumkin Jhund, Khadan nadi, and Banjar Kadim etc.</p> <p>If the area is upto 1 Kanal</p>	<p>Rs. 1,15,50,000/- per Acre</p> <p>Rs. 30,00,000/- per Kanal or</p> <p>Rs. 1,50,000/- per Marla.</p> <p>Rs. 66,00,000/- per Acre.</p> <p>Rs. 17,00,000/- per Kanal or</p>

		Rs. 85,000/- per Marla.								
	<b>RURAL AREA (RESIDENTIAL/COMMERCIAL)</b>									
10. Villages Under MC.	(a) Residential area Abadi Deh and Extended Abadi. (b) Commercial Area.	Rs. 10,296/- per Sq. Yds. Rs. 20,592/- per Sq. Yds.								
11. Other Villages of U.T. Chd.	(a) Residential area; Abadi Deh and Extended Abadi. (b) Commercial Area	Rs. 6,864/- per Sq. Yds. Rs. 13,728/- per Sq. Yds.								
<p>Note:- For the calculation of value of constructive/covered area per sq.ft. the following criteria is following stamp duty:-</p> <p style="text-align: center;"><b>(FOR URBAN AREA ONLY)</b></p> <table style="width: 100%;"> <tr> <td style="width: 50%;">1. Less than 10 yrs. Old</td> <td>Rs. 1600/- per sq.ft.</td> </tr> <tr> <td>2. 10 or more than 10 yrs old</td> <td>Rs. 800/- per sq.ft.</td> </tr> </table> <p style="text-align: center;"><b>(FOR RURAL AREA ONLY)</b></p> <table style="width: 100%;"> <tr> <td style="width: 50%;">1. Kacha House/Girder &amp; Batten Roof House:</td> <td>Rs. 200/- per sq. ft.</td> </tr> <tr> <td>2. RCC House</td> <td>Rs. 350/- per sq. ft. (10 or more than 10 Yr Rs. 700/- per sq. ft. (Less than 10 Yrs old).</td> </tr> </table>			1. Less than 10 yrs. Old	Rs. 1600/- per sq.ft.	2. 10 or more than 10 yrs old	Rs. 800/- per sq.ft.	1. Kacha House/Girder & Batten Roof House:	Rs. 200/- per sq. ft.	2. RCC House	Rs. 350/- per sq. ft. (10 or more than 10 Yr Rs. 700/- per sq. ft. (Less than 10 Yrs old).
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