

No.CEO/AO-II/CHB/2022/27744

Dated: 31.08.2022

**ORDER**


**(Conversion from Lease Hold to Free-Hold in case of Building Violations/Misuse)**

The Chandigarh Housing Board has already decided (vide order No. 69 dated 22.04.2022 and the order no. 87 dated 18.05.2022) that transfer of the built-up units that have been allotted by the Chandigarh Housing Board is allowed and the Lease Deed and Conveyance Deed in the name of allottees/transferees are being executed without linking with the issue of building violations, on submission of an affidavit by the transferee as below:

- i. He/She/They shall be personally liable for settling all the court cases and dues so levied by the Chandigarh Housing Board or any other Authority/Agency for settling the past liabilities.
- ii. He/She/They will remove/regularize the building violation/misuse/unauthorized construction etc as per the rules and procedure and also undertake to deposit the charges/penalty of the building violations if any.
- iii. He/She/They shall personally liable for settling the quasi-judicial proceedings pending on account of building violations, misuse and shall pay the composition fee as well as misuse charges or other applicable charges, as may be levied and demanded by the Chandigarh Housing Board or any other Authority/Agency, at later stage.

2. In above matters, the nature of ownership remains the same but the present case of Dwelling Unit No. 2121/1, Sector-45C, Chandigarh is entirely different where the built-up unit is to be converted from Lease-Hold to Free-Hold. A personal hearing was provided to the applicant Shri Sudama Moolchandani on 31.08.2022 at 09.30 and the following was observed:

- i. Since conversion to free-hold will entirely change the nature of ownership it cannot be equated with the cases of transfer of ownership or execution of Lease Deed/ Conveyance Deed in the name of allottees/transferees. Accordingly, it may not be appropriate to allow conversion to free-hold when the allotment on lease hold basis is under the process of cancellation. Conversion to free-hold of a property whose lease-hold status is under transfer will not be in the interest of the CHB.
- ii. As per Rule-10 (iv) of the Chandigarh Conversion of Residential Lease-Hold Land Tenure into free-hold Land Tenure Rules, 1996 the applicant is required to file an affidavit to the effect that there is no unauthorized construction/misuse in site. However, when the unauthorized construction/misuse are on record and/or proceeding for cancellation

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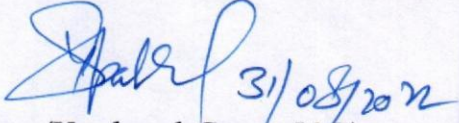


are underway, these aspects cannot be ignored and affidavit in contradiction of the facts on record cannot be accepted by the CHB.

iii. Though in the present case, permission to free-hold was communicated to him on 14.09.2012 but execution of Conveyance Deed is pending on the issue of building violations

3. In view of above, the request to execute Conveyance Deed cannot be allowed at this stage unless the building violations are removed. Accordingly, it is decided that:

- i. The Conveyance Deed may be executed; in case the Building Violations are removed within a period of 30 days.
- ii. The permission for conversion from lease-hold to free-hold may be withdrawn in case the applicant fails to remove the building violations within a period of 30 days and conversion fee may be refunded to him, without any interest.
- iii. Applicable action may be initiated in the matter for submission of wrong affidavit with regard to Building Violations.

  
(Yashpal Garg, IAS)  
Chief Executive Officer

To,  
Shri Sudama Moolchandani,  
Dwelling Unit No. 2121/1,  
Sector-45C, Chandigarh

Copy for further necessary action and to apply the same principle in all similarly placed pending cases:

1. Secretary, CHB
2. Chief Engineer, CHB
3. Chief Account Officer, CHB
4. Senior Law Officer, CHB
5. All Account Offices/ Section Officers, CHB
6. Administrative Officer, CHB
7. Computer Incharge to upload on the website

Copy for information to PS to Chairman, CHB for kind information of worthy Chairman