



**CHANDIGARH
HOUSING BOARD**
A CHANDIGARH ADMINISTRATION UNDERTAKING

8, Jan Marg, Sector 9-D,
Chandigarh
0172-4601826



No. CHB/AO-C/2023/

Dated

To

Smt. Sunita Devi/ Occupant
Small Flat No. 107-A,
Dhanas, Chandigarh

Subject: - Cancellation order of allotment of Flat No. 107-A, Small Flats, Dhanas, Chandigarh under the Chandigarh Small Flat Scheme-2006.

1. The Chandigarh Administration has floated 'The Chandigarh Small Flat Scheme-2006' vide notification No. 11/06/106-UTFI(2)-2006/6813 dated 06.11.2006 for providing living space which is hygienic, safe carrying basic amenities for the rehabilitation of Slum Dwellers.
2. Application form No. 15963 in respect of Smt. Sunita Devi D/o. Sh. Gulab had been received from Estate Office, UT, duly recommended as eligible on 04.07.2009 by the Screening Committee, Estate Office, U.T., Chandigarh for allotment of a flat under the Chandigarh Small Flat Scheme-2006.
3. On the recommendations of Screening Committee, Estate Office, U.T., Chandigarh, Small Flat No. 107-A, Dhanas, Chandigarh was allotted to Smt. Sunita Devi D/o. Sh. Gulab vide this office allotment No. CHB/CHFS/2006/7044 dated 03.10.2013 on license basis for a period of 20 years.
4. Vide application/Complaint dated 30.08.2022, it has come to the notice of the Chandigarh Housing Board, Chandigarh that Small flat no. 107-A, Dhanas, Chandigarh has been sold by the original licensee/allottee. The complainant has also stated that his mother Smt. Sunita Devi got re-married to Sh. Ramesh Kumar in 2005 and his father expired on 14.04.2004. Therefore, the reports regarding residents of Flat No. 107-A, Dhanas, Chandigarh was taken from the Enforcement Officer, CHB and the reports of Enforcement Officer, CHB is reproduced as under:-

"The DU no. 107-A, Small Flats, Dhanas, Chandigarh was inspected on 17.10.2022 by CHB Official/officer and it was found that Sh. Ramesh Kumar S/o. Sh. Badl Ram is residing in the above said DU."

"DU No. 107-A, Dhanas, Chandigarh has been got inspected on 03.11.2022. Sh. Ramesh Kumar was present and he has stated that he is living with his brother's wife who was expired in 2014."
5. The allottee/occupant was given show cause notice vide letter no. CHB/AO-C/2022/637 dated 11.01.2023 and provided an opportunity of being heard on 17.01.2023 to show cause in writing as to why the license of allotment of Flat no. 107-A, Small Flats, Dhanas, Chandigarh should not be cancelled for violating the Clause No. 4 & 5 deed of license states reproduced as under:-

"The flat shall be used exclusively for residential purpose and for no other purpose".

"The Licensee shall not sublet, assign by way of General Power of Attorney or otherwise part with possession of a flat".

6. The original licensee/allottee i.e. Smt. Sunita Devi and Sh. Ramesh Kumar appeared in personal hearing on 17.01.2023 before the undersigned wherein She has stated that Sh. Ramesh Kumar is her husband. She also stated that she does not remember the date and year of marriage and Sh. Ramesh Kumar has stated that he had got married to Smt. Sunita Devi since 12-15 years ago but he does not know the date and year of marriage. As the allottee Smt. Sunita Devi concealed the facts of her re-marriage and got allotment of the flat in her name. Therefore, this office vide letter no. 3178 dated 21.02.2023 again provided last opportunity for personal hearing on 06.03.2023 at 10:00 AM.

7. The original allottee Smt. Sunita Devi and Sh. Ramesh Kumar appeared in personal hearing on 06.03.2023 at 10:00 AM before the undersigned wherein Smt. Sunita Devi has submitted copy of Aadhar Card and Voter Card. In Aadhar Card the address is mentioned as House No. 659, Sector-45, Chandigarh and in Voter Card address is mentioned as # 107-A, small Flat, Dhanas, Chandigarh. Smt. Sunita Devi has failed to submit proof of her re-marriage with Sh. Ramesh Kumar but she has admitted that she is married with Ramesh Kumar. Sh. Ramesh Kumar stated that House no. 659, Sector-45, Chandigarh belongs to him.

8. As per Rule 8 (e) and 16 (a) (i) of the Chandigarh Small Flats Scheme, 2006 states that:-

"8(e) Any change in composition of the family shall be intimated to the Competent Authority in such format as prescribed by the Competent Authority as soon as possible and in any case within thirty days of the occurrence of such a change. If a licensee fails to intimate any change in the family unit within prescribed period, it will be presumed that such additional member is not a member of the family of the licensee for the purpose of these rules."

"16 (a) The competent authority shall also cancel the allotment of the flat if it is found that:-

(i) The allotment has been obtained by supplying false information or by suppressing the facts."

In view of above facts and rule position it reveals that the allottee had not disclosed the facts of re-marriage at the time of allotment of small flats in the year 2013 and even in Application Form dated 04.07.2009 supplied by the Estate Office, UT, Chandigarh. In Application Form there is also a declaration that:-

"We/I hereby declare that the information furnished in this application is true and correct and nothing has been concealed therein and in case it is found the information furnished is false or there is suppression of facts, the licence in respect of the flat shall stand revoked, security shall be forfeited and we/I shall further be liable to criminal proceedings

under the law. We/I further declare that We/I have gone through the terms of the Chandigarh Small Flats Scheme, 2006 and undertake to abide by the terms of the license of the flat to be granted to me."

In view of above mentioned facts, rules position and declaration of the allottee, it proves that Smt. Sunita Devi has violated the above mentioned rules under Chandigarh Small Flats Scheme-2006 by concealing the facts of re-marriage at the time of allotment and also she did not inform to the Competent Authority regarding change in composition of family within 30 days of the occurrence of such a change regarding her re-marriage. Hence, the allotment of small flat no. 107-A, Dhanas, Chandigarh is hereby cancelled. The allottee/licensee is advised to hand over the physical possession of the small flat to the Chief Engineer, CHB within 30 days from the issue of this order failing which he shall be evicted from the flat as per law.

AKM
14/03/23

Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board
Chandigarh
Dated 14/03/2023

Endst. No 4313

A Copy is forwarded to the followings for information and necessary action:-

1. The Chief Engineer, CHB, Chandigarh.
2. The Enforcement Officer, CHB, Chandigarh with a request to initiate the eviction proceedings w.r.t. Small Flat no. 107-A, Dhanas, Chandigarh within a week from the date of issue of this letter.
3. PA to Secretary, CHB for kind information please.
4. Chief Account Officer, CHB for information and further necessary action.
5. ✓ Computer Incharge, CHB, Chandigarh.

AKM
14/03/23

Secretary-cum-Competent Authority
Under the Chandigarh Small flats Scheme-2006
Chandigarh Housing Board
Chandigarh

CI/CHB/5556
Dated 15/03/2023

by
15/3