

No. HB/E.O. /Dy. E.O.I/2023/ 913298

Dated: 02.05.2023

To,

Allotee/ Occupant of,
H.No. 1880, Maulijagran,
U.T., Chandigarh.

Subject: Cancellation of allotment of the Dwelling Unit No.1880,Maulijagran, Chandigarh, for breach of the Terms & Conditions of allotment.

1. **WHERE AS**, the Dwelling Unit No. 1880, Maulijagran, Chandigarh has been allotted to Sh. Bindeshwar S/o Sh. Kishori Lal on hire-purchase basis on the Terms & Conditions stipulated in the allotment letter No.1175 dated 29.03.1993.

2. **AND WHEREAS** as per terms of allotment, the dwelling unit cannot be used for the purposes other than residence. Further no addition/alterations shall be made without prior approval in writing of the Board.

3. **AND WHEREAS** as it had come to the Notice of the Board that the allottee/occupant has caused violations as detailed below: -

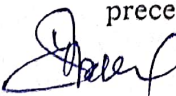
- i) DU No. 1880 and 1881 have been amalgamated/merged.
- ii) English Wine & Beer shop running from the illegally amalgamated DUs
- iii) Chajja/Balcony has been constructed at 1st, 2nd & 3rd floor on govt land
- iv) Mobile tower at top terrace of DU

4. **AND WHEREAS** from above it is made clear that the allottee/occupant has acted in contravention to the provisions contained in Clause-14 of the allotment letter and also the provision of the Regulation-11 of Chandigarh Housing Board (Allotment, Management and sale of Tenements) Regulations, 1979.

5. **AND WHEREAS** a Show-Cause-Notice dated 06.09.2022 was served on the allottee/occupant to Show Cause as to why the Registration and Allotment/Tenancy of the Dwelling Unit No. 1880, Maulijagran, Chandigarh, may not be cancelled and amount forfeited as per Terms & Conditions of the Allotment letter and further action initiated to evict the allottee/occupant from the dwelling unit by following the procedure prescribed under rules as framed under Chapter VI of Haryana Housing Board Act,1971, as extended to U.T. of Chandigarh.

6. **AND WHEREAS** during hearing on 15.09.2022 before the undersigned one Shri Arvind Kumar Singh was specifically asked to close the liquor shop within 7 days otherwise the same would be sealed by Enforcement Wing of the Chandigarh Housing Board. Further vide letter No. CHB/EO/DYEO-II/2022/1321-22 dated 17.10.2022 it was again directed to immediately close the liquor shop and submit a confirmation to that effect within 15 days to the Enforcement Officer of CHB failing which the dwelling unit would be cancelled without any further notice and premises would be sealed to stop continuation of the misuse. (Copy enclosed as **Annexure-1**).

7. **AND WHEREAS** the dwelling unit was again inspected by the officers of the Board on yesterday i.e., on 01.05.2023 and it was observed that allottee/occupant has not yet removed the violations. This seems a unprecedented case where a Dwelling Unit of Chandigarh Housing Board has been

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misused for operating an English Wine & Beer Shop. English Wine & Beer Shop from a Dwelling Unit is a reason of great nuisance for the residents of nearby Dwelling Units. Such activity should not be allowed to continue even for a single day from the dwelling unit of the Chandigarh Housing Board. By no stretch of imagination, the Dwelling Unit of the Chandigarh Housing Board can be claimed/accepted as a part of any commercial area.

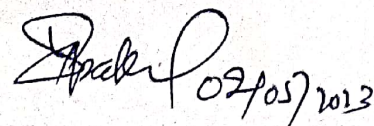
8. **AND WHEREAS** during hearing on 02.05.2023 before the undersigned one Shri Arvind Kumar Singh again appeared on behalf of allottee without any authority letter. He submitted a written submission and stated that Hon'ble High Court of Punjab & Haryana has granted stay vide order dated 28.04.2023 in CWP No. 8902 of 2023. However on careful consideration of the copy of the CWP No. 8902 of 2023 submitted during along with the written submission it is observed that the Chandigarh Housing Board is not a party in the CWP. Further the Show Cause Notice dated 06.09.2022 issued by the Chandigarh Housing Board has never been stayed by the Hon'ble High Court.

9. **AND WHEREAS**, the undersigned is satisfied that allottee/occupant has violated the Terms & Conditions of allotment and failed to rectify the same despite the Show Cause Notice for cancellation of allotment. It is surprising that during the ongoing proceedings for cancellation of allotment of dwelling unit vide above referred Show Cause Notice, a fresh licence for English Wine & Beer Shop has been obtained from the Excise Department of Chandigarh Administration and the liquor shop is still continuing from the dwelling unit. These conducts clearly indicate that allottee/occupant has no intention to remove the violations and have no respect to the Terms & Conditions of allotment.

10. **AND WHEREAS**, in past also allottee/occupant has violated Terms & Conditions of allotment by using the Dwelling Unit for Commercial purposes and encroachment on the government land. At that occasion, allotment of the Dwelling unit was cancelled vide order No. SDE (ENF)/733 dated 27.12.2000. Subsequently allottee/occupant has removed the violations and allotment of the Dwelling Unit was restored on payment of revival charges vide order dated 26.06.2002. However, allottee/occupant has again committed violation of the Terms & Conditions of allotment which indicate that allottee/occupant has not learnt any lesson from the past mistakes.

11. **NOW THEREFORE**, the undersigned is left with no alternate and accordingly the registration/allotment of dwelling Unit No.1880, Maulijagran, Chandigarh is hereby cancelled with immediate effect. The amount deposited against the Dwelling Unit is hereby stand forfeited in terms of the provisions of Clause-16 of the Allotment letter on account of breach of terms and conditions of allotment letter and also the provisions of Regulation -17 of Chandigarh housing Board (Allotment, Management and Sale of Tenements) Regulations, 1979.

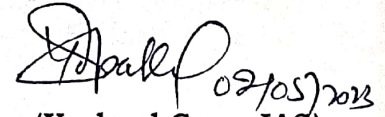
12. The allottee/occupant is hereby further directed to hand over vacant possession of the dwelling unit in question to the Chief Engineer, Chandigarh Housing Board, Chandigarh within 30 days from the issue of this order failing which eviction proceeding shall be initiated against allottee/occupant has to evict from the un-authorized possession of the said premises. Here it is also clarified that allottee/occupant has will also be liable to face the consequence for the unauthorized occupation and for creating public nuisance by continuous misuse of the premises.



(Yashpal Garg, IAS)
Chief Executive Officer,
Chandigarh Housing Board,
Chandigarh.

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

1. The Chief Engineer, Chandigarh Housing Board, Chandigarh to take over possession of the Dwelling Unit No.1880, Maulijagan, Chandigarh in accordance with this order of cancellation and inform the all concerned.
- 2.The Secretary, Chandigarh Housing Board, Chandigarh, exercising the powers of Competent Authority to initiate eviction proceeding against the unauthorized occupant of the Dwelling Unit, in case the Allottee / Occupant, failed to hand over the possession of the said Dwelling Unit within stipulated period.
3. The Chief Accounts Officer, Chandigarh Housing Board, Chandigarh, for forfeiture of amount as per clause-16 of the allotment letter and further necessary action in the matter.
4. The Commissioner Excise & Taxation, Chandigarh Administration is again informed that any of the Dwelling Unit of Chandigarh Housing Board cannot be used/allowed for Liquor Shop. All the present/prospective licensees of the Excise Department and all the concerned officers may be informed in clear terms to avoid further complications/litigation.
5. The Secretary Excise & Taxation, Chandigarh Administration for appropriate changes in the Excise Policy, if required.



(Yashpal Garg, IAS)
Chief Executive Officer,
Chandigarh Housing Board,
Chandigarh.

CHANDIGARH HOUSING BOARD

CHANDIGARH ADMINISTRATION UNDERTAKING
8, JAN MARG, SECTOR 9, CHANDIGARH -160 009, Ph: 4601612.

Annexure-I

No. CHB/EO/DYEO-II/2022/ 1321-22

Dated, the 17.10.2022

To,

1. Allottee/Occupant,
House No.1880, Maulijagran,
UT, Chandigarh.

2. Allottee/Occupant,
House No.1881, Maulijagran,
UT, Chandigarh.

Subject: Show Cause Notice for cancellation of allotment of Dwelling Unit/Commercial Unit No.1880 Maulijagran, Chandigarh for breach of terms & conditions of allotment - Liquor shops running in DU No.1880 & 1881 Maulijagran, Chandigarh.

This is to inform you that Show Cause Notices dated 02.09.2022 for cancellation of Dwelling Unit Nos. 1880 at Maulijagran was issued for different violations including using the premises for commercial purpose as English Wine & Beer Shop.

During the hearing on 15.09.2022 before the undersigned, one Sh. Arvind Singh was asked to close the liquor shop within 7 days otherwise the same would be sealed by Enforcement Wing of the Chandigarh Housing Board. On 20.09.2022, Sh. Arvind Singh submitted a letter stating that he is paying revenue to the concerned Department and has requested for allowing some time to shift the English Wine & Beer shop.

The matter was examined and accordingly the clarification was sought from the Excise Department UT, Chandigarh. The Excise Department has clarified that:

- i. Licence for operating liquor vend are issued for a location and not for operating out of a specific shop etc. The onus of finding a suitable place, as per norms is on the licensee and the department is not responsible for providing space for opening of liquor vend.
- ii. There is no consent of Excise & Taxation Department for operating liquor shop from a residential building allotted by CHB. Only zone wise liquor licenses are granted and licensee is obligated to operate vend from an approved commercial premises.

In view of above, it is clear that you have violated the Terms & Condition of allotment of the dwelling unit and it is a clear case of misuse of residential property for commercial purposes that too for liquor vend. As clarified by the Excise Department, liquor vend can be operated from an approved commercial premises only. Accordingly you are hereby directed to immediately close the liquor shop and submit a confirmation to that effect within 15 days to the Enforcement Officer of CHB failing which the dwelling units will be cancelled without any further notice and the premises will be sealed to stop continuation of the misuse.

Ravinder

8580556935

DY No :- 1321 & 1322

2 nos Letters

(Yashpal Garg, IAS)

Chief Executive Officer,
Chandigarh Housing Board,

Copy to the Excise and Taxation Commissioner, Additional Town Hall Building,
Sector-17-C, UT, Chandigarh.