

No. CHB/AO-C/2024/ 1397/

Dated 26/09/2024

To

SH. SHIV SHANKAR/ Occupant,  
Small Flat no.6647-A, Sector-56,  
Chandigarh

**Subject: - Cancellation order of allotment of Flat No.6647-A, Small Flats, Sector-56, 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. On the recommendations of Screening Committee, Estate Office, U.T., Chandigarh, Small Flat No.6647-A, Sector-56, Chandigarh was allotted to Sh. Shiv Shankar S/o Late Bhikari and Smt. Bir Mati D/o Sh. Ram Cheej vide this office allotment No. CHB/CHFS/2006/581 dated 22.11.2006 on license basis for a period of 20 years.

3. As per Clause 10 of Deed of License, the licensees shall abide by the terms & conditions of Deed of License and Chandigarh Small Flats Scheme 2006 and shall also abide by the provision of the Capital of Punjab (Development & Regulation) Act, 1952.

A general survey was conducted for verifying the original allottees whether they were residing in their allotted small flats of various sectors/colonies under the Chandigarh Small Flats Scheme 2006.

On the basis of above, the survey of small Flat No.6647-A, Small Flats, Sector 56, Chandigarh was carried out and it was found that other person i.e. Smt. Deepa Yadav was occupying/residing in the flat unauthorizedly.

4. The clause no. 4 & 5 of the deed of license states 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 the flat".*

5. The allottee/occupant was given show cause notice vide letter No.HB-(Colony)/2023/10333 dated 21.06.2023 and provided an opportunity of being heard on 27.06.2023 at 9:30AM to show cause in writing by the said date to show cause in writing as to why the license of allotment of Small Flat No.6647-A, Small Flats, Sector 56, Chandigarh may not be cancelled and amount paid be forfeited as per the terms & conditions of allotment letter.

6. The allottee Sh. Shiv Shankar appeared in personal hearing on 27.06.2023 and stated that Smt. Deepa Yadav is his relative who was found at the time of survey. He also stated that he has been living in the above said DU continuously. Further, as per record Rs. 2,28,000/- (Approx.) is also outstanding against licensee as on that date and in this regard, an SCN dated 21.09.2022 was also served to him, due to non payments. He was further directed to pay all the outstanding dues immediately. But, the allottee failed to clear his outstanding dues.

7. The following efforts have been made by the undersigned and provided adequate opportunities to the allottee/occupant to clear his/her outstanding dues:-

- i. The proclamation through drum beat was also done at Small Flats Colonies/Sectors in May, 2023 vide which it was advised to the allottees of Small Flats to pay their all outstanding dues by 31.05.2023 positively.
- ii. The public notice has already been issued in leading newspapers on 14.04.2023 with advice to all the allottee of Small Flats to pay their all outstanding dues by 31.05.2023 positively failing which the cancellation proceedings will be initiated.
- iii. Besides this, the allottee/ occupant was issued the following show cause notices due non-payments, but he failed to clear his outstanding dues:-

Sr.No.	No. Dated
1.	14273 dated 11.09.2007 ✓
2.	5080 dated 28.03.2008 ✓
3.	8524 dated 21.05.2008 ✓
4.	18556 dated 21.11.2008 ✓
5.	5096 dated 13.03.2009 ✓
6.	5356 dated 03.07.2019 ✓
7.	6531 dated 25.02.2022 ✓
8.	29546 dated 21.09.2022 ✓
9.	29 dated 08.06.2023 ✓
10.	274 dated 26.07.2023 ✓
11.	15615 dated 25.09.2023 ✓
12.	18402 dated 20.11.2023 (Hearing dated 04.12.2023)

8. The allottee Sh. Shiv Shankar, allottee, absent despite notice to appear, however, Sh. Vijay (Neighbour) of allottee appeared in personal hearing on 04.12.2023. As per record, Rs.2,20,000/- (Approx.) is outstanding dues against the above mentioned Small Flat as on that date whereas the allottee was already directed on 27.06.2023 to pay all the outstanding dues immediately.

In this regard, the Clause no. 2 of deed of licence states that:

*"The licence fee is to be paid by the 10th Day of the month to which it relates."*

Clause no. 12 of deed of licence states that:

*"The licence shall be liable to be revoked in the event of contravention of any of the above terms and conditions of the Deed of the licence and the licensees shall peacefully hand over the vacant possession of the flat in good condition to the officer so authorized by the Competent Authority."*

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

*"16(a)(iii) states that "the licensee fails to deposit license fee inspite of the service of notice of demand for a period and determine by the Nodal Agency, whether consecutively or otherwise"*

9. In view of above facts and rules position, it is very much clear that the allottee/co-allottee has no intention to pay the outstanding dues even after giving them ample opportunities through various SCNs and demand notice mentioned above. The allottee/ occupant has violated the terms & conditions of Deed of License prescribed under the Chandigarh Small Flats Scheme-2006. Hence, the allotment of small Flat no.6647-A, Sector-56, Chandigarh is hereby cancelled. The allottee/occupant is advised to hand over the physical possession to the Chief Engineer, CHB within 30 days from the issue of this order failing which you shall be evicted from the flat as per law.

Endst. No. 13972

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

1. The Chief Engineer, CHB, Chandigarh.
2. The Enforcement Officer, CHB with a request to initiate the eviction proceedings w.r.t. Flat No.6647-A, Sector-56, Chandigarh, if allottee/occupant fails to handover/vacate the physical possession of small flat within prescribed time i.e. 30 days.
3. PA to Secretary, CHB for kind information.
4. The Chief Account Officer, CHB for information and further necessary action.
5. The Computer Incharge, CHB, Chandigarh.

AKM  
24/10/24  
Secretary-cum-Competent Authority  
Under the Chandigarh Small flats Scheme-2006  
Chandigarh Housing Board  
Chandigarh  
Dated 26/09/2024

AKM  
24/10/24  
Secretary-cum-Competent Authority  
Under the Chandigarh Small flats Scheme-2006  
Chandigarh Housing Board  
Chandigarh

CHB/ 4662  
Dated 30/9/24

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