THE PUNJAB REGIONAL AND TOWN PLANNING AND DEVELOPMENT ACT, 1995

Punjab Act No. 11 of 1995

Legislative History

1.	Amended by Punjab Act 4 of 1996 (Notification dated 17-04-1996).
2.	Punjab Act No. 13 of 2003 (Notification dated 06-05-2003).
3.	Punjab Act No. 30 of 2006 (Notification dated 27-10-2006).

Notification

The 26th May, 1995

No. 11-Leg./95. - The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 24th May, 1995, and is hereby published for general information :-

AN

ACT

to make provision for better planning and regulating the development and use of land in planning areas delineated for that purpose, for preparation of Regional Plans and Master Plans and implementation thereof; for the constitution of a State Regional and Town Planning and Development Board, for guiding and directing the planning and development processes in the State; for Constitution of a State Urban Planning and Development Authority, Special Urban Planning and Development Authorities and New Town Planning and Development Authorities, for the effective and planned Development of planning areas; and for undertaking urban development and housing programmes and schemes for establishing new town; and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Forty Sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Regional and Town Planning and Development Act, 1995.

(2) It shall extend to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.

CHAPTER I

PRELIMINARY

2. In this Act, unless the context otherwise requires,-

(a) *"agriculture"* includes horticulture, farming, 'growing of crops, fruits, vegetables, flowers, grass, fodder and trees ; or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees ; and use of land which is ancillary to the farming of land or any other agricultural purposes; but does not include the use of any land attached to a building for the purposes of garden to be used along with such building and expression *"agricultural"* shall be construed accordingly;

(b) *"amenities"* means any one or more than one utilities such as roads, streets, open spaces, parks, recreational, grounds, play grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences ;

(c) *"Arbitrator"* means an Arbitrator appointed as such under Section 102 ;

(d) *"Authority"* means the Punjab Urban Planning and Development Authority constituted under Section 17 or a Special Urban Planning and Development Authority constituted under Section 29 or a New Town Planning and Development Authority constituted under Section 31;

(e) *"Board"* means the Punjab Regional and Town Planning and Development Board constituted under Section 3 ;

(f) *"building"* means any construction or part of a construction which is intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not, and includes any out-house, stable, cattle shed and garage;

(g) *"building operations"* include-

(i) erection or re-erection of a building or any part of it ;

(ii) roofing or re-roofing of a building or any part of a building or an open space ;

(iii) any material alteration or enlargement of any building ;

(iv) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affect its security ;

(v) the construction of a door opening on any Street or land not belonging to the owner ;

(h) "*bypass"* means a * [*road specified in the schedule to this Act, provided]* as a permanent diversion to a scheduled road, whether such diversion is situated within or without the limits of Local Authority and whether it is constructed before or after the commencement of this Act and includes a road which is specified as bypass by the State Government, by notification, for the purposes of this Act ;

(i) *"Chapter"* means a Chapter of this Act ;

(j) *"Chief Administrator"* means the Chief Administrator of the Authority;

(k) *"commerce"* means the carrying of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to make profits, hospitals or nursing homes, infirmaries, educational institutions, and also includes hotels, restaurants and boarding houses not attached to educational institutions and the expression *"commercial "* shall be construed accordingly ;

*** Substituted by Punjab Act No. 13 of 2003.**

(l) *"commercial use"* includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office, whether attached to any industry or otherwise ;

(m) *"Competent Authority"* shall mean any person or authority appointed by the State Government, by notification, to exercise and perform all or any of the powers and functions of the competent authority under this Act :

Provided that in relation to an area falling within the jurisdiction of a Municipality or a Municipal Corporation the powers of the Competent Authority under Chapter XI of this Act, except the powers in respect of change of land use exercised under section 81, shall be exercised and performed by the Municipality or the Municipal Corporation in whose jurisdiction such an area falls ;

(n) *"court"* means a principal civil court of original jurisdiction, and includes any other civil court empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction ;

(o) *[*"development" with its grammatical variations cognate expressions means the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under land or making or any structural or material change in any building or land including that which affects the appearance or any feature of a heritage site and includes demolition of any part or whole of the building or change in use of any building or land and also includes reclamation, redevelopment, a layout or sub-division of any land and the expression "develop" shall be construed accordingly;*

*** Substituted by Punjab Act No. 13 of 2003.**

(oo) "development rights" means a right to carry out development or to develop the land or building or both and shall include the transferable development right in the form of right to utilise the floor area ratio or land utilisable either on the remainder of the land partially reserved for the public purpose or elsewhere, as may be provided in the zoning regulations;]

(p) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage, or of electricity cables or lines or of telephone lines or any other communication lines of cables ;

(q) *"erect or re-erect"* any building includes,-

(i) any material alteration or enlargement of any building ;

(ii) the conversion, by structural alteration, into place for human habitation of any building not originally constructed for human habitation ;

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place ;

(iv) the conversion of two or more places of human habitation into a greater number of such places ;

(v) such alterations of a building as effect an alteration its drainage or sanitary arrangements or materially effect its security ;

(vi) the addition of any rooms, buildings, out – houses or other structures to any building ; and

(vii) the construction, in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street of land ;

(r) *"Estate Officer"* means a person appointed by the Authority to perform the functions of an Estate Officer under this Act;

**[(rr) "floor area ratio" means the ratio derived by dividing, the total covered area of all floors by the area of plot;*

***Inserted by Punjab Act No. 13 of 2003.**

(rrr) "Heritage site" includes buildings, artefacts, structures, areas, precincts of historical or aesthetical or architectural or educational or scientific or cultural or environmental significance and those natural features of environmental significance or scenic beauty as may be declared as such by the Competent Authority by a notification;]

(s) *"Land"* includes benefits to arise out of land and things attached to the earth or permanently fastened to any thing attached to the earth;

(t) *"local authority"* means a Municipal Corporation, a Municipal Committee, a Municipal Council, a Town Improvement Trust, a Cantonment Board, a Zila Parishad, a Panchayat Samiti or a Gram Panchayat, or, any other authority entrusted with the functions of a local authority under any law for the time being in force ;

(u) *[*"Master Plan" means Master plan prepared under this Act and includes a New Town Development Plan];*

(v) *"means of access"* includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a road;

(w) *"member"* means a member of the Board or a member of the Authority and includes –

(i) the Chairman and the Member Secretary, in the case of the Board ; and

(ii) the Chairman, Vice-Chairman and the Chief Administrator, in the case of the Authority ;

(x) *"occupier"* include,-

(a) a tenant ;

(b) an owner in occupation of, or otherwise using his land or building or part thereof ;

(c) a rent-free occupant of any land or building or part thereof ;

*** Substituted by Punjab Act No. 30 of 2006.**

(d) a licence in occupation of any land or building or part thereof;

(e) any person, who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(y) *"operational construction"* means any construction whether temporary or permanent, which is necessary for operation, maintenance, development or execution of any of the following services, namely :-

(i) railways ;

(ii) national highways ;

(iii) national waterways ;

(iv) airways and aerodromes ;

(v) posts and telegraphs, telephone, wireless, broadcasting and other such like forms of communication ;

(vi) regional grid for electricity ;

(vii) any other service which the State Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause ;

Explanation – For the removal of doubts, it is hereby declared that the construction of –

(i) new residential buildings except those connected with operations like gate lodges, hospitals, clubs, institutions, schools, railway colonies, roads, drains and the like in the case of railways ; and

(ii) a new building, new structure of a new installation or any extention thereof, in the case of any other service, shall not be deemed to be construction within the meaning of this clause ;

(z) *"owner"* includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium of any land whether on his own account or on account of or on behalf of or for the benefit of any other person or as an agent, trustee, guardian, or receiver for any other person or for any religious or charitable institution or who would so receive the rent or premium or be entitled to receive the rent or premium if the land were let to a tenant ; and includes the Head of a Government Department, General Manager of a Railway, the Secretary or other principal officer of a local authority, statutory authority or company, in respect of properties under their respective control ;

(za) *"Planning Agency"* means the Punjab Urban Planning and Development Authority, a Special Urban Planning and Development Authority, a New Town Planning and

Development Authority, a local authority or the Town and Country Planning Wing of the Department of Housing and Urban Development, designated as such by the *[*State Government]* under section 57 of this Act for a planning area ;

(zb) *"planning area"* means a regional planning area, a local planning area or a site for a new town declared as such under section 56 of this Act ;

(zc) *"prescribed"* means prescribed by rules made under this Act ;

(zd) *"reconstituted plot"* means a plot which is altered in ownership or in any other way by the framing of a town development scheme under this Act ;

(ze) *"Regional Plan"* means a Regional Plan prepared under Chapter IX of this Act ;

(zf) *"regulations"* means regulations made by the Board, or the Authority under this Act ;

*** Substituted by Punjab Act No. 30 of 2006.**

(zg) *"road reservation in relation to a scheduled road"* means the land whether metalled or unmetalled, which vests in the State Government or the Central Government or a local authority, for the purposes of such road and the boundaries of which are demarcated by pillars, post or wires or in any other manner ;

(zh) *"rules"* means rules made under this Act ;

(zi) *"scheduled road"* means a road specified in the Schedule to this Act which is wholly situated within the State of Punjab and where any road so specified is not so wholly situated, the portion of such road which is situated in the State of Punjab, and includes a "by-pass" and shall also include any road which the State Government may, by notification , add to the Schedule to this Act.*[…..].

(zj) *"scheme"* means any town and development scheme framed under this Act ;

(zk) *"section"* means the section of this Act ;

(zl) *"State Government"* means the Government of the State of Punjab ; and

(zm) *"transferee"* means a person, including a firm or other body of individual, whether incorporated or not, to whom a site or building is sold, leased or transferred under this Act and includes his successors and assignees ; and

(zn) *"Tribunal of Appeal"* means the Tribunal of Appeal appointed as such under section 105.

***Omitted by Punjab Act No. 13 of 2003.**

CHAPTER II

ESTABLISHMENT OF THE PUNJAB REGIONAL AND TOWN PLANNING AND DEVELOPMENT BOARD

3. As soon as may be, after the commencement of this Act, the State Government shall, by notification in the official Gazette, establish for the purposes of carrying out the functions assigned to it under this Act, a Board to be called the Punjab Regional and Town Planning and Development Board.

4.(1) The Punjab Regional and Town Planning and Development Board established under section 3 shall consist of a Chairman, Vice Chairman, a Member-Secretary and the following other members, namely:

(a) not more than twelve *ex officio* members to be nominated by the State Government from amongst the Ministers including the Ministers-in-charge of Housing and Urban Development and Local Government and the Secretaries to Government of Punjab including Secretary to Government of Punjab, Department of Local Government and other officers of the State Government ; and

(b) not more than three non-official members to be nominated by the State Government from amongst the persons having special knowledge or practical experience in matters relating to housing, engineering, regional and town planning, development and management thereof.

(2) The Chief Minister, Punjab, and the Minister-in-charge of Housing and Urban Development shall be respectively the Chairman and the Vice-Chairman of the Board:

Provided that in the absence of the Chairman, and the Vice-Chairman any member of the Board to be nominated by the Chairman shall preside over the meeting of the Board.

(3) The Secretary to Government of Punjab, holding the charge of Housing and Urban Development shall be the Member-Secretary of the Board.

(4) The appointment of members nominated under clauses (a) and (b) of sub-section (1) of this section shall be notified by the State Government in the Official Gazette and they shall be entitled to receive such remuneration or allowances or both as the State Government may prescribe.

(5) The members of the Board shall hold office at the pleasure of the State Government.

5.(i) A person shall be disqualified for being nominated as and for being a member of the Board, if he-

(a) has been convicted by a criminal court at any time after the 26th day of January, 1950 for an offence involving moral turpitude, unless such conviction has been set aside ;

(b) is an undischarged insolvent ;

(c) is of unsound mind.

(2) If any question, dispute or doubt arises as to whether or not any person is eligible for membership of the Board or has incurred any of the disqualifications specified under sub-section (1) whether before or after becoming a member, it shall be determined by the State Government whose decision shall be final and binding.

6. If a member of the Board nominated under clause (b) of sub-section (1) of section 4 –

(a) becomes subject to any disqualification referred to in section 5; or

(b) absents himself, without permission of the Chairman, from three consecutive meetings of the Board, the State Government shall declare his office to be vacant.

7. If the State Government is of opinion that any member nominated under clause (b) of sub-section (1) of section 4 is guilty of misconduct in the discharge of his duties, or is incompetent or has become incapable of performing his duties as such member, or that he should for any other good and sufficient reason be removed the State Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.

8. Any member nominated under clause (b) of sub-section (1) of section 4 may resign from the membership of the Board by giving notice in writing to the State Government and on such resignation being accepted by the State Government, he shall cease to be a member of Board.

9. In the event of a vacancy in the office of any member nominated under clause (a) or clause (b) of sub-section (1) of section 4, the vacancy shall be filed by the State Government in the manner laid down in the aforesaid clause (a) or clause (b), as the case may be.

10. The Board shall have its headquarters at such place as may be notified by the State Government from time to time.

11.(1) The Board shall meet at such times and places as the Chairman may determine and shall, subject to the provisions of sub-section (2) and (3), observe such procedure in

regard to the transaction of business at its meetings as may be laid down by it in the regulations.

(2) All questions at a meeting of the Board shall be decided, by a majority of the votes of the members present and voting and in case if equality of votes, the person presiding shall have a second or casting vote.

(3) Five members shall form quorum at a meeting of the Board :

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business :

Provided further that a notice of the adjourned meeting shall be sent to all the members of the Board.

(4) Minutes of the names of the members present and of the proceedings at each meeting shall be kept in a book to be maintained for this purpose which, shall be signed at the next ensuing meeting by the person presiding at such meeting.

(5) A copy of the proceedings of every meeting of the Board shall be sent by the Member-Secretary of the Board to the State Government within fifteen days after the meeting is held.

(6) No act done or proceedings taken under the Act by the Board shall be invalid merely on the ground of existence of any vacancy amongst its members, or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.

12. The Member-Secretary of the Board shall arrange for transaction of business of the Board, authenticate orders and decisions of the Board and discharge such other functions of the Board as may be assigned to him by the Board under its regulations.

13. The State Government on the request of the Board, may make available to the Board such staff as may be necessary for the performance of functions conferred on the Board under this Act.

14.(1) Subject to the provisions of the Act and rules framed thereunder, the functions of the Board shall be to advise the State Government * [*on the matters]* relating to the planning,

---

*** Substituted by Punjab Act No. 30 of 2006.**

development and use of urban and rural land in the State, and to perform such other functions as the State Government, from time to time, assign to it.

(2) *[……..]

15.(1) The Board may associate with itself in such manner and for such purpose as may be prescribed any person whose assistance or advice it may require in performing any of its functions under this Act.

(2) Any person associated with it by the Board under sub-section (1) for any purpose shall have a right to take part in the discussion of the Board relevant to that purpose but shall not have a right to vote at a meeting.

16. Subject to any rules in this behalf, the Board may from time to time appoint one or more Committees for the purpose of securing efficient discharge of its functions.

*** Omitted by Punjab Act No. 30 of 2006.**

CHAPTER III

ESTABLISHMENT OF THE PUNJAB URBAN PLANNING AND DEVELOPMENT AUTHORITY, SPECIAL URBAN PLANNING AND DEVELOPMENT AUTHORITIES AND NEW TOWNS PLANNING AND DEVELOPMENT AUTHORITIES.

17.(1) With effect from such date as the State Government may, by notification, specify in this behalf, the State Government shall establish for the purposes of this Act, an Authority to be known as the Punjab Urban Planning and Development Authority with headquarters at such place as the State government may specify.

(2) The Authority established under sub-section (1) shall be a body corporate as well as a local authority, by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable, and to contract; and shall, by the said name, sue and be sued.

(3) The Authority established under sub-section (1) shall consist of the following members to be appointed by the State Government, namely :-

(i) a Chariman ;

* [(i-a) *a Co-Charirman;]*

(ii) a Vice – Chariman ;

(iii) a Chief Administrator who shall be appointed from amongst the officers of the Government of Punjab having such qualifications and experience as may be prescribed ; and

(iv) not more than tweleve and not less than six official and non-official members including the Secretaries to Government of Punjab holding the charge of Local Government and Town and Country Planning:

---

* **Inserted by Punjab Act no. 30 of 2006.**

Provided that the number of non-official members shall not, at any time exceed three.

(4) **[The Chief Minister, Minister-in-Charge of Housing and Urban Development and the Secretary to Government of Punjab, holding the charge of Housing and Urban Development shall, respectively, be the Chairman, Co-Chairman and the Vice-Chairman of the Authority.]*

18.(1) The term of office and conditions of service of the members of the Authority shall be such as may be prescribed.

(2) The Chief Administrator shall be entitled to receive from the fund of the Authority such salary and such allowances, if any, as may be prescribed.

(3) Any member, other than the Chief Administrator, may be paid from the fund of the Authority such allowances, if any, as may be prescribed.

(4) The members of the authority shall hold office during the pleasure of the State Government.

(5) A member of the Authority may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by the State government, he shall cease to be a member.

19. The State Government may remove from office any member of the Authority-

(i) who, without excuse, sufficient in the opinion of the State Government, is absent for more than three consecutive meetings of the Authority ;

(ii) who has, in the opinion of the State Government, so abused his position as a member as to render his continuance on the Authority detrimental to the interests of the Authority.

* **Substituted by Punjab Act No. 30 of 2006.**

20. Upon occurrence of any vacancy in the office of Chairman, Vice-Chairman, Chief Administrator or any other member of the Authority, a new Chairman, Vice-Chairman, Chief Administrator or member, as the case may be, shall be appointed.

21.(1) The Authority shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such procedure in regard to the transaction of its business at such meetings as the Authority may provide by regulations.

(2) *[*At every meeting of the Authority, the Chairman, if present, or, in his absence, the Co-Chairman, or, in his absence, the Vice-Chairman, and if the Vice-Chairman is also not present, then any one of its members, whom the members present may elect, shall preside.]*

(3) All questions at a meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the case of equality of votes, the member presiding shall have a second or casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be maintained for the purpose which shall be signed at the next meeting by the member presiding at such meeting and shall be open to inspection by any member during office hours.

(5) For the transactional of business at a meeting of the Authority, the quorum shall be one-third of the number of members actually serving for the time being but shall not, in any case, be less than four :

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business :

*** Substituted by Punjab Act No. 30 of 2006.**

Provided further that a notice of the adjourned meeting shall be sent to all members of the Authority.

22. The Chief Administrator shall be the Chief Executive of the Authority and shall arrange for the transaction of business of the Authority, authenticate orders and

decisions of the Authority and discharge such other functions of the Authority as may be assigned to him by the Authority under its regulations.

23. Subject to any regulations made in this behalf by the Authority, the Authority may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of the functions of the Authority and in particular for the purpose of ensuring the efficient maintenance of public amenities and execution of development works and projects.

24.(1) The Authority or any committee appointed under Section 23 may associate with itself any person whose assistance or advice it may require in the performance of its functions under this Act.

(2) Any person associated with it by the Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Authority relevant to that purpose but shall not have a right to vote at the meeting.

25. No act done or proceedings taken under this Act shall be questioned merely on the ground of –

(a) the existence of any vacancy in or any defect in the Constitution of the Authority ;

(b) any person associated under Section 24 having voted in contravention of the provisions of this Act in this behalf ;

(c) the failure to serve a notice on any person where no substantial injustice has resulted from such failure ;

(d) any omission, defect or irregularity not affecting the merits of the case.

26. (1) The Authority may appoint such number of officers and other employees including experts for technical and legal work as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and other employees of the Authority shall be entitled to receive, from the fund of the Authority, such salaries and allowances and shall be governed by such conditions of service as may be determined by regulations made in this behalf by the Authority.

(3) The exercise of any powers or discharge of any duties or functions under sub-section (1) by any officer or other employees of the Authority shall be subject to such restrictions, conditions and limitations, if any, as may be laid down by regulations of the Authority, and shall also be subject to its control and supervision.

27. No person who has, directly or indirectly, by himself or through his partner or agent, any share or interest in any contract by or on behalf of the Authority, or in any

employment under, by or on behalf of the Authority, otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Authority.

28.(1) The objects of the Authority shall be to promote and secure better planning and development of any area of the State and for that purpose the Authority shall have the powers to acquire by way of purchase transfer, ex-change or gift or to hold, manage, plan, develop and mortgage or otherwise dispose of land or other property or to carry out itself or in collaboration with any other agency or through any other agency on its behalf, building, engineering, mining and other operations to execute works in connection with supply of water, disposal of sewerage, control of pollution and other services and amenities and generally to do anything with the prior approval or on direction of the State Government, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Authority itself or in collaboration with any other agency or through any other agency on its behalf,-

(i) if so required by the State Government or the Board, take up the works in connection with the preparation and implementation of Regional Plans, Master Plans and New Township Plans and town improvement schemes ;

(ii) undertake the work relating to the amenities and services to be provided in the urban areas, urban estates, promotion of urban development as well as construction of houses ;

(iii) promote research, development of new techniques of planning, land development and house construction and manufacture of building material ;

(iv) promote companies, association and other bodies for carrying out the purposes of the Act ; and

(v) perform any other function which are supplemental, incidental or consequential to any of the functions referred to in this sub-section or which may be prescribed.

29.(1) Where the State Government is of opinion that the object of proper development of any area or group of areas together with such adjacent areas as may be considered necessary will be best served by entrusting the work of development or redevelopment thereof to a Special Authority, instead to the Punjab Urban Planning and Development Authority,

the State Government may, by notification, constitute an Authority for such area to be called the Special Urban Planning and Development Authority for that area and thereupon, all the powers and functions of the Punjab Urban Planning and Development Authority relating to development and redevelopment of that area under this Act, shall be exercised and performed by the Special Urban Planning and Development Authority so constituted.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The Special Urban Planning and Development Authority constituted under sub-section (1) shall consist of the following members to be appointed by the State Government, namely :-

(i) a Chairman ;

(ii) a Chief Administrator who shall be appointed from amongst the officers of the Government of Punjab having such qualifications and experience as may be prescribed ; and

(iii) other members not exceeding ten to be appointed by the State Government :

*[*Provided that out of the aforesaid members, the State Government may appoint a co- Chairman and Vice- Chairman*:

Provided further that out of the said members, atleast three members will be the members of the local authority or authorities functioning in the area of jurisdiction of the Special Urban Planning and Development Authority.]

(4) Every Special Urban Planning and Development Authority constituted under sub-section (1) shall be a body corporate as well as a local authority, by the name aforesaid, having perpetual succession and a common seal , with power to acquire , hold and dispose of property both movable and

---

*** Substituted by Punjab Act No. 30 of 2006.**

immovable, and, to contract and by the said name sue and be sued.

(5) The provisions of this Act shall ***mutatis mutandis*** apply to Special Urban Planning and Development Authority constituted under sub-section (1) as they apply in relation to the Punjab Urban Planning and Development Authority with the modification that references to the Punjab Urban Planning and Development Authority, shall be construed as references to the Special Urban Planning and Development Authority.

30.(1) Where the State Government is satisfied that it is expedient in the Public interest so to do, it may, by notification, designate any local authority functioning in a planning area to be the Special Urban Planning and Development Authority for that area or any part thereof and thereupon all the powers and functions of the Punjab Urban

Planning and Development Authority relating to that area or part thereof, as the case may be, shall be exercised by such local authority.

(2) On the issue of a notification under sub-section (1), the powers to be exercised and functions to be performed by the Chairman of the Authority under this Act shall be exercised and performed in the case of a Municipal Corporation by its Mayor, in the case of a Municipal Council by its President, and, in the case of an Improvement Trust by its President by its President and those of the Chief Administrator of the Authority by the Chief Executive Head, by whatever name he is called, of the Municipal Corporation or the Municipal Council, or the Improvement Trust, as the case may be.

31. (1) Where the State Government is of opinion that object of proper planning and development of a site of a new town will be best served by entrusting the work of development thereof to a Special Authority, instead to the Punjab Urban Planning and Development Authority, it may, by notification, constitute a Special Authority for that site to be called the New Town Planning and Development Authority and thereupon, all the powers and the functions of the Punjab Urban Planning and Development Authority relating to the development of that site of the new town under this Act shall be exercised and performed by such New Town Planning and Development Authority.

(2) A New Town Planning and Development Authority constituted under sub-section (1), shall be a body corporate as well as local authority by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immoveable and to contract, and by the said name sue and be sued.

(3) A New Town Planning and Development Authority will consist of the following members, namely :-

(i) a Chairman ;

(ii) a Chief Administrator who shall be appointed from amongst the officers of the Government of Punjab having such qualifications and experience as may be prescribed ; and

(iii) other members not exceeding ten to be appointed by the State Government.

(4) The provisions of this Act shall *mutatis mutandis* apply to a New Town Planning and Development Authority as they apply in relation to the Punjab Urban Planning and Development Authority, with the modification that references to the Punjab Urban Planning and Development Authority shall be construed as references to a New Town Planning and Development Authority.

32. (1) Where the State Government after consultation with the Board, is of the opinion that it is necessary or expedient in the Public Interest or in the interest of the development of the area under the jurisdiction of two or more Special Urban Planning and Development Authorities, that two or more Special Urban Planning and Development Authorities, should be amalgamated, the State Government may, by notification in the official Gazette, provide for the amalgamation of such Special Urban Planning and Development Authorities (hereinafter in this Chapter referred to as the transferor Special Urban Planning and Development Authorities) into a single Special Urban Planning and Development Authority (hereinafter in this Chapter referred to as the transferee Special Urban Planning and Development Authority) with such constitution, property, powers, rights, interest, authorities and privileges ; and with such liabilities, duties and obligations, as may be specified in the notification.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates and specify the date with effect from which the amalgamation shall become effective.

(3) Every notification issued under sub-section (1) may also provide for one or any of the following matters, namely :-

(a) the continuance in service of all the employees of the transferor Special Urban Planning and Development Authorities in the transferee Special Urban Planning and Development Authority at the same remuneration and on the same terms and conditions of service, which they were getting, or, as the case may be, by which they were being governed, immediately before the date on which the amalgamation takes effect ;

(b) the other terms and conditions for the amalgamation of the Special Urban Planning and Development Authorities ;

(c) the continuance by or against the transferee Special Urban Planning and Development Authority of any pending legal proceedings by or against any transferor Special Urban Planning and Development Authority ; and

(d) such consequential, incidental and supplementary provisions, as may, in the opinion of the State Government be necessary to give effect to the amalgamation.

(4) Notwithstanding anything contained in clause (a) of sub-section (3), where any employee of the transferor Special Urban Planning and Development Authority by notice in writing given to the transferee Special Urban Planning and Development Authority at any time before the expiry of three months next following the date on which the amalgamation takes effect has intimated his intention of not becoming an employee of the transferee Special Urban Planning and Development Authority, he shall cease to be employee of that Authority on the expiry of the notice served and

shall be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisations of the transferor Special Urban Planning and Development Authority immediately before the date of amalgamation ;

(5) On and from the date on which the amalgamation takes effect under sub-section (2), the transfer or Special Urban Planning and Development Authorities shall cease to carry on business or to discharge any liability or obligation except to the extent as may be necessary for the implementation of the provisions of the said amalgamation and shall stand dissolved from the date of amalgamation ;

(6) Not with standing anything contained in the Industrial Disputes Act, 1947 (Central Act XIV of 1947) or any other law for the time being in force, the transfer of the service of any employee of the transferor Special Urban Planning and Development Authorities to the transferee Special Urban Planning and Development Authority shall not entitle any such employee to any compensation under that Act or any other law for the time being in-force and no such claim shall be entertained by any court, tribunal or any other authority.

33.(1) Where the State Government after consultation with the Board, is of the opinion that it is necessary or expedient in the Public Interest or in the interest of the development of the area under the jurisdiction of any Special Urban Planning and Development Authority, that any area under the jurisdiction of the said Authority should be excluded from its jurisdiction, the State Government may, by notification in the official Gazette, provide for the exclusion of such area and to constitute new Special Urban Planning and Development Authority for the area so excluded.

(2) On the constitution of a new Special Urban Planning and Development Authority under sub-section (1), the assets and liabilities of the Special Urban Planning and Development Authority from whose jurisdiction the area is so excluded (hereinafter referred to the existing Special Urban Planning and Development Authority) shall be apportioned between the successor Special Urban Planning and Development Authorities in the manner specified hereinafter –

(i) all lands and stores, articles and other goods belonging to the existing Special Urban Planning and Development Authority shall,-

(a) If within the area of jurisdiction of the Special Urban Planning and Development Authority, pass on to the successor Special Urban Planning and Development Authority in whose area they are situated;

(b) If outside the area of the Special Urban Planning and Development Authority, be apportioned between the successor Special Urban Planning and Development Authorities according to ratio of the area falling under their respective jurisdiction.

(ii) The bank balances and grants received from time to time shall be apportioned between the successor Special Urban Planning and Development Authorities according to ratio of the area falling under their respective jurisdiction:

Provided that a grant given for the development of an area which falls within the exclusive jurisdiction of any of the successor Special Urban Planning and Development Authorities, shall be transferred to that successor Special Urban Planning and Development Authority ;

(iii) Where before the date of exclusive of any area the existing Special Urban Planning and Development Authority has made any contract for the purpose of that Authorities, that contract shall be deemed to have been made,-

(a) if the purposes of the contract are on and from the date of exclusion of the area exclusively purposes of any one of the successor Special Urban Planning and Development Authority, by that successor Authority ; and

(b) If the purposes of the contract are on and from that date not exclusively purposes of any one of the Special Urban Planning and Development Authorities, by all the Special Urban Planning and Development Authorities and, the rights and liabilities which has accrued or may accrue under any such contract shall, to the extent to which they would have been the rights and liabilities of the existing Special Urban Planning and Development Authority, be the rights and the liabilities of the successor Special Urban Planning and Development Authority, or, as the case may be, the successor Special Urban Planning and Development Authorities, according to the ratio of the area falling under their respective jurisdiction.

(3) Where the existing Special Urban Planning and Development Authority is a party to any legal proceedings with respect to any property, rights or liabilities, subject to apportionment under this section, the successor Special Urban Planning and Development Authority which succeeds to or acquires a share in that property or to those rights or liabilities, shall be deemed to be substituted or added as a party to those proceedings and the proceedings may continue accordingly.

(4) (a) Every whole-time employee of the existing Special Urban Planning and Development Authority shall on and from the date of notification under sub-section (1) shall provisionally continue to be an employee of that Authority unless he is required, by general or special order of the State Government, to serve as an employee of any other Successor Special Urban Planning and Development Authority.

(b) As soon as may be after the date of notification under sub-section (1), the State Government shall by general or special order, determine the Successor Special Urban Planning and Development Authority to which every employee referred to in clause (a) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(c) Every employee who is finally allotted under the provisions of clauses (b), to a Successor Special Urban Planning and Development Authority shall, if he is not already serving with that Authority, be made available for serving with the Successor Special Urban Planning and Development Authority from such date as may be agreed upon between the successor Special Urban Planning and Development Authorities or in default of such agreement as may be determined by the State Government.

(d) The State Government may, by order, establish an advisory committee for the purpose of assisting it with regard to –

(i) the division and integration of the employees among the Successor Special Urban Planning and Development Authorities ; and

(ii) the ensuring of fair and equitable treatment to all employees affected by the provisions of this sub-section and the proper consideration of any representations made by such employees.

(e) The terms and conditions of the employees of the existing Special Urban Planning and Development Authority applicable to them immediately before the date of notification under sub-section (1) shall not be varied to their disadvantage except with the previous approval of the State Government.

(f) Notwithstanding anything contained in clause (a) of sub-section (4), where any employee of the existing Special Urban Planning and Development Authority by notice in writing given to the Successor Special Urban Planning and Development Authority at any time before the expiry of three months next following the date of his final allocation has intimated his intention of not becoming an employee of the Successor Special Urban Planning and Development Authority to which he is so allocated, he shall cease to be employee of that Authority on the expiry of the notice period and shall be entitled to get such gratuity. Provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisations of the existing Special Urban Planning and Development Authority immediately before the date of amalgamation.

(5) The benefit or burden of any assets and liabilities of the existing Special Urban Planning and Development Authority not dealt within the foregoing provisions of this section shall pass on to the Successor Special Urban Planning and Development Authorities in the manner agreed upon, between them in case no such agreement is reached within a period of one year from the date of exclusion of the area, the State

Government shall be competent to determine the same at the request of either of the Successor Special Urban Planning and Development Authorities.

34.(1) Where the State Government is satisfied that the purposes for which an Authority is constituted or designated under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary, the State Government may, by notification, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved accordingly.

(2) From the date specified under sub-section (1),-

(a) all properties, funds and dues which are vested in, or realiseable by, the Authority shall vest in, or be realiseable by, the State Government;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the State Government ; and

(c) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the State Government.

CHAPTER IV

RELATIONS BETWEEN THE STATE GOVERNMEN, THE AUTHORITY AND THE LOCAL AUTHORITIES ETC.

35. Where any area has been developed by the Authority, the Authority shall entrust the local authority discharging municipal function, within whose local limits the area so developed is situated, with the responsibility for the maintenance of the amenities which have been provided in the area by the Authority or for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided, on such terms and conditions including vesting of streets, amenities and public places in that local authority, as may be agreed upon between the Authority and the local authority and where such terms and conditions can not be agreed upon such terms and conditions as are settled by the State Government in consultation with the local authority on a reference being made to the State Government by the Authority.

36.(1) Notwithstanding anything contained in any other law for the time being in force, the State Government, may by notification in the Official Gazette, abolish an Improvement Trust from such date as may be specified in the notification hereinafter referred to as the appointed day.

(2) On and from the appointed day the Improvement Trust specified in the notification issued sub-section (1) shall stand dissolved and all its assets and liabilities shall stand transferred to and vested in the Authority.

(3) The assets of the Improvement Trust shall be deemed to include all rights and all property, whether movable and immovable, belonging to or vested in the Improvement Trust, including in particular cash balances, reserve funds, investments, deposits and all other interests and rights in or arising out of such property as may be in the possession of the Improvement Trust and all books of account or documents kept or maintained by the Improvement Trust, and the liabilities of the Improvement Trust shall be deemed to include all debts, liabilities and obligations of whatever kind existing and pertaining to the Improvement Trust.

37.(1) Where an Improvement Trust has established a provident fund or superannuation fund or any other similar fund for the benefit of its employees and constituted trust in respect thereof, hereinafter referred to as the existing trust, the moneys standing to the credit of any such fund on the appointed day, together with any other assets belonging to such fund shall stand transferred to and vested in the Authority free from any right of such existing trust and the Authority shall, as soon as may be, constitute in respect of the moneys and other assets which are so transferred to and vested in it, one or more trusts having objects similar to the objects of the existing trusts as may be practicable.

(2) Where all the moneys and other assets belonging to the existing trust are transferred to and vested in the Authority under sub-section (1), the trustees of such trust, as from the date of such transfer be discharged from the trust, except as regards things done or omitted to be done before such transfer.

38. (1) Unless otherwise expressly provided by or under this Act, all contracts, arrangements and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Improvement Trust is a party or which are in favour of the Improvement Trust, shall be of full force and effect against or in favour of the Authority, as the case may be, and may be enforced or acted upon fully and effectually, as if instead of the Improvement Trust, the Authority had been a party there to or as if they had been entered into or issued in favour of the Authority.

(2) If on the appointed day any suit, appeal or other legal proceedings of whatever nature by or against the Improvement Trust is pending, then, it shall not abate or be discontinued or be in any way prejudicially effected by reason of the transfer to the Authority of the assests and liabilities of the Improvement Trust or of any thing done under this Act, but the suit, appeal or other legal proceedings may be continued, prosecuted and enforced by or against the Authority.

Explanation- For the purposes of this sub-section, legal proceedings include any proceedings under the Land Acquisition Act, 1894 (Central Act 1 of 1894).

39.(1) Every whole-time employee of the Improvement Trust shall, on and from the appointed day, become an employee of the Authority, and shall hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to gratuity, if any, and other matters as he would have held the same on the appointed day if this Act had not come into force and shall continue to do so unless and until his remuneration, terms and conditions, are duly altered by the Authority with the previous approval of the State Government.

(2) Notwithstanding anything contained in sub-section (1), where any employee of the Improvement Trust by notice in writing given to the Authority at any time before the expiry of three months next following the appointed day, has intimated his intention of not becoming an employee of the Authority, he shall cease to be employee of the Authority on the expiry of the notice period and be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisation of the Improvement Trust immediately before the appointed day.

(3) If any question arises as to whether any person was a whole-time employee of the Improvement Trust immediately before the appointed day, the question shall be referred to the State Government whose decision shall be final.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or in any other law for the time being in force, the transfer of the service of any employee of the Improvement Trust to the Authority shall not entitle any such employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or any other authority.

40 (1) The Authority shall carry out such directions as may be issued to it, from time to time, by the State Government for the efficient administration of this Act.

(2) The State Government may depute any officer to inspect or examine the office of the Authority, or its development works and to report thereon and the office so deputed may, for the purposes of such inspection or examination call for,-

(a) any extract from any proceedings of the Authority or any Committee constituted under this Act, record, correspondence, plan or other documents ;

(b) any return, estimates, statement of accounts or statistics ;

(c) any report ,

and the Authority shall furnish the same.

41. The Authority shall furnish to the State Government such reports, returns, record and other information as the State Government may, from time to time, require.

CHAPTER V
ACQUISITION AND DISPOSAL OF LAND BY THE AUTHORITY

42.(1) When any land other than the land owned by the Central Government is required for the purposes of the Authority under this Act, the State Government may, at the request of the Authority, proceed to acquire it under the provisions of Land Acquisition Act, 1894, and on payment by the Authority of the compensation awarded under that Act and of any other charges incurred in acquiring the land, the land shall vest in the Authority.

(2) For the purposes of the Land Acquisition Act, 1894, and any other law for the time being in force, the Authority shall be deemed to be a local Authority.

43 (1) Subject to any directions by the State Government under this Act, the Authority may dispose of –

(a) any land acquired by it or transferred to it by the State Government without undertaking or carrying out any development thereon ; or

(b) any such land after undertaking or carrying out such development as it thinks fit to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing proper development.

(2) The transfer of land to any person under sub-section (1) shall be subject to such further conditions as may be prescribed with regard to completion of buildings or parts thereof or with regard to extension of period for such completion and payment of fees for such extension.

(3) Nothing in this Act shall be construed as enabling the Authority to dispose of land by way of gift, but subject to this condition, reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner whether by way of sale, exchange, lease or by the creation of any easement, right or privilege or otherwise.

(4) Subject to the provisions hereinbefore contained, the Authority may sell, lease, or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to it on such terms and conditions as it may, from time to time determine.

(5) The consideration money for any transfer under sub-section (4) shall be paid to the Authority in such manner as may be determined by the Authority.

(6) Notwithstanding anything contained in any other law for the time being in force, any land or building, or both, as the case may be, shall continue to belong to the Authority until the entire consideration money together with interest and any other amount, if

any, due to the Authority, on accounts of the transfer of such land or building or both, is paid.

(7) Unless and until conditions provided in the regulations made by the Authority are fulfilled, the transferee shall not transfer any of his rights in the land or building except with the previous permission of the Authority which may be granted on such terms and conditions and on payment of such fee as may be determined by the Authority.

44. (1) Where any person makes default in the payment of-

(i) any rent due in respect of any lease of any land or building, or both, as the case may be, under section 43; or

(ii) any fees or contribution payable under this Act in respect of any land or building, or both, the Estate Officer may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the person by way of penalty :

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(2) Where any person makes default in the payment of any amount, being the arrears or penalty or both directed to be paid under sub-section (1), such amount may be recovered from him, as arrears of land revenue.

45.(1) Where any transferee makes default in the payment of any consideration money, or any instalment, on account of the transfer of any land or building, or both, under section 43, the Estate Officer may, by notice in writing, call upon the transferee to show cause, within a period of thirty days, why a penalty as may be determined by the Authority be not imposed upon him :

Provided that the penalty so imposed shall not exceed the amount due from the transferee.

(2) After considering the cause, if any, shown by the transferee and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded, in writing, make an order imposing the penalty and direct that the amount of money due alongwith the penalty shall be paid by the transferee within such period as may be specified in the order.

(3) If the transferee fails to pay the amount due togetherwith the penalty in accordance with the order made under sub-section (2) or commits a breach or any other condition of transfer, the Estate Officer may, by notice in writing call upon the transferee to show cause within a period of thirty days, why an order of resumption of the land or building or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten per cent of

the total amount of the consideration money, interest and other dues payable in respect of the transfer of the land or building or both, should not be made.

(4) After considering the cause if any, shown by the transferee in pursuance of a notice under sub-section (3), and any evidence that he may produce in respect of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded, in writing, make an order resuming the land or building or both, as the case may be, and direct the forfeiture as provided in sub-section (3) of the whole or any part of the money paid in respect of such transfer.

(5) Any person aggrieved by an order of the Estate Officer under section 44 or under this section may, within a period of thirty days of the date of the communication to him of such order, prefer an appeal to the Chief Administrator in such form and manner, as may be prescribed :

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time :

(6) The Chief Administrator may, after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such order as he thinks fit.

(7) The Chief Administrator may either on his own motion or on an application received in this behalf at any time within a period of six months from the date of the order, call for the record of any proceedings in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation thereto as he thinks fit :

Provided that the Chief Administrator shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

(8) Where a person is aggrieved by any order of the Chief Administrator, deciding the case under sub-section (6) or sub-section (7), he may, within thirty days of the date of communication to him of such order, make an application in writing to the State Government for revision against the said order and the State Government may confirm, alter or rescind the order of the Chief Administrator.

CHAPTER VI

POWER TO EVICT PERSONS FROM PREMISES OF THE AUTHORITY

46.(1) If the Estate Officer is satisfied-

(a) that any person authorised to occupy any premises of the Authority has,-

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months ; or

(ii) sublet, without the permission of the Estate Officer, the whole or any part of such premises ; or

(iii) otherwise acted in contravention of any of the terms expressed or implied, under which he is authorised to occupy such premises : or

(b) that any person is in un-authorised occupation of any premises of the Authority ; or

(c) that any person has not vacated any premises which has been resumed under section 45 ;

the Estate Officer may, notwithstanding anything contained in any law for the time being in force, by notice served by post or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed order that person, as well as any other person, who may be in occupation of the whole or any part of the premises, shall vacate them within a period of thirty days from the date of the service of the notice :

Provided that no such order shall be passed unless such person has been afforded an opportunity to show cause as to why such order should not be made.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Estate Officer may evict that person from, and take possession of, the premises and may for that purpose use such force, as may be necessary.

(3) If a person, who has been ordered to vacate any premises under sub-clause (i) or sub-clause (iii) of clause (a) of sub-section (1), within a period of thirty days from the date of service of the notice or within such longer time as the Estate Officer may allow, pays the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the Estate Officer, as the case may be, the Estate Officer shall in lieu of evicting such person under sub-section (2) cancel his order made under sub-section (2) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

47. Where any person is in unauthorised occupation of any premises of the Authority, the Estate Officer may in the prescribed manner, assess such damages on account of the use and occupation of the premises as he may deem fit and may by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of

such premises or in such other manner as may be prescribed, order that person to pay the damages within such time not being less than thirty days as may be specified in the notice and if any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrear of land revenue.

48 (1) Any person aggrieved by an order of the Estate Officer under section 46 or section 47 may within a period of thirty days from the date of the service of notice under section 46 or section 47, as the case may be, prefer an appeal to the Competent Authority :
Provided that the Competent Authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred under sub-section (1) the Competent Authority may stay the enforcement of the order of the Estate Officer for such period and on such conditions, as it deems fit.

(3) Every appeal under this section shall be disposed of by the Competent Authority as expeditiously as possible.

CHAPTER VII
FINANCE, ACCOUNTS AND AUDIT OF THE ACCOUNTS OF THE AUTHORITY

49.(1) The Authority shall have and maintain its own fund to which shall be credited-

(a) all moneys received by the Authority from the State Government and the Central Government by way of grants, loans, advances or otherwise ;

(b) all moneys received by the Authority from sources other than the State Government or the Central Government, by way of loans or debentures ;

(c) all fees received by the Authority under this Act ;

(d) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable ;

(e) all moneys received by the authority by way of the rent and profits or in any other manner or from any other source; and

(f) all moneys received by the Authority in connection with the execution of any town development scheme.

(2) The funds of the Authority shall be applied towards meeting-

(a) the expenditure incurred in the administration, implementation and carrying out the provisions of this Act;

(b) the cost of acquisition of land for the purposes of this Act;

(c) the expenditure for development of land and construction of houses ; and

(d) the expenditure for such other purposes as the State Government may direct or permit.

(3) The Authority shall keep its fund in any Scheduled Bank or in any Apex Co-Operative Bank or a Central Co-Operative Bank.

(4) The Authority may invest any portion of its fund is such securities or in such other manner as it may determine from time to time.

(5) The income resulting from investments mentioned in sub-section (4) and proceeds of the sale of the same shall be credited to the fund of the Authority.

50. The State Government may make such grants, advances and loans to the Authority, as the State Government may deem necessary, for the performance of its functions under this Act and all grants, loans and advances so made shall be on such terms and conditions as the State Government may determine.

51.(1) The Authority may, from time to time, borrow money by way of loans and debentures or bonds or such other financial instruments from such sources, other than the State Government, and on such terms and conditions as it may determine from time to time.

(2) The Authority may advance money for constructing buildings for residential, industrial or commercial purposes on such terms and conditions, as it may determine from time to time.

52. The Authority shall prepare in such form, and at such time every year, as may be prescribed, a budget in respect of the next financial year showing the estimated receipts and expenditure of the Authority and shall forward to the State Government such number of copies of thereof, as may be prescribed.

53 (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and in such manner as may be prescribed.

(2) The Authority shall cause its accounts to be audited annually by the auditors duly qualified to act as auditors under sub-section (1) of section 226 of the Companies Act, 1956.

(3) As soon as the accounts of the Authority are audited, the Authority shall send a copy thereof together with the audit report thereon to the State Government and also cause the accounts to be published in the prescribed manner.

(4) Notwithstanding anything contained in this section, the State Government may order that there shall be concurrent or special audit of accounts of the Authority by such person or authority as it thinks fit.

(5) The State Government shall cause to be laid a copy of the audit report before the House of the State Legislature.

54.(1) The Authority shall prepare every year a report of its activities during that year, and submit that report to the State Government, in such form and on or before such date as may be prescribed.

(2) The State Government shall, as soon as may be, cause the report submitted by the Authority under sub-section (1) to be laid before the House of the State Legislature.

55. The Authority shall constitute, for the benefit of its whole time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed, such provident fund as it may deem fit.

CHAPTER VIII

PLANNING AREAS AND PLANNING AGENCIES

56.(1) *[*The State Government may, from time to time by notification in the official Gazette, declare any area in the State to be a regional planning area, a local planning area or the site for a new town (hereinafter referred to as the planning area).]*

(2) Before making the declaration under sub-section (1) the**[*State Government*] may take into consideration such matters as may be prescribed.

(3) Every notification published under sub-section (1) shall *** [*indicate the limits and the name]* of the area to which it relates.

(4) **** […….]

(5) ***** […….]

(6) ****** [*Except in such class or category of cases, which the State Government may, by order for the reasons to be recorded in writing, exempt, and except in the case of operational constructions or constructions in any area comprised in abadi-deh of any village, falling inside its lal lakir or phirni, no person shall, on or after publication of notification under sub-section (1), and till the date, the Regional Plan or the Master Plan comes into operation under section 64 or under section 75, as the case may be, institute or change the use of land for any purpose or carry out any development in respect of any land without the previous permission of the Competent Authority and the provisions of sections 67 and 68 mutatis mutandis shall apply to the grant of such permission:]*

******* *[Provided that the exemptions granted in the case of operational constructions and constructions in the areas comprised in abadi-deh of any village falling inside its lal lakir or phirni, shall not apply in the case of development affecting heritage site or its vicinity.]*

* Substituted by Punjab Act No. 30 of 2006.
** Substituted by Punjab Act No. 30 of 2006.
*** Substituted by Punjab Act No. 30 of 2006.
**** Omitted by Punjab Act No. 30 of 2006.
***** Omitted by Punjab Act No. 30 of 2006.
****** Substituted by Punjab Act No. 30 of 2006.
******* Inserted by Punjab Act No. 13 of 2003.

(7) *[*The State Government*] may, after following the procedure as laid down in this section, alter the limits of any regional planning area, local planning area or the site for a new town.

57. **[*As soon as may be, after declaration of a regional planning area, a local planning area or a site for new town, the State Government may, designate planning agency for that area.]*

58. (1) The Designated Planning Agencies will work under the over all directions and control of *** [T*he State Government.]*

(2) The Board may assign any or all of the following functions to the Designated Planning Agency, namely,-

(i) to carry out survey of the regional planning area, local planning area or a site for new town, as the case may be, and, prepare reports on the surveys so carried out ;

(ii) **** [*to prepare an existing land use map and such other maps, as may be necessary for the purposes of preparing regional plan, master plan, a new town development plan;*

(iii) *to prepare a regional plan, a master plan and a new town development plan; and]*

(3) ***** [*In accordance with the directions of the State Government]* a Designated Planning Agency shall exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act and also perform any other functions which are supplement, incidental or consequential to any of the functions specified in sub-section (2) or as may be prescribed.

*** Substituted by Punjab Act No. 30 of 2006.**

**** Substituted by Punjab Act No. 30 of 2006.**

***** Substituted by Punjab Act No. 30 of 2006.**

****** Substituted by Punjab Act No. 30 of 2006.**

******* Substituted by Punjab Act No. 30 of 2006.**

59.(1) *[P*reparation of present land use map, - As soon as may be, the Designated Planning Agency shall, but not later than six months after its designation or within such time, as the State Government may, from time to time, extend, prepare a present land use map in the form, to be prescribed indicating the present use of every piece of land in the planning area.]*

(2) After the preparation of the present land use map and register under sub-section (1), the Designated Planning Agency shall publish a public notice of the preparation of the map and register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the map and register within thirty days of the publication of such notice.

(3) After the expiry of the period mentioned in sub-section (2), the Designated Planning Agency, after allowing a reasonable opportunity of being heard to all the persons, who have filed the objections and after considering all the obj-ections filed and after making such modifications in the map or register or both as it considers proper, adopt the map and register.

(4) As soon as may be after the adoption of the map and the register under sub-section (3), the Designated Planning Agency shall publish a public notice of the publication of map and register and the place or places where the copies of the same may be inspected and shall submit copies of the map and register to the State Government.

(5) A copy of public notice published under sub-section (4) shall also be published in the Official Gazette and the publication of the public notice in the Official Gazette in

respect of the map and register shall be conclusive evidence that the map and register have been duly prepared and adopted.

* Substituted by Punjab Act No. 30 of 2006.

60. The *[*State Government*] may determine in the prescribed manner the amount which a local authority, State Government or any other authority functioning in the Planning Area shall pay to the Designated Planning Agency as contribution towards the expenses incurred by it in the discharge of its functions under this Act and the amount shall be accordingly paid.

*** Substituted by Punjab Act No. 30 of 2006.**

CHAPTER IX

REGIONAL PLANS

61. Subject to the provisions of this Act and the rules and regulations made there under, the * [*State Government*] shall, with a view to securing planned development and use of land in a regional planning area, get surveys thereof carried-out, maps as are necessary for the purpose of preparing regional plan for that area prepared and shall within such period or periods as the **[*State Government*] may form time to time determine in this behalf, get a report of the surveys and the Regional Plan and such other documents, maps and information as it may deem fit for illustrating or explaining the provisions of the Regional Plan.

62. Subject to the provisions of this Act and any rules made thereunder for regulating the form of a Regional Plan and the manner in which it may be prepared and published, any such Regional Plan shall indicate the manner in which the *** [*State Government*] proposes that land in the regional planning area should be used, whether by carrying out thereon development or otherwise, the stages by which any such development is to be carried out, the net work of communications and transport, the proposals for conservation and development of natural resources, and such other matters as are likely to have an important influence on the development of the Regional Planning area and any such Regional Plan may in particular provide for all or any of the following matters, or for such matters thereof, as the State Government may direct, namely :-

(a) demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities ;

---

* **Substituted by Punjab Act No. 30 of 2006.**
** **Substituted by Punjab Act No. 30 of 2006.**
*** **Substituted by Punjab Act No. 30 of 2006.**

(b) reservation of areas for open spaces, recreation, reserves, animal sanctuaries, dairies and health resorts ;

(c) transport and communication network such as roads, highways, railways, waterways, canals and airports including their development ;

(d) water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas ;

(e) reservation of sites for new towns, industrial estates and any other large scale developments or projects which are required to be undertaken for proper development of the regional planning area ;

(f) preservation, conservation and development of areas of natural scenery, forest, wild life, * *[natural resources, land-scaping, heritage site and control of development, which is either affecting the heritage site or its vicinity;]*

(g) **[*preservation of objects, features, structure or places of historical, natural, architectural or scientific interest, educational value and heritage site;]*

(h) areas required for military and defence purposes ;

(i) prevention of erosion, provision for afforestation or reforestation, improvement and redevelopment of water front area, rivers and lakes ;

(j) irrigation, water supply and hydro-electric works, flood control and prevention of river pollution ; and

(k) re-allocation of population or industry from over populated and industrially congested area, indicating the density of population or the concentration of industry to be allowed in any area.

63.(1) The designated planning agency shall, after the surveys have been carried out and necessary maps prepared, prepare or get prepared and publish a draft Regional Plan, by making copy thereof available for inspecting and publish a notice in such form and manner as may be prescribed inviting objections and suggestions from any person with respect to the draft

---

*** Substituted by Punjab Act No. 13 of 2003.** **** Substituted by Punjab Act No. 13 of 2003**.

Regional Plan before such date as may be specified in the notice, such date not being earlier than *[*thirty days*] from the date of first publication of the notice.

(2) Any person may, within such period as may be specified in the notice published under sub-section (1), send to the designated planning agency, his objections and suggestions, if any, in respect of such draft Regional Plan.

(3) ** […..].

(4) *** [*The Designated Planning Agency shall, after allowing reasonable opportunity of being heard, to all the persons, who have filed objections or suggestions under sub-section (2), finalise the draft regional plan and send it to the State Government for its consideration alongwith the objections, if any, received under sub-section (2), with its comments thereon.]*

(5) **** […..].

(6) ***** […..].

(7) ****** […..].

(8) ******* […..].

(9) ******** […..].

(10) ********* [*The State Government may approve the draft regional plan with modifications, if any, or approve it as such, in consultation with the Board.]*

64.(1) ********** [*Immediately, after a Regional Plan has been approved by the State Government under section 63, the Designated Planning Agency concerned, shall publish in the prescribed form and manner, a notice stating that the Regional Plan has been approved, and naming a place, where a copy thereof, may be inspected at all reasonable hours and shall*

* Substituted by Punjab Act No. 30 of 2006. ****** Omitted by Punjab Act No. 30 of 2006.
** Omitted by Punjab Act No. 30 of 2006. ******* Omitted by Punjab Act No. 30 of 2006.
*** Substituted by Punjab Act No. 30 of 2006. ******** Omitted by Punjab Act No. 30 of 2006.
**** Omitted by Punjab Act No. 30 of 2006. ********* Substituted by Punjab Act No. 30 of 2006.
***** Omitted by Punjab Act No. 30 of 2006. ********** Substituted by Punjab Act No. 30 of 2006.

specify therein, a date on which the Regional Plan shall come into operation; and]

(2) Except in such class or category of cases which the *[*State Government may*] in its regulations exempt and except in the case of operational constructions and constructions in the areas comprised in *Abadi Deh* of any village falling inside its *Lal Lakir or Phirni,* no person shall, on or after the date the draft Regional Plan comes into operation under sub-section (1) institute or change use of any land for any purpose or carry out any development in respect of any land without the previous permission of the Competent Authority:

**[*Provided that the exemptions granted in the case of operational constructions and constructions in the area comprised in abadi-deh of any village falling inside its lal lakir or phirni, shall not apply in the case of development affecting heritage site or its vicinity.]*

65. At any time after the date on which the Regional Plan comes into operation, the designated agency may within the prior approval of the State Government make such minor changes in the Regional Plan as may be necessitated by topographical and cartographical errors or omissions, indicate details of proposal not fully indicated on the Regional Plan or provide for changes arising out of the implementation of the proposal in the Regional Plan:

Provided that no such change shall be made unless the same is in the public interest and is notified to the public.

66. If, after the Regional Plan has come into operation, the *** [*State Government*] is of the opinion that revision of such Regional Plan is necessary, Board may direct the designated planning agency concerned to undertaken such a revision and

*** Substituted by Punjab Act No. 30 of 2006. ** Inserted by Punjab Act No. 13 of 2003.**
***** Substituted by Punjab Act No. 30 of 2006.**

thereupon the foregoing provisions of this Chapter, shall, so far as they can be made applicable, apply to the revision of the Regional Plan as these provisions apply in relation to the preparation, publication and approval of the Regional Plan :

Provided that no such direction shall be given unless a period of five years has elapsed since the coming into operating of the Regional Plan :

67.(1) Every person including a Department of State Government or the Central Government desiring to obtain permission under sub-section (2) of section 64 shall make an application to the Competent Authority in such form as may be prescribed.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed :

Provided that no fee shall be payable in the case of application made by a Department of the State Government or the Central Government.

(3) On receipt of an application for permission under sub-section (1), the Competent Authority after making such enquiry as it considers necessary, shall, by order, in writing, either grant the permission, subject to such *[*Conditions and for such period,]*as may be specified in the order or refuse to grant such permission.

(4) Notwithstanding anything contained in any law for the time being in-force, the permission referred to in this section shall not be granted otherwise than in conformity with the provisions of the draft Regional Plan or the Regional Plan, as the case may be.

(5) Where the permission is refused under sub-section (3), the grounds of such refusal shall be recorded in writing and

---

*** Substituted by Punjab Act No. 13 of 2003.**

communicated to the applicant in the prescribed manner.

(6) The Competent Authority shall keep in such form as may be prescribed a Register of applications for permission under this section.

(7) The Register referred to in sub-section (6) shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee as may be prescribed.

68.(1) Any person aggrieved by an order passed under section 67 may appeal, within thirty days of the communication of that order to him, to the State Government in such manner and on payment of such fee as may be prescribed.

(2) The State Government may, after giving reasonable opportunity of being heard to the appellant and the Competent Authority concerned, pass an order dismissing the appeal or accept the appeal by:-

(i) granting permission unconditionally ; or

(ii) granting permission subject to such condition as it may think fit:

*[*Provided that the grant of permission by the State Government, whether conditional or otherwise, shall be in conformity with the provisions of the Regional Plan.*]

(3) The decision of the State Government on the appeal shall be final and shall not be questioned in any court.

69. Any person who contravenes the provisions of sub-section (6) of section 56 or sub-section (2) of section 64 shall be punishable with imprisonment of either description for a term which may extend to three years or a fine which may extend to

*** Inserted by Punjab Act No. 13 of 2003.**

ten thousand rupees or with both, and in the case of continuing contravention with a further fine which may extend to one thousand rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

CHAPTER X
PREPARATION AND APPROVAL OF MASTER PLANS

70.(1) As soon as may be after the declaration of a planning area and after the designation of a Planning Agency for that area, the Designated Planning Agency shall, not later than one year after such declaration or within such time as ***[***the State Government may, from time to time, extend, prepare and submit to the State Government for its approval a plan* (*hereinafter called the "Master Plan"*)] for the planning area or any or its part and the ** […..] Master Plan so prepared shall –

(a) indicate broadly the manner in which the land in the area should be used ;

(b) allocate areas or zones of land for use for different purposes ;

(c) include, define and provide the existing and proposed highways, roads, major streets and other lines of communication ;

***[*(cc)indicate areas covered under heritage site and the manner in which protection, preservation and conservation of such site including its regulation and control of development, which is either affecting the heritage site or its vicinity, shall be carried out.*]

(d) indicate, regulations (hereinafter called "Zoning Regulations") to regulate within each zone the location, height, number of storeys and size of buildings and other structures open spaces and the use of building, structures and land.

(2) Subject to the provisions of the rules made under this Act for regulating the form and contents of the ****[…..]Master Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the ***** […..] Master Plan.

(3) ******[*As soon as after the Master Plan has been prepared under sub – section (1) ,by the Designated Planning*

---

* **Substituted by Punjab Act No. 30 of 2006.** *** **Inserted by Punjab Act No. 13 of 2003.**

** **Omitted by Punjab Act No. 30 of 2006.** **** **Omitted by Punjab Act No. 30 of 2006.**

***** **Omitted by Punjab Act No. 30 of 2006.** ****** **Substituted by Punjab Act No. 30 of 2006.**

Agency, the State Government, not later than such time, as may be prescribed, shall direct the Designated Planning Agency to publish the existing land use plan and master plan and the place or places, where the copies of the same may be inspected, for inviting objections in writing from any person with respect to the existing land use plan and master plan within a period of thirty days from the date of publication.]

(4) *[*The State Government, after considering the objections and in consultation with the Board, may, direct the Designated Planning Agency to modify the Master Plan or approve it as such.]*

(5) **[*The Designated Planning Agency, after approval of the State Government, shall publish the final Master Plan in the Official Gazette, after carrying out the modifications if any, under intimation to the State Government within a period of thirty days from the date of according approval by the State Government.]*

71. *** […..].

72. **** […..].

73. ***** […..].

74. ****** […..].

75. *******[*Coming into operation of Master Plan,- The Master Plan come into operation from the date of publication, referred in sub-section(5) of section 70.]*

76(1) At any after time after the date on which the Master Plan for an area comes into operation, and atleast once after every ten years, after that date, the Designated Planning Agency shall after carrying out such fresh surveys as may be considered necessary or as directed by the ********[*State Government*], prepare and submit to the Board, a Master Plan after making alterations or additions as it considers necessary.

*** Substituted by Punjab Act No. 30 of 2006. ***** Omitted by Punjab Act No. 30 of 2006.**
**** Substituted by Punjab Act No. 30 of 2006. ****** Omitted by Punjab Act No. 30 of 2006.**
***** Omitted by Punjab Act No. 30 of 2006. ******* Substituted by Punjab Act No. 30 of 2006.**
****** Omitted by Punjab Act No. 30 of 2006. ******** Omitted by Punjab Act No. 30 of 2006.**

(2) The provisions of *[*Sections 70 and 75*] shall *mutatis mutandis* as for as may be possible, apply to the Master Plan submitted under sub-section (1).

77. At any time after the date on which the **[…..] Master Plan for a planning area comes into operation the Designated Planning Agency may with the prior approval of the ***[*State Government*], make such minor changes in the Master Plan, as may be necessitated by typographical and cartographical errors and omissions, details of proposals not fully indicated on plan or changes arising out of the implementation of the proposals in the Master Plan :

Provided that no such change shall be made unless the same is in the public interest and is notified to the public.

78. After the designation of a site for a new town and after the designation of a Planning Agency for the same, the Designated Planning Agency shall prepare a Master Plan for the new town and the provisions of ****[*Sections 70 and 75*] shall *mutatis mutandis* apply to such a Master Plan.

---

* Substituted by Punjab Act No. 30 of 2006.

** Omitted by Punjab Act No. 30 of 2006.

*** Substituted by Punjab Act No. 30 of 2006.

**** Substituted by Punjab Act No. 30 of 2006.

CHAPTER XI

CONTROL OF DEVELOPMENT AND USE OF LAND IN THE AREA WHERE MASTER PLAN IS IN OPERATION

79. After the coming into operation of any Master Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Master Plan :

Provided that the Competent Authority may allow the continuance of any use of any land, for a period not exceeding ten year, upon such terms and conditions as may be provided by regulations made in this behalf for the purpose and to the extent, for and to which it was being used on the date on which such a Master Plan came into operation.

80. After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of, or change of use of, any land shall be undertaken or carried out, in that area -

(a) without obtaining the permission in writing as provided for hereafter ; and

(b) without obtaining a certificate from the Competent Authority certifying that the development charge or betterment charge as leviable under this Act has been paid or that no such charges are leviable :

*[*Provided that except in the case of development, affecting heritage site or its vicinity, no such permission shall be necessary*-]

(i) for operational constructions and constructions in the area comprised in the abadi-deh of any village falling inside its Lal Lakir or Phirni ;

(ii) for carrying out such works for the maintenance, improvement or other alteration of any building

---

* **Inserted by Punjab Act no. 13 of 2003.**

which affect only its interior or which do not materially affect the external appearance of the building ;

(iii) *[….] for the carrying out by the Central Government or the State Government or any local authority of,-

(a) any work required for the maintenance or improvement of a high way, road or public street, being work carried out on land within the boundaries of such highway, road or public street ;

(b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose ;

(iv) for the excavations (including wells and tubewells) made in the ordinary course of agricultural operation or for such constructions which are made for agricultural purposes subservient to agriculture :

Provided that such excavation or constructions are situated in the areas in which agriculture is permitted land use as per the Master Plan ;

(v) for the construction of unmetalled roads intended to give access to land solely meant for agricultural purpose.

81.(1) Any person intending to carry out any development in respect of, or a change of use of any land or intending to sub-divide his plot or to layout a private street shall make an application in writing to the Competent Authority for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(2)(a) In the case of a Department of the State Government or the Central Government or a local authority

---

*** Omitted by Punjab Act No. 30 of 2006.**

intending to carry out any development in respect of, or, change of use of, any land, the concerned Department or the local authority, as the case may be, shall notify in writing to the Competent Authority of its intention to do so giving full particulars thereof and accompanied by such documents and plans as may be prescribed, at least, two months prior to the undertaking of such development or change, as the case may be.

(b) Where the Competent Authority has raised any objection in respect of the conformity or the proposed development either to any Master Plan under preparation or to any rules in force at that time, or due to any other material consideration, the Department of the State Government or the Central Government or the local authority, as the case may be, shall either make necessary modifications in the proposals for such development or change of use to meet the objections raised by the Competent Authority or submit *****[*to the State Government the proposal for such development or change of use together with the objections raised by the Competent Authority for decision.*]

(c) The ******[*State Government]* on receipt of such proposal togetherwith the objections of the Competent Authority shall either approve the proposals with or without modifications or direct the Department of the State Government or the Central Government or the local authority, as the case may be, to make such modifications in the proposals as it considers necessary in the circumstances.

(3) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed :

Provided that no fee shall be payable in the case of an application made by a Department of the State Government or the Central Government.

(4) On an application having being duly made under

*** Substituted by Punjab Act No. 30 of 2006.**

**** Substituted by Punjab Act No. 30 of 2006.**

sub-section (1) and on payment of the development charge or betterment charges if any, as may be assessed under Chapter XIII, the Competent Authority may,-

(a) pass an order –

(i) granting permission unconditionally ; or

(ii) granting permission subject to such conditions as it may think necessary to impose ; or

(iii) refusing permission ;

(b) without prejudice to the generality of clause (a) impose conditions -

(i) to the effect that the permission granted is only for a specified period and after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued ; or

(ii) for regulating the development or use of any land under control of the applicant or for the carrying out of works on any such land as may appear to the Competent Authority expedient.

(5) The Competent Authority in considering the application for permission shall ensure that it is in conformity with the provisions of the Master Plan prepared or under preparation under this Act and where the development or change or use of any land is likely in the opinion of the Competent Authority to interfere with the operation of the Master Plan or to be prejudicial to planned development, or any plan for development of the Authority, the Competent Authority may refuse such permission.

(6) Where permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and such order shall be communicated to the applicant in the prescribed manner.

(7) *****[*If the Competent Authority does not communicate its decision to grant or refuse permission to the applicant within a period of sixty*

*** Substituted by Punjab Act No. 13 of 2003.**

days from the date of receipt of his application in case other than the heritage site, and within a period of one hundred twenty days in the case of heritage site and development affecting such site, or within a period of sixty days from the date of receipt of reply from the applicant in respect of any requisition made by the Competent Authority, whichever is later, then such permission shall be deemed to have been granted to the applicant on the date immediately following the date of

expiry of the later date without prejudice to the provisions of this Act, rules and regulations made thereunder:

Provided that any development carried out in pursuance of such deemed permission, which is in contravention of the provisions of the Act, rules and regulations made thereunder, shall be deemed to be an unauthorised development for the purposes of sections 86, 87, 88, 89 and 90.]

82.(1) Any person aggrieved by an order passed under section 81 may, within thirty days of the communication of that order to him, appeal to the appellate authority, as the State government may, by notification, appoint, for the purpose of this section, in such manner and on payment of such fees as may be prescribed.

(2) The appellate authority may, after giving a reasonable opportunity of being heard to the appellant and the Competent Authority concerned, pass an order dismissing the appeal or accepting the appeal by,-

(i) granting permission unconditionally ; or

(ii) granting permission subject to such conditions as it may think fit ; and

(iii) removing the conditions subject to which permission has been granted and imposing other conditions, if any, as it may think fit :

*****[*Provided that the grant of permission by the appellate authority, whether conditional or otherwise, shall be in conformity with the provisions of the Master Plan.]*

(3) The decision of the appellate authority on the appeal shall be final and shall not be questioned in any court.

83. Any permission granted under section 80 shall remain in force for a period of two years from the date of grant of such permission and should the permission be not availed of for the purpose for which it is granted within the aforesaid period, the permission shall be deemed to have lapsed ;

Provided that the Competent Authority may, on application made in this behalf before the expiry of the aforesaid period extend such period from year to year but such extended period shall in no case exceed two years :

Provided further that such lapse shall not bar any subsequent application for fresh permission under section 80.

84. (1) Where any person, aggrieved by an order of the Competent Authority under section 81 or of the appellate authority under section 82 refusing to grant permission or granting permission subject to conditions, claims –

(a) that the land has become incapable of reasonably beneficial use in its existing state ; or

(b) in a case where permission is given subject to conditions, that the **[*land and building*] cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions ;

he may, within such time and in such manner as may be prescribed, serve on the State Government a notice (hereinafter referred to as " the acquisition notice ") requiring the State

---

*** Inserted by Punjab Act No. 13 of 2003.**

**** Substituted by Punjab Act No. 13 of 2003.**

Government to acquire his interest in the land.

(2) A copy of the acquisition notice referred to in sub-section (1) shall be served on the Competent Authority concerned.

(3) After receiving the notice under sub-section (1), the State Government shall appoint a person having qualifications as may be prescribed who shall after giving a reasonable opportunity of being heard to the person serving the acquisition notice, and the Competent Authority concerned, submit a report thereon to the State Government.

(4) After receiving the report under sub-section (3) the State Government shall –

(a) (i) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is not fulfilled ; or

(ii) if the order appealed against was passed on the ground that any of the provisions of this Act or the rules made thereunder had not been complied with ;

pass an order refusing to confirm the notice ; or

(b) if it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (1) is fulfilled, pass an order ---

(i) confirming the notice ; or

(ii) directing the Competent Authority to grant such permission or to alter the conditions in such a way as will leave the land or part thereof capable of reasonably beneficial use.

(5) If within a period of one hundred and twenty days from the date of which an acquisition notice is served, the State Government does not pass an order thereon under sub-section (4) the notice shall be deemed to have been confirmed on the expiration of such period.

(6) On an acquisition notice being confirmed under sub-section (4) or deemed to have been confirmed under sub-section (5), the Competent Authority concerned shall get the land or that part thereof acquired in respect of which the notice has been confirmed within one year of such confirmation.

85.(1) If it appears to the Competent Authority that it is necessary or expedient having regard to the Master Plan prepared or *[*under preparation or revision*] and to any other material considerations, that any permission to develop land granted under this Act or any other law for the time being in force should be revoked or modified, it may, after giving a reasonable opportunity of being heard to the person in whose favour the permission had been granted, by an order revoke or modify the permission to such extent as appears to it to be necessary :

Provided that –

(a) where the permission relates to the carrying out of building or other operation, no such order -

(i) shall affect such of the operations as have been previously carried out ;

(ii) shall be passed after these operations have been completed ;

(b) where permission relates to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) When permission is revoked or modified by an order made under sub-section (1), the owner may, within such time and in such manner as may be prescribed, claim compensation for the expenditure incurred in carrying out any work in accordance with such permission and which has been rendered abortive by the revocation or modification of permission.

(3) Where a claim under sub-section (2) is received by the Competent Authority concerned, it shall , after giving the owner

---

* **Substituted by Punjab Act No. 13 of 2003.**

reasonable opportunity of being heard, assess the amount of compensation and offer it to the owner.

(4) if the owner does not accept the compensation offered under sub-section (3), and gives notice, within such time as may be prescribed, of such refusal, the Competent Authority shall refer the matter for the adjudication of the prescribed authority and the decision of the prescribed authority shall be final and binding on the owner and the Competent Authority.

86.(1) Any person who, either, by himself or at the instance of any other person, commences, undertakes or carries out development of or changes the use of, any land –

(a) in contravention of any *[*Master Plan prepared or under preparation or revision]* ; or

(b) without obtaining certificate regarding development charge or betterment charge under section 80 ; or

(c) without the permission as required under section 81 ; or

(d) in contravention of any condition subject to which such permission has been granted ; or

(e) after the permission for development has been revoked under section 85 ; or

(f) in contravention of the permission which has been modified under section 85,

shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or with both, and in the case of continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a ** [*Master Plan prepared or under preparation or revision]* without

---

* **Substituted by Punjab Act No. 13 of 2003.**

** **Substituted by Punjab Act No. 13 of 2003.**

having been allowed under section 80 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or , with both, and in the case of continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) Any person who, either by himself or at the instance of any other person, erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 80, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with both, and in case of a continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

87.(1) Where any development or land has been or being carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 86 or any building has been erected or re-erected or any excavation has been made of extended or any means of access has been laid out to a road in contravention of the provisions of section 80, the Competent Authority may, within four years of completion of such development, erection or re-erection of building, or making or extending any excavation, or laying out of any means of access to a road as the case may be, serve on the owner a notice requiring him, being not less than one month, as may be specified therein,

after the service of the notice, to take such steps, as may be specified in the notice, namely:-

(i) in cases specified clause (a), clause (c), or clause (e) of sub-section (1) of section 86, or sub-section (3) thereof, to restore the land to its condition before the said development, erection, re-erection, excavation or laying out of any means of access to road took place ;

(ii) in cases specified in clause (d) or clause (f) of sub-section (1) of section 86, to secure compliance with the conditions or with permission as modified ;

(iii) in case specified in clause (b) of sub-section (1) of section 86, to pay the development charge or betterment charge and such penalty, if any, as may be prescribed :

Provided that in case the notice requires the discontinuance of the use of any land, the Competent Authority shall serve a notice on the occupier also.

(2) in particular, any such notice may, for the purposes of sub-section (1), require -

(i) the demolition or alteration of any building or works ;

(ii) the carrying out on land, of any building or other operations;

(iii) the discontinuance any use land.

(3) Any person aggrieved by such notice may within such period and in such manner as may be prescribed -

(a) apply for permission under section 81 for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates ; or

(b) appeal to the State Government.

(4) (a) The notice shall be of no effect pending the final disposal or withdrawal of the application or the appeal.

(b) Where permission is granted on an application referred to in clause (a) of sub-section (3), the notice shall not take effect, and where such permission is granted for the retention only of some building or work or for the continuance of use of only a part of the land, such notice shall not take effect regarding such building or work or such part of the land, but shall have full effect regarding the works or other parts of the land.

(5) Where an appeal has been preferred under clause (b) of sub-section (3), the State Government may, after allowing a reasonable opportunity to the appellant and the Competent Authority of being heard, dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit and the decision of the State Government on the appeal shall be final and shall not be questioned in any court.

(6) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission or the appeal under sub-section (3), as

the case may be, the notice or so much of it as continues to have effect, or the notice with variations made in appeal, is not complied with, the Competent Authority may,-

(a) prosecute the owner for not complying with the notice and in the case where the notice required the discontinuance of any use of land prosecute any other person also who uses the land or causes or permits the land to be used in contravention of the notice ; and

(b) (i) in the case of a notice requiring the demolition or alteration of any building or other operations, itself cause the restoration of the land to the condition in which it was before the development, erection, re-erection, excavation or laying out of any means of access to a road, as the case may be, took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the Competent Authority concerned may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations ;

(ii) may recover the cost of any expenses incurred by it in this behalf from the owner as arrear of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with both, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

88.(1) Where any development of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 86 or any building has been erected or re-erected or any excavation has been made or extended or any means of access has been laid to any road in contravention of the provisions of section 81, but has not been completed, the Competent Authority may serve on the owner and the person carrying out the development or the erection or re-erection of building or making or extending any excavation or laying out any means of access to a road, a notice requiring him to discontinue the same from the time of service of such notice.

(2) Where a notice has been served under sub-section (1), the person aggrieved by such notice may appeal to the State Government and the provisions of sub-sections (5) and (6) of section 87 shall apply with such modifications as may be necessary.

(3) Any person, who continues to carry out the development of land whether for himself or on behalf of the owner or any other person, after such notice has been served, shall be, punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or, with

both, ad when the non-compliance is a continuing one with a further fine which may extend to one thousand rupees for every day after the date of the notice during which the non-compliance has continued or continues.

(4) If a notice under sub-section (1) is not complied with forthwith, the Competent Authority or any office authorised by it in this behalf, as the case may be, may require any police officer to remove such person and other workmen from the land with his assistance and such police officer shall comply with such requisition.

(5) Where action has been taken by a Police Officer under sub-section (4), the Competent Authority or the officer referred to in that sub-section, shall take necessary steps to ensure that such development is not continued.

(6) Any expenses incurred by the Competent Authority under sub-section (4) and sub-section (5), shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as arrear of land revenue.

89.(1) If it appears to the Competent Authority that it is expedient the interests of the proper planning of any area (including the interests of amenities), having regard to the *[*Master Plan prepared or under preparation or revision*] to be prepared-

(a) that any use of land should be discontinued ; or

(b) that any conditions should be imposed on the continuance of use of any land ; or

(c) that any building or work should be altered or removed.

* **Substituted by Punjab Act No. 13 of 2003.**

the Competent Authority, may, by notice served on the owner –

(i) require the discontinuance of that use ; or

(ii) impose such conditions, as may be specified in the notice, on the continuance of use of the land ; or

(iii) require such steps, as my be specified in the notice, to be taken for the alteration or removal of any building or work, as the case may be, within such period, being not less than thirty days from the date of service of such notice, as may be specified therein.

(2) Any person aggrieved by the notice served under sub-section (1), may, appeal to the State Government within such period and in such manner as may be prescribed.

(3) If an appeal is filed under sub-section (2), the provisions of sub-sections (3) and (6) of section 87 shall apply, with such modifications as may be necessary.

(4) If any person,-

(i) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land ; or

(ii) who has carried out any works in compliance with the notice, claims from the Competent Authority, within the time and in such a manner as may be prescribed compensation in respect of the damage, or, any expenses reasonably incurred by him for complying with the notice, the provisions of sub-sections (3) and (4) of section 85 shall apply with such modifications as may be necessary.

(5)(a) If any person interested in the land in respect of which a notice is issued under this section, claims that by the reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (2) and in the manner prescribed, serve on the State Government, acquisition notice requiring his interest in the land to be acquired.

(b) When a notice is served under clause (a), the provisions of sub – section (2) to (6) of section 84 shall apply with such modifications as may be necessary.

90.(1) If at any time after permission has been granted under sub-section (4) of section 81, the Competent Authority is satisfied that such permission was granted in consequence of any material misrepresentation made or any fraudulent statement or information furnished, the Competent Authority may, after giving an opportunity of being heard to the person in whose favour the permission had been granted, cancel such permission for reasons to be recorded in writing and any development carried out without proper permission shall be treated as unauthorised development in terms of the provisions of section 89 and proceeded with accordingly.

(2) The decision of the Competent Authority in this respect shall be final and no appeal shall lie against such decision.

CHAPTER XII
TOWN DEVELOPMENT SCHEMES

91.(1) Subject to the provision of this Act, the Authority may for the purpose of implementation of the provision of the Master Plan or for providing amenities where the same are not available or are inadequate or for planning for re-development or renewal of area of bad layout or absolute or undesirable developments, prepare one or more town development schemes (hereinafter referred to as the scheme).

(2) The scheme may make provisions for any or all of the following matters, namely :-

(a) the matters specified in section 62 ;

(b) the laying out or relaying out land, either vacant or already built upon ;

(c) the filling up or reclamation or lowlying swampy or unhealthy areas or leveling up of land ;

(d) layout of new streets or roads, construction, diversion, extension, alteration , improvement and closing up of streets, roads and communication ;

(e) the reconstitution of plots ;

(f) the construction, alteration and removal of buildings, bridges and other structures ;

(g) the allotment or reservation of land for roads, open spaces, gardens, recreation, grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purpose of all kinds ;

(h) undertaking housing schemes for different income groups, commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar types of development ;

(i) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal ;

(j) lighting ;

(k) water supply ;

(l) the preservation and protection of objects of historical importance or national interest or **2003** [*natural beauty or heritage site]* and of building actually used for religious purposes ;

(m) the imposition of conditions and restrictions in regard to the open space to be maintained around building, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the sub-division of plots, the discontinuance of objectionable uses of land or building in any area in specified periods, parking spaces and loading and unloading spaces for any building and advertisement signs ;

(n) the suspension, so far as may be necessary for proper carrying out of the scheme of any rules, bye-laws, regulation notification or order made or issued under any Act of the State Legislature or any of the Act which the State Legislature is competent to amend ;

(o) acquisition by purchase, exchange or otherwise of any property necessary for or effected by the execution of the scheme; and

(p) such other matters not inconsistent with the objects of this Act, as may be prescribed.

92.(1) The Authority may by resolution declare its intention to make scheme in respect of any planning area or any part of the planning area.

(2) Not later than thirty days from the date of declaration of intention to make a scheme (hereinafter referred to as the declaration) the Authority shall publish the declaration in the Official Gazette and in such other manner as may be prescribed and despatch a copy thereof together with a copy of the plan showing the area to be included in the scheme to the State Government and the Board and also to the local authority in whose jurisdiction the land under the proposed scheme falls.

(3) A copy of the plan referred to in sub-section (2) shall be open to the inspection of the public at all reasonable hours at the head office of the Authority.

93.(1) Not letter than twelve months from the date of declaration, subject, however to sub-section(3), the Authority shall, with the prior consent of the local authority in whose jurisdiction the land under the proposed scheme falls, make a draft scheme for the area in respect of which the declaration was made and publish a notice in the Official Gazette and in such other manner as may be prescribed stating that the draft scheme in respect of such area has been made and notice shall state the name of the place where a copy thereof shall be available for inspection by public and shall also state that copies thereof or any extract therefrom certified to be correct, shall be available for sale to the public at a reasonable price.

(2) The local authority shall give its consent under sub-section (1) within the prescribed period and if such a consent is not given within the prescribed period, the Authority shall presume that the local authority has no objection to the provisions of the draft scheme:

Provided that where the local authority conveys its refusal to give consent to the draft scheme within the prescribed period or where there is a difference of opinion between the Authority and the local authority with regard to the draft scheme, the matter shall be referred by the Authority to the Board for decision and the decision of the Board shall be final.

(3) After thirty days from the date of publication of the notice under sub-section (1) regarding preparation of the draft scheme if any person affected thereby communicates in writing any objection relating to such scheme, the Authority shall consider such objection and may at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it thinks fit.

(4) If the Authority fails to make a draft scheme and publish a notice regarding its making within the period specified in sub-section (3) the declaration shall lapse, but any such lapse of the declaration shall not debar the Authority from making afresh declaration any time in respect of the same area.

(5) The State Government may, on application made by the Authority from time to time, by notification in the Official Gazette extend the period specified in sub-section (1) or sub-section (2) by such period not exceeding, six months as may be specified in the notification.

94. If at any time before a draft scheme is submitted to the State Government for sanction, the Authority *suo moto* or on any representation made to it, is of the opinion that additional area be included within the scheme, the Authority may, after informing the State Government and giving notice in the Official Gazette and also in one or more local newspapers, include such additional area in the scheme and thereupon , all the provisions of sections 90, 91 and 92 shall apply in relation to such additional area as they apply to any original area of the scheme and draft scheme shall be prepared for the original area and additional area and submitted to the State Government for sanction.

95.(1) Notwithstanding anything contained in this Act, the State Government may, in respect of any Authority after making such enquiry as it deems necessary, direct that Authority to make and submit for its sanction, a draft scheme in respect of any land in regard to which a scheme may be made after a notice regarding its making has been duly published in the prescribed manner.

(2) If the Authority fails to make the declaration of intention to make a scheme within ninety days from the date of direction made under sub-section (1), the State Government may, by notification in the Official Gazette, appoint an officer to make and submit the draft scheme for the land to the State Government after a notice regarding its making has been duly published as aforesaid and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such a scheme.

96.(1) If the draft scheme requires re-constitution of plots, the size and shape of reconstituted plots shall be determined, so far as may be, to render them suitable for building purposes, and where a plot is already built upon, to ensure that the buildings,

as far as possible complies with the provisions of the scheme as regards open spaces.

(2) For the purpose of sub-section (1), a draft scheme may contain proposals,-

(a) to form a re-constituted plot of an original plot by alteration of the boundaries of the original plot, if necessary ;

(b) to form a re-constituted plot from an original plot by the transfer wholly or partly of the adjoining lands ;

(c) to provide, with the consent of the owners, that two or more original plots each of which is held in ownership in severalty or in joint ownership, shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot ;

(d) to allot a re-constituted plot to any owner dispossessed of land in furtherance of the scheme ; and

(e) to transfer for ownership of an original plot from one person to another.

97. Where under sub-clause (a) of sub-section (2) of section 91, the purpose is such to which the buildings or areas may not be appropriated or used in pursuance of *[*Section 70*], the building or area shall cease to be used for any purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme, and the person affected by this provision shall be entitled to such compensation from the Authority as may be determined by the Arbitrator:

Provided that, in ascertaining whether compensation is to be paid, the time within which the person affected was permitted to change the use shall be taken into consideration.

98.(1) The Authority not later than six months from the date of publication of the draft scheme under section 92, shall submit the same with any modifications which it may have made therein togetherwith a copy of objections received by it to the State Government, and shall at the same time apply for its sanction.

(2) On receiving application under sub-section (1) and after making such Enquiry as it may think fit, the State Government may, not later than three months from the date of its submission, by notification in the Official Gazette, or not later than such further time as the State Government may extend either sanction such draft scheme with or without modification and subject to such conditions as it may think fit to impose or refuse to give sanction.

(3) If the State Government sanctions the scheme under sub-section (2), it shall in such notification, state at what place and time the sanctioned draft scheme shall be open to the inspection of the public and State Government shall also state therein that copies of the scheme or any extract there from certified

* **Substituted by Punjab Act No. 30 of 2006.**

to be correct, shall on application be available for sale to the public at a reasonable price.

99.(1) On or after the date on which a declaration of intention to make a scheme is published in the Official Gazette under sub-section (1) of section 93 -

(a) no person shall within the area included in the scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the permission of the Authority in the prescribed form ;

(b) the Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and after enquiry and where an Arbitrator has been appointed in respect of a draft scheme after obtaining his approval may either grant or refuse such permission, or grant it subject to such conditions as the Authority may think fit to impose.

(2) If the Authority communicates no decision to the applicant within sixty days from the date of such acknowledgment, referred to in clause (b) of sub-section (1), the applicant shall be deemed to have been granted such permission.

(3) If any person contravenes the provisions of clause (a) or clause (b) of sub-section (1), the Authority may direct such person by notice in writing to stop any development in progress and after making enquiry in the prescribed manner, remove, pull down or alter any building or other development or restore the land in respect of which such contravention is made to its original condition.

(4) Any expense incurred by the Authority in the discharge of its duties under sub-section (3) shall be a sum due to the Authority under this Act from the person in default or the owner of the plot.

(5) The provisions of Chapter XI shall *mutatis mutandis,* apply in relation to the development and use of land included in a scheme in so far as they are not inconsistent with the provisions of this Chapter.

(6) The restriction imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the event of the withdrawal of the scheme under section 114 or in the event of the declaration lapsing under sub-section (4) of section 93.

100.(1) Where the Authority has published a declaration under section 92, the State government may, on an application of the Authority by order published in the Official Gazette suspend to such extent as may be necessary for the proper carrying out of the scheme, any rule, bye-law, regulation, notification or order made or issued under any law which the State Legislature is competent to make or amend.

(2) Any order issued under sub-section (1) shall cease to operate in the event of the State Government refusing to sanction the scheme or in the event of the withdrawal of the scheme under section 114 or in the event of coming into force of the final scheme or in the event of the declaration lapsing under sub-section (4) of section 93.

101.(1) Where there is a disputed claim as to ownership of any piece of land included in an area in respect of which a declaration of intention to make a scheme has been made and any entry in the record of rights or mutation register relevant to such disputed claim, is inaccurate or inconclusive, an enquiry may be held on an application being made by the Authority or the Arbitrator at any time prior to the date on which the Arbitrator draws up the final scheme under clause (xxi) of sub-section (3) of section 102 by such officer as the State Government may appoint for the purpose of deciding as to who shall be deemed to be the owner for the purposes of this Act.

(2) The decision under sub-section (1) shall not be subject to appeal but it shall not operate as a bar to a regular suit in a civil court.

(3) The decision under sub-section (1) shall in the event of a civil court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Authority either by the civil court or by a person affected by such decree.

(4) Where a decree referred to in sub-section (3) of the civil court is passed after final scheme has been sanctioned by the State Government under section 113, the final scheme shall be deemed to have been suitably varied by reason of such decree.

102.(1) Within one month from the date on which the sanction of the State government to the draft scheme is published in the Official Gazette under sub-section (1) of section 93, the State Government shall, where necessary for the purposes of one or more scheme received by it for sanction, appoint any person possessing such qualifications as may be prescribed to be an Arbitrator and his duties shall be as hereinafter provided.

(2) The State Government may, if it thinks fit at any time, remove for incompetence or misconduct or replace for any good or sufficient reason an Arbitrator appointed under sub-section (1) and shall forthwith appoint another person to take his place and any proceeding pending before the Arbitrator immediately before the date of his removal or replacement shall be continued and disposed of by the new Arbitrator appointed in his place.

(3) In accordance with the prescribed procedure, every Arbitrator may,-

(i) after notice given by him in the prescribed manner, define, demarcate and decide the areas allotted to, or reserved for the public purposes or purposes of the Authority, and also the reconstituted plots ;

(ii) after notice given by him in the prescribed manner, decide the person or persons to whom a reconstituted plot is to be allotted, when such plot is to be allotted ; and when such plot is to be allotted to persons having ownership in common, decide the shares of such persons ;

(iii) estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted plots included in the final scheme in accordance with the provisions of clause (f) of sub-section (1) of section 123 ;

(iv) estimate the compensation payable for the loss of the area of the original plot in accordance with the provisions of clause (f) of sub-section (1) of section 123 in respect of any original plot which is wholly acquired under the scheme ;

(v) determine whether the areas allotted or reserved for the public purpose or purposes of the Authority are beneficial wholly or partly to the owners or residents within the area of the scheme ;

(vi) estimate the proportion of the sums payable as compensation on each plot use, allotted or reserved for the public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the construction of the scheme ;

(vii) determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public ;

(viii) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for religious or charitable purposes at the date on which the final scheme is drawan up under clause (xxi) of this sub-section;

(ix) estimate the value of reconstituted plots included in the final scheme and the increment to accrue in respect of such plots in accordance with the provisions of section 124 ;

(x) calculate the proportion in which the increment in respect of the reconstituted plots included in the final scheme shall be liable to contribution to the cost of the scheme in accordance with the provisions of section 123 ;

(xi) calculate the contribution to be levied on each reconstituted plot included in the final scheme ;

(xii) determine the amount to be deducted from or added to, as the case may be, the contribution leviable from a person in accordance with the provisions of section 126 ;

(xiii) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot in accordance with the provisions of section 130 ;

(xiv) estimate the amount of compensation payable under section 97 ;

(xv) where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on one hand and the mortgagor or lessor on the other ;

(xvi) estimate with reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a scheme in accordance with the provisions of section 128 ;

(xvii) determine the period in which the works provided in the scheme shall be completed by the Authority ;

(xviii) determine the amount of development charge leviable under Chapter XIII and the apportionment and mode of recovery ;

(xix) determine on the request of the Authority, the amount of betterment charge leviable under Chapter XIII ;

(xx) determine such other matters as may be prescribed;

(xxi) draw in the prescribed form the final scheme in accordance with the draft scheme :

Provided that :-

(a) he may make variations from the draft scheme ;

(b) he may, with the previous sanction of the State government after hearing the Authority and any owner who may, raise objections, make substantial variations in the draft scheme.

Explanation.-

For the purpose of sub-clause (b) of the aforesaid proviso "substantial variation" means increase in the total cost of the draft scheme by more than twenty per cent or twenty lacs of rupees, whichever is higher, on account of the provision of the works or the reservation of additional sites for public purposes included in the final scheme drawn up by the Arbitrator.

(4) The Arbitrator shall decide all matters referred to in sub-section (3) within a period of four months from the date of his appointment:

Provided that the State Government may, if it thinks fit, whether the said period has expired or not, and whether all the matters referred to in sub-section (3) have been decided or not, extend, from time to time, by a notification in the Official Gazette, the period for deciding all the matters referred to in sub-section (3).

103. Except in matters arising out of clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 every decision of the Arbitrator shall be final and conclusive and binding on all parties including the Authority.

104.(1) Any decision of the Arbitrator under clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 shall be forthwith communicated to the party concerned including the Authority and any party aggrieved by such decision may, within sixty days from the date of communication of the decision, prefer an appeal to the Tribunal of Appeal constituted under section 105.

(2) The provisions of sections 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963), shall apply to appeals submitted under this section.

105.(1) The Tribunal of Appeal shall consist of a President and Two Assessors.

(2) The person to be appointed as President by the State Government shall be,-

(a) a serving or retired officer of the Government of Punjab not below the rank of Secretary to Government, Punjab ; or

(b) a retired or serving District Judge :

Provided that the serving District Judge shall be appointed on the recommendations of the Punjab and Haryana High Court.

(3) The President of the Tribunal of Appeal may appoint fit and proper persons as Assessors, who shall as far as possible, have knowledge or experience of town planning, valuation of land or civil engineering.

(4) The President of the Tribunal of Appeal and the Assessors shall be appointed for such period as may be required to decided appeals preferred against the decisions under clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102.

(5) The State Government may, if it thinks fit, remove for incompetence or misconduct or any good and sufficient reason any Assessor appointed under sub-section (3).

(6) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the President of the Tribunal of Appeal shall appoint forthwith a fit and proper person to take the place of such Assessor.

106.(1) The Arbitrator shall not be required to give evidence in the proceedings before the Tribunal of Appeal but the President may require him to assist the Tribunal of Appeal in an advisory capacity.

(2) Where the Arbitrator is required under sub-section (1) to assist the Tribunal of Appeal, he shall, save where he is a salaried officer of the State Government, be entitled to such fees, as the State Government may from time to time determine.

107. The Tribunal of Appeal may sit either at the State Headquarters or at any other place which the State Government may specify from time to time in this behalf.

108. All questions of law and procedure shall be decided by the President and all other questions shall be decided by the President and the two Assessors by a majority.

109.(1) The Tribunal of Appeal shall, after making such enquiry as it may think fit, decide all matters arising out of clauses (iv) to (xi) (both inclusive) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 in respect of appeals preferred before the Tribunal of Appeal and may either confirm the proposals of the Arbitrator or direct him where necessary to reconsider, vary or modify his proposals only in respect of aforesaid matters.

(2) Every decision of the Tribunal of Appeal under sub-section (1) shall be final and conclusive and binding on all persons and parties including the Authority.

110. Nothing contained in this Act shall be deemed to constitute the Tribunal of Appeal to be a court.

111.(1) The President of the Tribunal of Appeal and the Assessor shall, save where they are salaried Government Officers, be entitled to such remunerations, either by way of

monthly salary or by way of fees or partly in one way and partly in the other, as the State Government may, from time to time decide :

Provided that in exceptional cases where the scheme is a large one or the work involved is complicated the State Government may authorise the President and the Assessor even if they are salaried Government Officers, to receive such special salary or remuneration, as the State Government may, by order, decide from time to time.

(2) The salary of the President of the Tribunal of Appeal or the Assessors who are salaried Government Officers, and any remuneration payable under sub-section (1) of this section and fees payable to an Arbitrator under sub-section (2) of section 106 and all expenses incidental to the working of the Tribunal of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the Authority and shall be added to the cost of the scheme.

112.(1) Where no appeal has been made under section 104 decisions of the Arbitrator under clauses (iv) to (xi) and clauses (xiv), (xv), (xvi), (xviii), (xix) and (xx) of sub-section (3) of section 102 shall be final and binding on the parties.

(2) The Tribunal of Appeal shall send a copy of its decision in appeal to the Arbitrator who shall then where necessary, make variation in the scheme in accordance with such decision and may also rectify such errors or omissions, if any, as may have been brought to his notice after publication of the final scheme as drawn up by him under clause (xxi) of sub-section (3) of section 102 and the Arbitrator shall forward such final scheme together with a copy of his decision under section 102 and a copy of the decision of Tribunal of Appeal to the State Government for the sanction of the final scheme.

113.(1) The State Government may, within a period of one hundred twenty days from the date of receipt of the final scheme under section 112 from the Arbitrator, or, within such further period as the State Government may, extend, by notification in the Official Gazette, either sanction the scheme or refuse to give such sanction:

Provided that in sanctioning the scheme the State Government may make such modifications as may in its opinion be necessary for the purposes of rectifying an error, irregularity or infirmity.

(2) If the State Government sanctions the scheme in terms of sub-section (1) it shall state in the notification –

(a) the place at which a copy of the final scheme is kept open to inspection by the public and also state therein that copies of the scheme or extract

therefrom certified to be correct shall, on application, be available for sale to the public at a reasonable price ;

(b) a date which shall not be earlier than thirty days after the date of publication of the notification on which all the liabilities created by the scheme take effect and the final scheme shall come into force :

Provided that the State Government may from time to time, postpone such date, by notification in the Official Gazette, by such period not exceeding ninety days at a time as it thinks fit.

(3) On and after the date fixed in the notification referred to in sub-section (2), the scheme shall have effect as if it were enacted in this Act.

114.(1) If at any time before the final scheme is sanctioned under section 113, the State Government considers it expedient that the scheme should be withdrawn, it may serve a notice in the prescribed manner on the Authority and on all the persons interested in the scheme for its intention to withdraw the scheme.

(2) After considering the objections, if any, received under sub-section (1) and after making such enquiry as it may think fit, the State Government may be notification in the Official Gazette, direct that the scheme shall by withdrawn and on such withdrawal no further proceeding shall be taken in regard to such scheme.

115. On and after the date on which a final scheme comes into force –

(a) all land required by the Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Authority free from all encumbrances ;

(b) all rights in the original plots which have been reconstituted shall terminate and the re-constituted plot shall become subject to the rights settled by the Arbitrator ;

(c) the Authority shall hand over possession of the re-constituted plots to the owners to whom they are allotted in the final scheme.

116.(1) On and after the date on which a final scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the final scheme, may in accordance with the prescribed procedure be summarily evicted by the Authority or any of its officers authorised in that behalf by that Authority.

(2) If the Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the District Magistrate shall at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority as may be necessary.

117.(1) On and after the date on which the final scheme comes into force, the Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme,-

(a) remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection of which or carrying out of which any provision of the scheme has not been complied with ;

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in the execution of work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of the sum due to the Authority under the provisions of this Act.

(3) If any person questions any action of the Authority taken under sub-section (1) or sub-section (2) on the ground that such an action is not in accordance with or in conformity with the provisions of the scheme, the question so raised shall be referred for decision by the Authority to the State Government or any Officer authorised by the State Government in this behalf and the decision of the State Government or of the officer so authorised, as the case may be, shall be final and conclusive and binding on all persons.

118.(1) If after the final scheme has come into force, the Authority considers that the scheme is defective on account of an error, irregularity or infirmity or that the scheme needs variation or modification of a minor nature, the Authority may apply in writing to the State Government for variation of the scheme.

(2) If, on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall, by notification in the Official Gazette, authorise or direct the Authority to prepare a draft of such variation and publish a notice in the Official Gazette, and is such other manner as may be prescribed stating that a draft variation has been prepared.

(3) The notice of preparation of draft variation published under sub-section (2) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clauses of sub-section (2) of section 91, the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours and copies of such draft variation or any abstract therefrom certified to be correct shall be available for sale to the public at a reasonable price.

(5) Not later than thirty days of the date of the publication of the notice regarding preparation of the draft variation any person affected thereby may communicate in writing his objections to such variation, to the State Government and send a copy thereof to the Authority.

(6) After receiving the objections under sub-section (5), the State Government may, after consulting the Authority and after making such enquiry as it may think fit, by notification in the Official Gazette, sanction the variation with or without modifications or refuse to sanction the variation.

(7) From the date of the notification sanctioning the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

119. Notwithstanding anything contained in section 118, a scheme may at any time be varied by a subsequent scheme made, published by means of notice and sanctioned in accordance with this Act :

Provided that when a scheme is so varied the provisions of this Chapter shall, so far as may be applicable, apply to such variation and making of subsequent scheme and the date of the declaration of intention of the Authority to vary the scheme shall, for the purposes of sections 94, 100, 123, 124 and 126 be deemed to be the date of declaration of intention to make a scheme referred to in those sections.

120. In the event of a scheme being withdrawn or sanction to a final scheme being refused by the State Government, the State Government may direct that the cost of the scheme be borne by the Authority or be paid to the Authority by the owners concerned, in such proportion as the State government may in each case determine.

121. Every party to any proceeding before an Arbitrator or the Tribunal of Appeal shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

122. For the purpose of this Act, an officer appointed under sub-section (1) of section 102 as an Arbitrator or the Tribunal of Appeal may summon or enforce the attendance of witnesses including the parties, interested or any of them and compel them to give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

123.(1) The cost of a scheme shall include,-

(a) all sums payable by the Authority under the provisions of this Act which are not specifically excluded from the cost of the scheme.

(b) all sums spent or estimated to be spent by the Authority in the making and in the execution of the scheme, the estimates for works included in the scheme being made on the date, the final scheme is drawn up by the Arbitrator under clause (xxi) of sub-section (3) of section 102 ;

(c) all sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Authority which is solely beneficial to the owners or residents within the area of the scheme;

(d) such portions of the sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public as is attributable to the benefit accruing to the allotment ;

(e) all legal expenses incurred by the Authority in the making and in the execution of the scheme ; and

(f) the amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market values at the date of declaration of intention to make a scheme, with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(2) If in any case the total of the value of the plots included in the final scheme exceeds the total of the value of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (1), then the amount of such excess shall be deducted in arriving at the cost of scheme as defined in sub-section (1).

124. For the purposes of this Act, the increment shall be deemed to be the amount by which, at the date of the declaration of intention to make a scheme, the market value of any plot, with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed, would exceed, on the same date, the market value of the same plot estimated without reference to such improvements: Provided that while estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

125.(1) The cost of the scheme shall be met wholly or in part –

(a) Where reconstitution of plots is not involved, by the levy of development charge under Chapter XIII, and

(b) in other cases, by a contribution to be levied by the Authority on each re-constituted plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Arbitrator:

Provided that –

(i) no such contribution shall exceed half the increment estimated by the Arbitrator to accrue in respect of such re-constituted plot ;

(ii) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purpose of the Authority, such plot being solely for the benefit of the owners or residents within the area of the scheme ;

(iii) the contribution levied on a plot used, allotted or reserved for a public purpose or purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in the proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(2) The owner of each re-constituted plot included in a final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

126. The amount by which the total value of re-constituted plots included in a final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plot with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contribution leviable on such person under section 125, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

127. Any right in an original plot which in the opinion of the Arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a scheme to a re-constituted plot shall be so transferred and any right in an original plot which in the opinion of the Arbitrator is not capable of being so transferred shall be extinguished :

Provided that an agricultural lease shall not be transferred from an original plot to a re-constituted plot without the consent of all the parties to such lease.

128. The owner of any property or right which is injuriously affected by the making of a scheme shall, subject to provisions of section 130, if he makes a claim before the Arbitrator within sixty days of the receipt of the notice from the Arbitrator, be entitled to obtain compensation in respect thereof from the Authority or from any person benefited or partly from the Authority and partly from such person as the Arbitrator may in each case determine.

129.(1) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision contained in the scheme, if under any other law for the time being in force applicable to the area for which such scheme is to be made, no compensation is payable for such injurious affection.

(2) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme which with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions specified in clause (b) of sub-section (2) of section 96.

130. If the owner of an original plot is not provided with a re-constituted plot in the final scheme or if the contribution to be levied on him under section 125 is less than the total amount to be deducted therefrom under any of the provisions of this Act the net amount of his loss shall be payable to him by the Authority in cash or in such other way as may be agreed upon by the parties.

131.(1) If from any cause, the total amount due to the Authority under the provisions of this Act from the owner of a re-constituted plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Arbitrator shall, at the request of the Authority, direct the owner of such plot to make payment to the Authority of the amount of such excess.

(2) If the owner referred to in sub-section (1) fails to make the payment within the prescribed period, the Arbitrator shall, if the Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Authority of the value of such plot estimated as its market value at the date of declaration of intention to make a scheme and without reference to improvements contemplated in the scheme and thereupon the plot included in the final scheme shall vest absolutely in the Authority free from all encumbrances, but subject to the provisions of this Act:

Provided that the payment made by the Authority on account of value of original plot shall not be included in the cost of the scheme.

132. All payments due to be made to any person by the Authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the Authority in respect of the re-constituted plot concerned, or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other any as may be agreed upon by the parties.

133.(1) The net amount payable under the provisions of this Act by the owner of a reconstituted plot included in the final scheme may, at the option of the contributor, be paid in lumpsum or in such annual instalments as may be prescribed and if the owner elects to pay the amount by instalments interest at such rate as may be prescribed shall be charged on the net amount payable and if the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the Authority, he shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid :

Provided that, where an owner elects to pay the amount in lumpsum but fails to do so, interest at such rate as may be prescribed shall be payable by him to the Authority from the date specified in the notice to the date of payment.

(2) Where two or more reconstituted plots included in a final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several reconstituted plots in proportion to the increment which is estimated to accrue in respect of each reconstituted plot, unless the owner and the Authority agree to a different method of distribution.

134.(1) An Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a scheme subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on or after the day on which the scheme comes into force.

(2) An agreement, referred to in sub-section (1) shall not in any way affect the duties of the Arbitrator as stated in section 102 or the rights of the third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be made by the Arbitrator :

Provided that, if any agreement contains any provisions which are inconsistent with the final scheme as drawn up by the Arbitrator under section 102 or the final scheme as sanctioned by the State Government under section 113 such an agreement shall be void :

Provided further that if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.

135.(1) Any sum due to the Authority under this Act, rule or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

(2) Any sum due to the Authority under this Act, rule or regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed by the Authority, shall be recoverable by the Authority from the defaulter as if they were arrears of land revenue.

(3) If any question arises whether a sum is due to the Authority within the meaning of sub-section (2), it shall be referred to the Tribunal of Appeal and the Tribunal of Appeal after making such enquiry as it may deem fit and after giving to the person by whom the same is alleged to be payable, an opportunity of being heard, decide the question and the decision of the Tribunal of Appeal thereon shall be final and shall not be called in question in any court or before any other authority.

(4) The procedure to be followed by the Tribunal of Appeal in deciding questions referred to it under sub-section (3) shall be such as may be prescribed.

136. Where after completing and meeting all the costs of a scheme as provided in this Act, any amount from the sums paid to the Authority under this Act remains as surplus, the Authority shall, in consultation with the owners of the plots, spend such surplus amount for providing further amenities within the area of the scheme.

137.(1) The Authority shall complete all the works provided in a final scheme within the period specified in the final scheme by the Arbitrator under clause (xxi) of sub-section (3) of section 102 :

Provided that, in exceptional circumstances on application by the Authority, the State Government may by an order in writing, specifying those circumstances : grant to the Authority in this behalf further extension of time as it may deem fit.

(2) If the Authority fails to complete all the works within the specified period or within the period extended under sub-section (1), the State Government may, notwithstanding anything contained in sub-section (1), require the Authority to complete the works within such further period as it may consider reasonable or appoint an officer to complete such works at the cost of the Authority and recover the cost from the Authority in the prescribed manner.

138. Whoever wifully destroys or injures or without lawful authority, removes a boundary stone or mark lawfully fixed or constructed, the Competent Authority on receipt of the intimation from the Arbitrator or the Authority, may order such person to pay a penalty not exceeding five hundred rupees for each stone or mark so destroyed, injured or

removed as may in its opinion be necessary to defray the expenses of restoring the same.

CHAPTER XIII

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE AND BETTERMENT CHARGE

139.(1) Subject to the provisions of this Act and the rules made thereunder, the Authority may, with the previous sanction of the State Government, by notification, levy a charge (hereinafter called the development charge) for the recovery of total cost of amenities already provided or proposed to be provided in future by the Authority or on the institution or change of, use of land or buildings or on the carrying out of any development under this Act in the whole or any part of the planning area in the manner hereinafter provided.

(2) (a) Where no other mode of recovery of the cost of any scheme prepared by the Authority under Chapter XII is provided under this Act, the Authority may levy development charge not exceeding the amount of the total cost of amenities already provided or proposed to be provided in future with a view to recover the cost of such amenities.

(b) The development charge may also be levied on the institution, or change of, use of land or building or on the carrying out of any development in the planning area :

Provided that different rates of development charge may be levied for different parts of the planning area and for different uses :

Provided further that no development charge shall be levied on institution, or change of, use of any land or building vested in or under the control or in possession of, the Central Government or the State Government.

(3) The rates of development charge leviable shall be assessed by the Arbitrator on a reference having been made in this behalf to the Arbitrator by the Authority.

140.(1) On receipt of a reference from the Authority for the assessment of development charge under section 141, the Arbitrator may, after serving a notice in writing on the person liable to pay development charge and after giving them opportunity of being heard and after calling a report in this behalf from the Authority, assess the amount of development charge payable by such persons in respect of the lands or buildings owned by them.

(2) On the assessment of development charge under sub-section (1) by the Arbitrator, shall give to the person liable to pay development charge a notice in writing of the amount of development charge payable by him and the date by which such payment shall be made and such notice shall also state that in the event of failure to make such payment on or before such date interest at the rate as may be prescribed shall be payable from such date on the amount remaining unpaid.

(3) For removal of doubts it is hereby declared that no person shall refuse to pay the development charge assessed under sub-section (1) merely on the ground that the amenities already provided or proposed to be provided in future for which the development charge have been levied and assessed are not required by him or he does not want to avail the same.

(4) (a) The development charge payable in respect of any land or building shall be first charge on such land or building subject to the prior payment of land revenue, if any, due to the State Government thereon and any other sum due to the Authority.

(b) All development charges payable in respect of any land or building by any person shall, together with interest due up to the date of realisation, be recoverable from such person or his successor in interest in such land or building as arrears of land revenue.

141.(1) Where a scheme has been prepared under Chapter XII of this Act, the Authority is of the opinion that as a consequence of the scheme having been executed the value of any land or building in a planning area has increased or is likely to increase, the Authority may in respect of such land or building, levy a charge (hereinafter called the betterment charge) keeping in view the increase or likely increase of value resulting from the execution of such a scheme :

Provided that the betterment charge so levied shall not exceed one-third of the amount by which the value of the land or building has increased or is likely to increase :

Provided further that no betterment charge will be levied on the land vested in or under the control, or in the possession of the Central Government or the State Government.

(2) The rates of betterment charge leviable under sub-section (1) shall be assessed by the Arbitrator on a reference having been made to the Arbitrator by the Authority.

(3) As soon as reference is received by the Arbitrator under sub-section (2), he shall serve a notice in writing on the person liable to pay betterment charge and after giving the person concerned an opportunity of being heard and after calling for a report in this behalf from the Authority, the Arbitrator shall assess the amount of the betterment charge payable by such a person.

(4) On the assessment of the betterment charge under sub-section (3), the Authority shall give to the person liable to pay such charge a notice in writing of the amount of betterment charge payable by him and the date by which such payment shall be made and such notice may also state that in the event of failure to make such payment on or before such date, the interest at such rate as may be prescribed shall be charged on the amount remaining unpaid.

(5) (a) The betterment charge payable in respect of any land or building shall be a first charge on such land or building subject to the prior payment of land revenue, if any, due to the State Government thereon and any other sum due to the Authority.

(b) The betterment charge payable in respect of any land or building by any person shall together with interest due up to the date of realisation, be recoverable from such person or his successors in interest in such land or building as arrears of land revenue.

142.(1) Any person aggrieved by an order passed by the Arbitrator under section 139 or section 140 may, within a period of sixty days from the date on which the order was communicated to him, in the manner specified in section 104, prefer appeal against such order to the Tribunal of Appeal.

(2) In disposing of an appeal, the Tribunal of Appeal may, after giving the appellant an opportunity of making his representation and also hearing the Authority –

(i) confirm, reduce, enhance or annual the order of assessment, or

(ii) set aside such order and direct the Arbitrator to make a fresh assessment after such further enquiry as may be directed, or

(iii) pass such other order as it may think fit.

(3) The decision of Tribunal of Appeal shall be final and binding on all the parties to such appeal.

(4) Notwithstanding that an appeal has been preferred under sub-section (1), the payment of development charge or the betterment charge in accordance with the order against which the appeal has been preferred, shall not be stayed :

Provided that the Tribunal of Appeal may, in its discretion, give such directions as it thinks fit in regard to the payment of the development charge or the betterment charge before the disposal of the appeal if the appellant furnishes sufficient security to its satisfaction for such payment, in such form and in such manner as may be prescribed.

(5) Any order passed by the Tribunal of Appeal under the provisions of this section shall be enforced by such Authority and in such manner as may be prescribed.

CHAPTER XIV
CONTROL AND DEVELOPMENT ALONG SCHEDULED ROADS

143.(1) No person shall erect or re-erect any building or make or extend any excavation or layout any means of access to a road within such a distance not exceeding one hundred and fifty metres on either side of the road reservation of a by-pass or within such a distance not exceeding fifty metres on either side of the road reservation of any scheduled road not being a bye-pass as the State Government may, by notification, specify from time to time:

Provided that the extent of limits as aforesaid may vary for different stretches of a scheduled road.

* *[(2)Nothing in sub-section (1) shall apply-*

(a) to a building which was in existence, immediately before the date from which notification specifying the distance under sub-section (1) on either side of the road reservation of a by – pass or of a scheduled road not being a by – pass, has come into force, or, to any repair or erection or re-erection of such a building which does not involve any structural alteration or addition therein; or

(b) to the erection or re-erection of a building referred to in clause (a)which involves any structural alteration or addition, with the permission of the Competent Authority; or

(c) to the laying out of any means of access to a road, with the permission of the Competent Authority; or

(d) to the erection or re-erection of a motor fuel filling station or a bus queue shelter, with the permission of the Competent Authority.]

(3) Notwithstanding anything contained in any law for the time being in force, no person, authority or a Department of the State Government shall sanction any building plan , give water

---

* **Substituted by Punjab Act No. 4 of 1996.**

connection, sewerage connection, telephone connection or electricity connection to any building or land, in respect of which prohibition under sub-section (1) has been imposed.

144.(1) Every person desiring to obtain the permission referred to in clauses (b), (c) and (d) of sub-section (2) of section 143 shall make an application in writing to the Competent Authority in such form and containing such information in respect of the land, building, excavation or means of access to a road to which the application relates, as may be prescribed.

(2) On receipt of an application under sub-section (1), the Competent Authority after making such enquiry as it considers necessary, shall by order, in writing, either,-

(a) grant the permission subject to such conditions, if any, as may be specified in the orders ; or

(b) refuse to grant such permission.

(3) If, at the expiration of a period of sixty days after an application under sub-section (1) has been made to the Competent Authority, no order, in writing, has been passed by it, the permission shall be deemed to have been given without the imposition of any condition.

(4) The Competent Authority shall maintain such register as may be prescribed with such particulars of all such cases in which permission is given or deemed to have been given or refused by it under this section, and the said register shall be available for inspection without charge by all persons interested and such persons shall be entitled to obtain copy of the extract of the register relevant to such persons on payment of such fee as may be prescribed.

145. Any person aggrieved or affected by an order of the Competent Authority under sub-section (2) of section 144 granting permission subject to conditions or refusing permission may, within thirty days from the date of the receipt of such order, prefer an appeal to the State Government and the order of the State Government on such appeal shall be final.

146. (1)*[*Any person who contravenes the provisions of section 143 or contravenes any conditions imposed by an order under section 144, shall be punishable with imprisonment of either description for a term which may extend to three years and with fine which may extend to ten thousand rupees, and ,in the case of continuing contravention, with a further fine which may extend to one thousand rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.]*

(2) Without prejudice to the provisions of sub-section (1), if the Competent Authority after making such enquiry as it may consider necessary and after affording an opportunity of being heard to the person concerned, is satisfied that such person has committed a breach of the provisions referred to in the said sub-section, it may pass an order, requiring that person to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, building or land in respect of which such contravention as is described in the said sub-section has been committed, and if such person fails to do so within two months of the order, may itself take such measures as may appear to it to be necessary to give effect to the order and the cost of such measures shall, if not paid on demand being made to him, be recoverable from such person as an arrear of land revenue.

147. Nothing in this Chapter shall apply to –

* **Substituted by Punjab Act No. 13 of 2003.**

(i) anything made or constructed in the area comprised in the *abadi-deh* of any village falling inside its *Lal-lakir or phirny ;*

(ii) a place of worship or a tomb of cenotaph or a wall enclosing graveyard, place of worship, cenotaph or Samadhi; on land which, on the date of the publication of notification under sub-section (1) of section 143, is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or samadhi ;

(iii) excavations including wells or other operations made in the ordinary course of agriculture; and

(iv) the construction of a road intended to give access to land for agricultural purposes or purposes sub servient to agriculture.

CHAPTER XV

ABOLITION OF THE PUNJAB HOSUING DEVELOPMENT BOARD AND TRANSFER OF ITS ASSESTS AND LIABILITES

148.(1) On and with effect from the date of establishment of the Authority under section 17 of this Act, the Punjab Housing Development Board established under the Punjab Housing Development Board Act, 1972 (Punjab Act 6 of 1973) shall stand abolished.

(2) On and with effect from the date of abolition the Punjab Housing Development Board under sub-section (1),-

(a) the members including the Chairman of the Punjab Housing Development Board shall cease to hold office ;

(b) all properties, funds and dues which are vested in or realisable by the Punjab Housing Development Board shall vest in and realisable by the Authority ;

(c) all liabilities which are enforceable against the Punjab Housing Development Board shall be enforceable against the Authority.

(3) Nothing in this connection shall affect the liabilities of the State Government in respect of loans or debentures guaranteed under sub-section (5) of section 67 of the Punjab Housing Development Board Act, 1972(Punjab Act 6 of 1973).

149.(1) Unless otherwise expressly provided under this Act, all contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the date of abolition of the Punjab Housing Development Board and to which that Board is a party or which are in favour of this said Board shall be of as full force and effect against the Authority and may be enforced and acted upon as well as fully and effectually as if instead of the Punjab Housing Development Board the Authority had been a party thereto or as if they had been entered into or issued in favour of the Authority.

(2) If on the date of abolition of the Punjab Housing Development Board under this Act, any suit, appeal or other legal proceedings of whatever nature by or against the Punjab Housing Development Board are pending, then it shall not abate or be discontinued or be in any way prejudicially affected by reason of the transfer to the Authority all the assets and liabilities of the Punjab Housing Development Board or of anything done under this Act, but the suit, appeal or other legal proceedings, may be continued, presented and enforced by or against the Authority.

Explanation,- For the purpose of this sub-section, legal proceedings include any proceedings under the Land Acquisition Act, 1894 (Central Act 1 of 1894).

150.(1) Every whole time employee of the Punjab Housing Development Board (hereinafter referred to as the employee of the Board) shall, on and from the date of its abolition under sub-section(1) of section 148, become an employee of the Authority, and shall

hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges, if any, other matters as he would have held the same on the said date, if this Act had not come into force and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the Authority with the previous approval of the State Government.

(2) Notwithstanding anything contained in sub-section(1), where any employee of the Punjab Housing Development Board, by notice in writing given to the Authority at any time before the expiry of three months next following the date of abolition of the said Board under section 148, has intimated his intention of not becoming an employee of the Authority, he shall cease to be an employee of the Authority and shall be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisation of the Punjab Housing Development Board immediately before its abolition.

(3) If any question arises as to whether any person was a whole time employee of the Punjab Housing Development Board before the date referred to in sub-section (1) the question shall be referred to the State Government whose decision shall be final.

(4) Notwithstanding anything contained in the Industrial Disputes Act 1947 (Central Act XIV of 1947) or in any other law for the time being in force the transfer of the service of any employee of the Punjab Housing Development Board to the Authority shall not entitle any such employee to any compensation under that Act or other law and no such claim shall be entertained by a Court, Tribunal or any other authority.

151.(1) As soon as may be, after the date of abolition of the Punjab Housing Development Board under sub-section (1) of section 148 the State Government may, after consulting the Authority in the prescribed manner, direct by general order that such of the employees serving immediately before the said date in connection with the affairs of the State of Punjab in the Directorate of Housing and Urban Development (hereinafter referred to as the employees of the Directorate) whose assets were transferred to the Punjab Housing Development Board under section 3 of the Punjab Urban Estates (Development and Regulation) Act, 1964 (Punjab Act 22 of 1964) as are specified in such order stand allotted to and serve in connection with the affairs of the Authority with effect from such date as may be specified (hereinafter referred to as the notified date) in such order:

Provided that so far as may be possible,-

(1) no employee shall be transferred to the service of the Authority -

(a) unless such employee give his option in writing for such transfer ; and

(b) the Authority considers him suitable for such transfer to its service :

Provided further that the conditions of service of an employee of the Directorate of Housing and Urban Development, Punjab, transferred to the

service of the Authority shall not be varied by the Authority to his disadvantage.

(2) Notwithstanding anything contained in sub-section (1), where an employee serving immediately before the date of abolition of the Punjab Housing Development Board under sub-section (1) of section 148, in connection with the affairs of the State of Punjab in the Directorate of Housing and Urban Development has not given his option for his transfer to the Authority under sub-section (1), if not absorbed in any service or on any post under the government of Punjab, shall be entitled to such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorisations of the State Government immediately before the date of abolition of the said Board.

152.(1) The moneys standing in the provident fund account to the credit of any officer or employee transferred from the service to the State Government to the service of the Authority, on the notified date together with any other assets belonging to such fund, shall stand transferred to, and vest, in the Authority with effect from the notified date.

(2) The Authority shall, as soon as may be, after the notified date constitute in respect of the moneys and other assets which are transferred to and vested in it under sub-section (1), similar fund and may invest the accumulations under the fund in such securities and subject to such conditions as may be specified by the Authority with the approval of the State Government.

153.(1) In the case of officers and employees transferred from service of the State Government to that of the Authority, the State Government shall credit the leave salary and pension contribution of such officers and employees to the Authority for each completed year of their service under the State Government on the notified date and they shall be entitled to the benefit of leave to their credit on that date.

(2) The pension contribution paid by the State Government to the Authority shall form the nucleous of the contributory provident fund to which they shall be admitted and they shall have no claim on the State Government in respect of leave and pension.

154. The integration of the employees transferred to the Authority under this Act and their *inter se seniority* shall be determined in the manner as may be prescribed.

CHAPTER XVI
INSPECTION AND PENALITIES

155.(1) The Authority may authorise any person to enter into or upon any land or building other than the land or building owned by the Central Government or the State Government with or without assistants or workmen for the purpose of,-

(a) making any enquiry, inspection, measurement or surveys or taking levels of such land or building ;

(b) examining works under construction and ascertaining the course of sewers and drains ;

(c) digging or boring into the sub-soil ;

(d) setting out boundaries and intended lines of work ;

(e) marking levels, boundaries and lines by placing marks and cutting trenches ;

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations made thereunder ; and

(g) doing any other thing necessary for the efficient administration of this Act ;

Provided that –

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building ;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) Subject to the provisions of proviso to sub-section (1), the Competent Authority or any officer authorsied by it may enter into or upon any land, building, execution or operation with or without assistants or workmen for the purpose of checking of any violation of the provisions of this Act.

156. Any person who obstructs the entry of a person authorised under section 155 to enter into or upon any land or building or molests such person after such entry shall be

punishable with imprisonment for a term which may extend to six months or with fine, which may extend to one thousand rupees, or with both.

157. Expect as otherwise provided for in this Act, any contravention of any of the rules or regulations made thereunder shall be punishable with fine which may extend to five hundred rupees, and in the case of continuing contravention, with an additional fine, which may extend to fifty rupees, for each day during which such contravention continues after the first conviction and the court, while passing any sentence on conviction of any person for the contravention of any rule or regulation, may direct that any property or part thereof, in respect of which the rule or regulation has been contravened shall be forefeited to the Authority:

Provided that if a building is begun, erected or re-erected in contravention of any of the building regulations, the Chief Administrator shall be competent to require the building to be altered or demolished by a written notice delivered to the owner thereof, within six months of its having been begun, or having been completed, as the case may be, and the notice so delivered shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with the Chief Administrator shall be competent to demolish the said building at the expense of the owner :

Provided further that the Chief Administrator may instead of requiring alteration or demolition of any such building, accept by way of compensation such sum as he may deem reasonable.

158. Any person who contravenes the provisions of this Act, for the contravention of which no penalty is expressly provided elsewhere in this Act, shall, on conviction be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to five thousand rupees, or, with both.

159. Where any offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was incharge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the

part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall also be liable to be proceeded against and punished accordingly.

Explanation- For the purposes of this section-

(a) "company" means a body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

160. Where an offence under this Act has been committed by any Department of Government or it is proved that the offence has been committed with the consent or connivance or is attributable to any neglect on the part of any officer or employee of the department the Head of such Department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render the Head of such Department, liable to any punishment under this Act if such Head of Department proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

CHAPTER XVII
MISCELLANEOUS

161. Where, in the opinion of the State Government, it is necessary that the amenities provided by the Authority in an area should be extended to any land or building situated within the area or within such distance from that area as it may deem expedient, such amenities shall be extended to such land or building and the owner of such land or building shall be liable to pay to the Authority, in the manner prescribed, such development charge therefore as may be fixed by the State Government having regard to the expenses to be incurred for providing such amenities and the benefits to be extended to the land or building.

162. Every member, officer and other employee of the Authority, the Competent Authority, Appellate Authority, Arbitrator and the Tribunal of Appeal shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.

163. No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Act.

164. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or the Competent Authority, as the case may be, or any officer authorised by these Authorities.

165.(1) All notices, all orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served , -

(a) where the person to be served in a company, if the document is addressed to the Secretary of the said company, at its registered office or at its principal office or place of business and is either -

(i) send by registered post ;or

(ii) delivered at the registered office or at the principal office or place of business of the said company ;

(b) where the person to be served is a partnership firm, if the document is addressed to the said partnership firm, at its principal place of business, identifying it by the name or style under which its business is carried on and is either -

(i) send by registered post ; or

(ii) delivered at the said place of business ;

(c) where the document is to be served on a Government Department, Railway, Local Authority, Statutory, Company, Corporation, Society or any other body, if the document is addressed to the Head of the Government Department, General

Manager of the Railway Secretary or Principal Officer of the local authority, statutory company, corporation, society, or, body, at its principal branch, local or registered office, as the case may be, and is either-

(i) sent by registered post ; or

(ii) delivered at the said office ;

(d) in any other case, if the document is addressed to the person to be served and -

(i) is given or tendered to him ; or

(ii) is sent by registered post to the person ; or

(iii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates.

(2) Any document which is required or authorize to be served to the owner or occupier of any land or building may be addressed to the owner or the occupier, as the case may be, of that land or building (naming that land or building) without further name or description and shall be deemed to be duly served,-

(a) if the document so addressed is sent to be delivered in accordance with clause (b) of sub-section (1) ; or

(b) if the document so addressed or a copy thereof so addressed, is delivered to any person on the land or building or where there is no person on the land or building to whom it can be delivered is affixed on some conspicuous part of the land or building.

(3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, an officer of the Authority authorised in this behalf may, by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

Explanation.- A servant of that person is not a member of the family within the meaning of this section.

166. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for doing after which no

time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

167. All permissions, orders, decisions, notices and other documents of the Authority and the Competent Authority shall be authenticated under the signatures of an officer authorised by the Authority or the Competent Authority in this behalf.

168. Nothing in the Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a Master Plan or a town development scheme under this Act and all such documents, plans and maps shall, for the purposes of sections 48 and 49 of that Act, be deemed to have been registered in accordance with the provisions of that Act :
Provided that copies of documents, plans and maps relating to a sanctioned scheme shall be sent to the sub-registrar's office concerned where such copies shall be kept and made accessible to the public in the manner prescribed.

169. Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of any receipt, application, plan, notice, entry in register, or other document, in the possession of the Authority, if duly certified by the legal keeper thereof or other person authorised by the Authority in this behalf, shall be received as *prima facie* evidence of the existence of such receipt, application, plan, notice, order entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where and to the same extent as, the original document would, if produced have been admissible to prove such matters.

170. No member, officer or other employee of the Authority shall, in any legal proceedings to which the Authority is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transaction recorded therein, unless by order of the court made for special cause.

171. No suit, prosecution or other legal proceedings shall lie against the State Government, the Authority or the Competent Authority or any of its officers or persons duly appointed or authorised in respect of anything which is in good faith done or intended to be done or purporting to be done under this Act or any rule or regulation made thereunder.

172. It shall be the duty of every police officer,-

(i) to communicate without delay to the proper officer or the employee of the Authority any information which he receives of a design to commit or of the

commission of any offence against this Act or any rule or regulation made thereunder ; and

(ii) to assist the member or any officer or other employee of the Authority in the lawful exercise of any power vested in such member, officer or other employee under this Act or any rule or regulation made thereunder.

173.(1) A Police Officer, not below the rank of a Sub-Inspector, shall arrest any person who commits, in his view, any offence against this Act or any rule or any regulation made thereunder, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address or give such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay be produced before the Judicial Magistrate authorised to try the offence for which the arrest has been made and no person so arrested shall be detained in custody for a period exceeding twenty four hours without any order from the Judicial Magistrate.

174.(1) Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Government or order passed or notice issued by the Authority or the Competent Authority or their officers under this Act shall be final and shall not be questioned in any suit or other legal proceedings.

(2) No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter the cognizance of which can be taken and disposed of by any authority empowered by this Act or the rules or regulations made thereunder.

175.(1) The Authority may, by a resolution, authorize that any power exercisable by it under this Act or the rules or regulations made thereunder, except the power to make regulations, may also be exercised by such officers of the Authority or the State Government or a local authority, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The State Government may, by notification, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised as may be mentioned therein by such officers in such cases and subject to such conditions, if any, as may be specified therein.

(3) The Competent Authority may, by order, direct that any power exercisable by it under this Act may also be exercised by such officer as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein.

(4) The State Government my, by notification, direct that any power exercisable by Chief Administrator under this Act may be exercised by such officer of the Authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

176.(1) If, in the opinion of the State Government, the Authority is not competent to exercise or perform or neglects or fails to exercise or perform any power conferred or duty imposed upon by it or under any of the provisions of this Act, the State government or any person appointed in this behalf by the State Government may exercise such power or perform such duty.

(2) Any expenses incurred by the State Government or by the person appointed under sub-section (1) in exercising such power or performing such duty shall be paid out of the fund of the Authority, and if the Authority fails to pay the expenses, then the State Government may make an order directing any person who, for the time being, has custody of such fund to pay such expenses from such fund, and such person shall be bound to obey such order.

177.(1) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in this Act, or in any other enactment for the time being in force, the State Government may, as occasion arises, by order direct that this Act, shall during such period as may be specified in the order but not extending beyond the expiry of two years from the date of commencement of this Act, have effect subject to such adoption whether by way of modification, addition or omission as it may deem to be necessary and expedient.

(2) Every order made under sub-section (1), shall, as soon as may be, after it is made, be laid before the State Legislature.

178.(1) Nothing in this Act shall apply to the operational constructions.

(2) Where the State Government is of the opinion that operation of any of the provisions of this Act causes any undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by general or special order, exempt class of persons or areas, from all or any of the provisions of this Act.

179.(1) Save as otherwise provided in this Act, the provisions of this Act, the rules and regulations made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in other law for the time being in force.

(2) Notwithstanding anything contained in any law –

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be not validly undertaken or carried out by reason only of the fact that the permission, approval or sanction required under such other law for such development has not been obtained ;

(b) when permission for the development has not been obtained under this Act, such development shall not be deemed to be validly undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development had been obtained.

180.(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) the remuneration and allowances to be paid to the members under sub-section (4) of section 4 ;

(b) the manner and purposes for associating persons under sub-section (1) of section 15 ;

(c) the manner of appointment of committees under section 16 ;

(d) the functions of the Authority under clause (iv) of sub-section (2) of section 28 ;

(e) the qualifications and experience for persons to be appointed as the Chief Administrators under section 17, section 29 and section 31 ;

(f) the term of office and conditions of service of members of the Authority under sub-section (1) of section 18 ;

(g) the salary and allowances, if any, to be paid to the Chief Administrator under sub-section (2) of section 18 ;

(h) the allowances to be paid to the members of the Authority, other than the Chief Administrator, under sub-section (3) of section 18 ;

(i) the conditions regarding completion of buildings and extension of period and fees to be paid under sub-section (2) of section 43 ;

(j) the form and manner in which an appeal may be filed under sub-section (5) of section 45 ;

(k) the manner of serving notice under sub-section (1) of section 46 ;

(l) the manner in which the damages may be assessed and notice to be served under section 47 ;

(m) the form of the budget of the Authority and the manner of preparing the same under section 52 ;

(n) the form of balance sheet and statement of accounts under sub-section (1) and manner of publishing the audit report under sub-section (3) of section 53 ;

(o) the form of annual report and the date on or before which it shall be submitted to the State Government under section 54;

(p) the manner and constitution of the pension and provident fund for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such fund may be constituted under section 55 ;

(q) the matters to be taken into consideration while making declaration under sub-section (2) of section 56 ;

(r) the functions to be prescribed under sub-section (3) of section 58 ;

(s) the regulation of the form of the Regional Plan and the manner of its preparation and publication under section 62 ;

(t) the form and manner of notice under sub-section (1) of section 63 and under sub-section (1) of section 64 ;

(u) the form of application under sub-section (1) of section 67 ;

(v) the fees to be paid under sub-section (2) of section 67 ;

(w) the manner of communicating the grounds of refusal under sub-section (5) of section 67 ;

(x) the form of Register of applications under sub-section (6) of section 67 ;

(y) the manner for dealing applications and fees to be paid under sub-section (7) of section 67;

(z) the manner of filing appeals and fee payable for such appeals under sub-section (1) of section 68 ;

(za) the manner of regulating the form and the contents of the *[…..] Master Plan and the time to be prescribed under section 70 ;

(zb) **[…..]

(zc) ***[…..]

(zd) **** […..]

(ze) ***** […..]

(zf) the form of application and payment of fees under sub-section (1) and sub-section (3) of section 81 ;

(zg) the documents and plans to be submitted under clause (a) of sub-section (2) of section 81 ;

(zh) the mode of communication of order under sub-section (6) of section 81 ;

(zi) the manner of filing appeals and payment of fee under sub-section (1) of section 82 ;

(zj) the time and manner in which acquisition notice under sub-section (1) of section 84 is to be served ;

(zk) the time within which and the manner in which compensation is to be claimed under sub-section (2) and the time within which notice is to be given under sub-section (4) of section 85 ;

(zl) the time and the manner for applying under sub-section (3) of section 87 ;

(zm) the manner of serving acquisition notice under clause (a) of sub-section (5) of section 89 ;

(zn) the manner of publication of notice under sub-section (1) and the time within which local authority is to give consent under sub-section (2) of section 93 ;

(zo) the qualifications for appointment as Arbitrator under sub-section (1) and form of final scheme under clause (xxi) of sub-section (3) of section 102 ;

*** Omitted by Punjab Act No. 30 of 2006. **** Omitted by Punjab Act No. 30 of 2006.**
**** Omitted by Punjab Act No. 30 of 2006. ***** Omitted by Punjab Act No. 30 of 2006.**
***** Omitted by Punjab Act No. 30 of 2006.**

(zp) the manner of serving notice under sub-section (1) of section 114 ;

(zq) the procedure for eviction under sub-section (1) of section 116 ;

(zr) the particulars to be given in the notice under sub-section (1) of section 117;

(zs) the manner of publication of notice under sub-section (2) of section 118 ;

(zt) the particulars of draft variations under sub-section (3) of section 118 ;

(zu) the period to make payment under sub-section (2) of section 131 ;

(zv) the procedure to be followed by the Tribunal of Appeal under sub-section (4) of section 135 ;

(zw) the manner of recovery of cost under sub-section (2) of section 137 ;

(zx) the rates of interest under sub-section (2) of section 140 and sub-section (4) of section 141 ;

(zy) the form and the manner of furnishing security under sub-section (4) of section 142 ;

(zz) the authority and the manner of enforcing order under sub-section (5) of section 142 ;

(zza) the manner and form of application under sub-section (1) of section 144 ;

(zzb) the register to be maintained and the fee to be prescribed under sub-section (4) of section 144 ;

(zzc) the manner of consultations under sub-section (1) of section 151 ;

(zzd) the integration and fixation of *inter-se* seniority of the employees transferred to the Authority under section 154 ;

(zze) the manner of fixing development charge under section 161 ;

(zzf) the manner of keeping copies of documents, plans and maps under section 168 ; and

(zzg) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive session and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid the House agrees in making any modification in the rules or the House agrees that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

181. The Board may make regulations, consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and, without prejudice to the generality of this power, the Board may make regulations,-

(a) for regulating its procedure and the conduct of the business under section 11 ;

(b) providing for the functions which the Member Secretary of the Board may discharge under section 12 ;

(c) the functions to be assigned by the Board to the Member-Secretary under section 12 ;

(d) *[…..]

** [(*dd) for the matters relating to heritage site;]*

*** Omitted by Punjab Act No. 30 of 2006.**
**** Inserted by Punjab Act No. 13 of 2003.**

(e) * […..]

(f) providing for any other matter which has to be or may be specified by regulations.

182.(1) The Authority may make regulations, consistent with this Act, and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of this power, such regulations may provide for,-

(a) the summoning or holding of the meetings of the Authority, the time and place where such meetings are to be held and the conduct of business at such meetings under sub-section (1) of section 21 ;

(b) the functions to be assigned to the Chief Administrator by the Authority under section 22 ;

(c) the appointment of committees under section 23 ;

(d) the salaries, allowances and conditions of service of officers and other employees of the Authority under sub-section (2) of section 26 ;

(e) the powers and duties of the officers and other employees of the Authority under sub-section (3) of section 26 ;

(f) any other matter which has to be, or may be, determined by regulations.

183.(1) The following Acts are hereby repealed, namely :-

(i) the Punjab Scheduled Roads and the Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) ; and

(ii) the Punjab Urban Estates (Development and Regulation) Act, 1964 (Punjab Act 22 of 1964).

(2) The Punjab Housing Development Board Act, 1972 (Punjab Act 6 of 1973) shall stand repealed on and with effect from

*** Omitted by Punjab Act No. 30 of 2006.**

the date on which the Punjab Housing Development Board is abolished under section 148 of this Act.

**(3) *[Subject to the provisions of the sub-section (2) of section 143, the repealing of the Acts]* under sub-sections (1) and (2) shall not affect :-

(i) The previous operations of the Acts so repealed or anything there under duly done or suffered ;

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ;

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed ;

(iv) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed as if the aforesaid Acts had not been repealed.

(4) Notwithstanding such repeal, anything done or any action taken under the Acts so repealed (including any notification, order, notice issued, application made, or permission granted) which is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under the corresponding provisions of this Act

as if this Act was in force at the time such thing was done, or action was taken, and shall continue to be in force, unless and until superseded by anything done or any action taken under this Act.

*** Substituted by Punjab Act No. 4 of 1996.**

THE SCHEDULE

(See section 2(zi))

SCHDEULED ROADS

1. Grand Truck Road (from Haryana boundary to Amritsar and on the border with Pakistan).
2. Jullundur – Tanda – Dasuya – Mukerian - Pathankot Road upto the border with Jammu & Kashmir State.
3. Ambala - Kalka Road (Portion falling in the territory of the State of Punjab).
4. Amritsar - Pathankot Road.
5. Chandigarh – Ropar – Nangal – Una – Hoshiarpur – Tanda -Amritsar Road.
6. Amritsar – Sarhali – Harike – Makhu – Ferozepur - Fazilka Road.
7. Ropar – Balachaur – Garshankar – Hoshiarpur - Dasuya Road.
8. Malout - Fazilka Road.
9. Chandigarh - Samrala - Ludhiana Road.
10. Gurdaspur – Amritsar – Makhu – Ferozepur - Fazilka Road.
11. Jalandhar - Makhu Road.
12. Ludhiana - Ferozepur Road.
13. Ambala – Patiala – Sangrur – Barnala - Bathinda Road.
14. Bathinda – Kotakpura - Ferozepur Road.
15. Gurdaspur – Ajnala – Chugawan – Rajatal - Chabal-Khemkaran Road.
16. Harike - Khalra Road.
17. Ajnala - Amritsar Road.
18. Patiala – Patran – Narwana Road.
19. Moga – Kotakpura Road.
20. Chandigarh – Rajpura Road (commencing from the point where the Punjab Boundary starts).
21. Chandigarh – Ambala Road (commencing from the point where the Punjab Boundary starts and touches the Ambala –Kalka Road near Dera Bassi).
22. Bhawanigarh – Sunam – Bhikhi – Kotshamir – Bathinda Road.
23. Bathinda – Dabwali Road upto Punjab Boundary.
24. Morinda – Bela Road.

BAKHSHISH KAUR,
Secretary to Government of Punjab,
Department of Legal and Legislature Affairs.