COLONIES

No. 12/4/16-5Hg2/891764/1
Dated 15/12/2016

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HOUSING II BRANCH)

NOTIFICATION

The 15 December, 2016

No.12/04/16-5Hg2/891764/1 Whereas the Government of Punjab in order to bring un-authorized colonies under the umbrella of planning framework and to provide basic facilities to the residents of these colonies had enacted the Punjab Laws (Special Provisions) Act, 2013 and the Punjab Laws (Special Provisions) Act, 2014 under which Policies No. 12/2/2013- 5HG2/ 3052 dated 21.08.2013, 12/2/13-5 Hg II/ 4017 dated 05.11.2013 and No. 12/2/13-5Hg2/332385/1 dated 28.10.2014 were notified respectively for compounding of un-authorized colonies and for regularization of plots/ buildings falling under un-authorized colonies.

Whereas during implementation of these policies a large number of applications were received for compounding of un-authorized colonies and regularization of plots/ buildings falling in un-authorized colonies.

Whereas still a number of people who are either Non Resident Indians' or the people of Punjab working outside the State including the personnel of Military/ Para Military Forces or otherwise could not apply earlier for regularization of their plots/ buildings under the previous policies. Such people are to be provided another opportunity for regularization of their un-authorized colonies and plots/ buildings falling under such colonies so that they could also avail the benefits of providing basic facilities.

Whereas the Government of Punjab intends to provide basic services such as pucca streets, water supply, sewer etc. to the maximum number of residents of un-authorized colonies, therefore, the Governor of Punjab is pleased to notify this policy for compounding of un-authorized colonies and for regularization of plots/ buildings falling within un-authorized colonies in the State of Punjab framed under the provisions of The Punjab Laws (Special Provisions) Act, 2016.

1. Background

The Government of Punjab vide its Notification No.GSR. 41/PA14/1995/Ss 38 & 45/ Amd (2)/ 2010 dated 09-12-2010 had amended the Punjab Apartment and Property Regulation Rules 1995 to incorporate the relevant provisions for compounding of the offences in the rules. Accordingly in Rule 31 (3) some conditions were laid down for compounding of the offences of un-authorized colonies to fulfill certain conditions so as to make an offence under the Punjab Apartment and Property Regulation Act, 1995 eligible for compounding. During the last two decades numerous un-authorized colonies have come up in the State of

Punjab but as per the provisions incorporated in the Rules as stated above, only a few Colonizers actually opted for getting the offences compounded. The study on the ground has brought out that most of the colonies do not fulfill the provisions as laid down under Rule 31(3) (b), (c), (d) & (e). These amendments under the Rules have not been able to meet the desired results.

The problem being faced by the State and people living in these colonies is that they have not been provided with basic amenities like water supply, sewerage and adequate roads etc. Compounding of offence of developing un-authorized colony is one aspect of the problem while the other aspect is to make provisions of basic facilities and amenities to the inhabitants of their colonies who have built their houses in these colonies or have purchased land/plots for housing purposes. The policy should be strict with the Colonizers who have violated the provisions of the Act/ Rules but some need based provisions are required to be made for the innocent general public who knowingly or unknowingly has fallen into the trap of owning plots/ houses in their un-authorized colonies. It is the basic duty of the Government to provide minimum essential amenities to each and every citizen of the State.

The detailed survey conducted to identify un-authorized colonies in the State, identified 5340 colonies which have come up on about 20600 acres of land in various cities and towns. Although as per the number of applications received under the previous policies, the number of un-authorized colonies is 10154 with an approximate area of 40000 acres. But still there are some un-authorized colonies for which colonizers have not applied due to one reason or the other under the previous policies. Besides this, a number of un-authorized buildings of different categories in such colonies have also come up without approval in different parts of the State of Punjab. Such sub-standard development of buildings and un-authorized sub-divisions of land into plots is not only defeating the very objective of planned development but also affecting the planned extension of services and amenities by the Authorities.

Therefore, in order to bring all these unplanned areas into the fold of planned development and to provide basic amenities and to ensure better quality of life to the public, the Government of Punjab had enacted **The Punjab Laws (Special Provisions) Act, 2013 and The Punjab Laws (Special Provisions) Act, 2014** by which the violators of un-authorized colonies were punished by imposing suitable charges/ fee in order to compound their offences and for those individuals who have fallen into the trap of unscrupulous colonizers could be provided basic amenities at a cost so fixed. These acts were operative for a period of one year each i.e., from 17.04.2013 to 16.04.2014 and 06.02.2015 to 05.02.2016. Although during this period, 10154 applications of un-authorized colonies and 429748 applications of plots/ buildings falling within un-authorized colonies were received

by the concerned Authorities for regularization, but still there are colonizers who have not applied for getting their offences compounded and also so many house owners or plot holders have not applied. The Govt. of Punjab is trying to achieve 100% coverage of water supply and sewerage facility to the residents/ households of the State of Punjab, hence another chance is being given to those who have not availed the opportunity given earlier.

Stringent provisions made for future:

In order to have strict control on the development of un-authorized colonies and building activity in future, the stringent legal provisions have been made in the Punjab Apartment and Property Regulations Act, 1995 which provide punishment with imprisonment for a minimum term of three years which may extend to seven years and with minimum fine of rupees 2 lac, which may extend to rupees five lac on conviction of the Colonizer of an un-authorized colony. Under the provisions of the Act ibid, the Competent Authority has also been empowered to order to demolish or remove or stop construction of such un-authorized building or colony after giving a notice of thirty days and affording a reasonable opportunity of being heard to the person(s) concerned.

Besides the above said measures no water supply, sewer or electric connection will be allowed and no Registrar or Sub-Registrar shall register their sale deed or any other document regarding the sale of that un-authorized plot or building or colony.

Keeping, this in view the following policy for regularization of these un-authorized colonies and plots/ buildings is formulated hereunder.

2. Definitions

"**Un-authorized Colony**" means a colony which has been developed in contravention of the provisions of the Punjab Apartment and Property Regulation Act, 1995 and the rules framed there under.

"**Development of un-authorized colony**" means a colony where land has been sub-divided physically by way of demarcating kuchha roads or by constructing pucca roads or where stone mettle has been laid out or where services like water supply pipes, sewer pipes, electric poles or parks or water works or sewer treatment plant or any one of these activities has been carried out.

"**Built up**" means an area with any construction or part of a construction which is intended to be used for residential, commercial, industrial or other purpose, whether in actual use or not and includes any out-house, shed, stable, cattle shed and garage.

"Commercial Building" means a building or part thereof used for the purpose of commerce or for storage of goods or as an office whether attached to any industry or otherwise.

"Industrial building" means a building used or constructed or adapted to be used either ordinarily or occasionally for fabrication, assembly, manufacturing or processing of products or materials of all kinds;

"Competent Authority" means Chief Administrator of the concerned Special Development Authority in case of areas falling outside municipal limits, Commissioner Municipal Corporation in case of areas falling within municipal corporation limits and Regional Deputy Director Local Government if the area falls within the municipal limits of Municipal/Nagar Councils.

"Developer" means a person who has developed an un-authorized colony and shall include the owner of the land or the person who entered into an agreement to develop or Power of Attorney holder who has got the registered sale deed/ agreement executed on behalf of the land owner, or any other person who was associated with the sale of land in contravention of PAPRA, 1995 or development of un-authorized colony.

"Plot Holder" means a person in whose name the plot is registered with a registered sale deed prior to the 1.4.2013.

"Un-authorized Building" means the buildings constructed in violation of the Punjab Regional and Town Planning and Development Act, 1995, the Punjab Apartment and Property Regulation Act, 1995, the Punjab Municipal Corporation Act, 1976, the Factories Act, 1948, the Punjab Town Improvement Act, 1922, the Punjab Municipal Act, 1911.

"Public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a place open to general public and it includes a hospital, college, school, theatre, public concert room, public lecture room, public exhibition hall or as a public place of assembly or entertainment for persons admitted there to by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any similar public purposes;

"High rise Building", all buildings 15 m or above in height shall be considered as high rise buildings;

The terms and expressions which are not defined in this policy shall have the same meaning as in the respective Acts/ Rules/ Regulations/ Byelaws of the respective Authorities unless the context otherwise requires.

3. **Applicability of policy**

(i) This policy shall be applicable from the date of its notification in the entire State of Punjab and

(ii) Within municipal limits and FEZ area falling under the Punjab New Capital (Periphery) Control Act, 1952. However, this policy will not be applicable in rest of the area falling under the Punjab New Capital (Periphery) Control Act, 1952,

Provided that no un-authorized colony/ plot/ building shall be regularized if it falls within PLPA area, delisted PLPA area, Government/ Wakf Board land and in restricted area along scheduled roads.

(iii) If there is any pendency of applications received for regularization before the last date of submission of applications under this policy and the pending applications received under the previous policies will be allowed to be dealt even after the expiry of period of this policy provided that no new application will be entertained after its expiry.

(iv) New applications of un-authorized colonies developed before 01.04.2013 and plots/ buildings falling under these colonies will be received under this policy for regularization.

A. **Un-authorized Colonies**

B. **Un-authorized constructions/ buildings in un-authorized colonies:**

This policy shall not be applicable to the un-authorized Marriage Palaces and to the un-authorized stand alone buildings for which the Government has already notified separate policies.

4. **Objectives:**

The objectives of this policy are;

a) To bring all un-authorized colonies/ buildings into planning framework and to regularize the development,

b) To facilitate the implementation of Master Plan's land uses,

c) To improve the circulation pattern of streets/ roads,

d) To provide basic amenities to resicents/ plot holders of these area,

e) To make provisions to regularize and to compound offences made under the Punjab Regional and Town Planning and Development Act 1995, the Punjab Apartment and Property Regulation Act 1995, the Punjab Municipal Corporation Act 1976, the Factories Act 1948, the Punjab Town Improvement Act 1922 and the Punjab Municipal Act 1911 according to this policy as per the provisions of The Punjab Laws (Special Provisions) Act, 2016.

5. **Cut-off date for compounding of Un-authorized Colonies/ Buildings:**

Only those un-authorized colonies or plots/ buildings within un-authorized colonies developed before 01.04.2013 will be considered under this policy.

6. **Restrictions on approval in certain areas:**

No un-authorized colony, plot/ building in un-authorized colonies will be regularized in the following situations:-

i) Over land belonging to State/ Central Government/ Public Undertakings/ Panchayat Lands/ Shamlat Lands/ Jumla Mushtarka Malkaan/ Waqf Board/ Land under PLPA, delisted PLPA area etc,

Restricted areas under Works of Defense Act, 1903, the Ancient Monuments and Archaeological Sites and Remains Act, 1958, the Punjab new Capital (periphery) Control Act, 1952 (except as mentioned in Para 3 (ii)) or any other Act prohibiting the development of colonies/ buildings in a particular area.

ii) Within the restricted zone near the Airport.

iii) Within the restricted zone along Scheduled Roads.

iv) In case of sites in the vicinity of oil/ gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.

v) Buildings/ constructions on the open spaces earmarked in any approved layout shall not be considered for regularization,

7. **Compulsory application for Regularization**

It shall be compulsory for all developers of un-authorized colonies/ owners of plots/ buildings in such colonies to file an application with the Competent Authority in the prescribed format for compounding of colony/ plots/ buildings within **one month** from the date of notification of this policy or as per the time frame fixed by the Department of Housing and Urban Development from time to time.

A. **Un-authorized Colonies**

The un-authorized colonies under this policy can be categorized into following three groups:-

i) Where more than 65% area is sold and built up

ii) Where 35% to 65% area is sold and built up

iii) Where less than 35% area is sold and built up

i) **Where more than 65% area is sold and built up:**

In such colonies as per the rules of PAPRA, a minimum of 35% area is supposed to be utilized in roads, open spaces and in providing basic amenities. In these

colonies this condition of rules may not be fulfilled in to-to, but there may be space available for provision of basic amenities. In this category the compounding shall be guided by the following parameters:

- In this category of colonies as the most of the area is already developed and built up, there may be some scope for widening of the roads/ streets, space for parks, water works etc. The colony may be regularized on as is where is basis. But the developer shall be required to provide spaces of adequate size for the provision of water supply, sewerage facility and an open space/ park which will not be allowed to be sold in future. These colonies shall be regularized keeping in view the present site conditions provided that each road/ street of the colony shall be wide enough (minimum 20'-0") to permit the free movement of fire tender/ ambulance.

ii) **Where 35% to 65% area is sold and built up:**

In such colonies the roads and the basic amenities have not come up to the norms as laid down in the provisions of the law but the area is available which can be utilized for providing minimum required infrastructure viz; roads, parks, water works, sewerage treatment plant and other amenities.

In this category of colonies although all the norms required under PAPR Act,1995 may not be possible to be fulfilled but there is a scope to provide minimum infrastructure viz; widening of roads, space for parks, water works, sewerage treatment plant and other social infrastructure. The regularization shall be governed by following parameters:

a. 35% area will be utilized for provision of parks/ open spaces, basic amenities, roads etc. The unsold plots in such colonies shall be utilized for the provision of these services.
b. Competent Authority wherever possible shall require the applicant to widen the streets/ roads upto the extent possible. However, such street/ road should be wide enough to allow the movement of fire tender/ ambulance.

iii) **Where less than 35% area is sold and built up:**

In this category of colonies most of the area is available for re-planning. So in order to bring these colonies at par to the norms as laid down under the present Act/ Rules/ Instructions, the area that remains to be sold/ vacant shall be got demarcated and frozen for widening of the roads/ streets, space for parks, water works etc. The promoter will have to obtain a regular license under the provisions of PAPRA, 1995 and a revised layout plan has to be approved by competent authority keeping in view the present norms (except size of the colony) and procedure applicable to setting up of new colonies.

The developer will be responsible to complete all the required internal development works in such colony and will maintain these services as per conditions of license.

Developer will be bound to pay Composition fee for getting the offense compounded and CLU, EDC, LF/ PF, SIF etc. at the prevalent rates as fixed by the Government.

A.1 Composition Fee for compounding of un-authorized colonies

Composition Fee for each category of un-authorized Residential colonies upto 20 acres contiguous chunk of land shall be as given below:

Year of Establishment of un-authorized colony	%age of Collector Rate as on 01.04.2013	Remarks
Before 17.08.2007	1.0	Subject to minimum of Rs. 50000/- and maximum of Rs. 2,00,000/- per acre (calculated on the basis of per sq yd)
After 17.08.2007	4.0	Subject to minimum of Rs. 5,00,000/- and maximum of Rs. 10,00,000/- per acre (calculated on the basis of per sq yd)

Note:

- The composition fee for un-authorized colonies to be charged from the developers shall be on per square yard basis which will be multiplied by 4840 and then by 1% or 4% of collector rate, as the case may be. For example, if the residential colony is developed before 2007 and the collector rate for residential use is Rs. 2000/- per square yard for that area, then the composition fee in this case shall be calculated as given below:-

$$\frac{2000 \times 4840 \times 1.0}{100} = \text{Rs. } 96,800/-$$

So, in this case the colonizer has to pay Rs. 96,800/- per acre as composition fee.

- Composition Fee for each category of un-authorized colonies above 20 acres contiguous chunk of land shall be 2% of Collector rate (as on 01.04.2013) for colonies established before 2007 and 8% of the collector rate for colonies established after 2007. There will be neither maximum nor minimum cap of composition fee in this case.
- Composition fee for industrial colonies shall be 50% of the composition fee as mentioned in the above table subject to maximum and minimum caps as given in the above table.
- The composition fee for commercial colonies shall be three time of the composition fee as given in the above table. This fee shall be charged on proportionate basis for each type of land use in the colony. There will be neither maximum nor minimum cap of composition fee in this case.
- The sale of more than 50% of total number of plots or more than 50% of the area shall be the basis for determining the time period of establishment of an un-authorized colony. The sale of plot may be in the shape of registered sale deed or full and final payment agreement on stamp paper signed before 01.04.2013. The agreement prepared by pasting revenue stamps will not be considered valid for the purpose of regularization.
- In case of Category A. iii (where less than 35% area is sold and built up) colonies, the composition fee at the rate of 10% of the total composition fee as prescribed in the above table shall be charged from the developer, at the time of submission of application for the grant of license. This concession is given as the developer in this case will have to pay CLU, EDC, LF/ PF and SIF etc. at the present rates applicable to approved colonies.

A.2 General Conditions:

i) Under this policy **no un-authorized colony which was developed on or after 1st April 2013** will be compounded.

ii) The compounding of development of any such colony shall be irrespective of land use zone of the Master Plan. However, no new un-authorized colony or addition in the area of the existing colony shall be allowed if such area does not conform to land use zone of the Master Plan and further the road alignment proposals of the Master Plans will be kept intact.

iii) The charges for compounding an un-authorized colony shall be of two-fold:

a) **Composition Fee**: The developer of the colony shall be bound to pay Composition fee as fixed by the government under this policy for getting the offense compounded failing which he will face prosecution for violation of the provisions of PAPRA, 1995.

Provided that besides the promoter/ colonizer, the Resident's Welfare Association or the individual plot holders may also deposit the composition fee for the compounding of un-authorized colony and in that eventuality, proceedings with regard to criminal complaint made to the police or pending in the competent Court of Law, if any, shall be got suspended or withdrawn, as the case may be, by the Competent Authority upon deposit of requisite full amount of Composition fee

b) **Regularization charges:** The regularization charges shall be payable by the plot holders/ building owners as fixed under this policy for regularization of the plot/ building.

iv) **Utilization of Regularization charges:** In case of un-authorized colony falling outside Municipal limits, it will be the responsibility of the Chief Administrator of the concerned Special Development Authority to provide basic infrastructure such as paved streets, water supply and sewerage connection etc to the residents of the colony, out of the funds collected from regularization of plots/ buildings falling under that colony. In case of an un-authorized colony falling within municipal limits of a Corporation town, the Commissioner of the concerned Municipal Corporation will be responsible to provide basic infrastructure out of the funds collected by regularizing plots/ buildings. However, in case of other municipal towns, it will be the responsibility of the Regional Deputy Director, Urban Local Bodies to direct the concerned Municipal Council to provide basic services in an un-authorized colony out of the funds collected from regularizing plots/ buildings falling in that colony. The funds received by regularization of plots/ buildings in an un-authorized colony will only be utilized for providing basic services to the residents of such colony only and nowhere else. ***However,***

where the roads, water supply, sewerage, electricity lines etc. are already provided by the colonizer of the un-authorized colony or by the Local Body/ Development Authority in that case the regularization charges collected by the Local Body/ Development Authority by regularizing plots or buildings in the colony may be utilized for providing basic services to any other plots/ buildings regularized by the concerned authority falling within the same town/ city.

v) The composition fee received from the developers/ plot holders shall be deposited in the following manner:

i. 10% amount of the total composition fee for the compounding of colonies both within Municipal limits and outside municipal limits shall be deposited in government treasury along with the application. The authority shall scrutinize the documents within two months and issue a demand notice to the applicant regarding deposit of 15% amount of the project within one month from the issue of demand notice. The remaining 75% amount will be deposited in the government treasury within one year in three equal quarterly installments along with an interest @ 12% per annum.

ii. Out of total proceeds of Composition fee, 1% will be deposited as Cancer Cess and 1% will be deposited for Culture Cess.

iii. A rebate of 5% shall be allowed, if the total Composition fee is paid in lump sum at the time of submission of application.

vi) On receipt of full and final payment the layout plan submitted by the developer shall be approved provided that the layout plan fulfills the parameters as mentioned under each category of colony at Sr. No. A (i), (ii) and (iii).

vii) The Competent Authority may relax any of the conditions, if it is satisfied that it is not possible for the developer to provide any of the requirements or any of the facility exists in the vicinity of such colony by passing a speaking order.

viii) For the colonies within MC Limits, the Local Govt. shall be responsible for compounding and for providing basic amenities and outside MC limits; concerned Development Authorities shall be responsible for the same subject to the availability of funds.

ix) In case developer of an un-authorized colony or the plot holder, as the case may be, fails to pay the Composition Fee/ Regularization Charges etc. as fixed by the Government under this policy, then the amount shall be recoverable as Arrears of the Land Revenue.

x) Any area under green spaces, revenue rastas/ roads etc shall vest with Local Authority or the Development Authority as the case may be. Necessary notification will be issued under relevant provisions of the relevant Acts in this regard by the Competent Authority.

xi) The applicant shall submit the application along with the bank draft of requisite charges/ Fee.

xii) The compounding of building plans shall be independent from the regularization of colony or composition fee paid by the developer.

xiii) All pending applications received under the previous policies dated 21.08.2013, 05.11.2013 and 28.10.2014 will be dealt according to the provisions of respective previous policies under which the application has been submitted.

xiv) The compounding of un-authorized colonies or regularization of plots/ buildings will be subject to the outcome of decisions regarding pending cases in this regard in any Court of law.

xv) The Municipal Commissioners of Corporation cities shall be responsible to ensure the proper and timely implementation of this policy in respective Municipal Corporation cities and in case of other Municipal Towns Regional Deputy Director, Urban Local Bodies will ensure the timely implementation of the policy. However, for areas outside municipal limits, it will be the responsibility of the concerned Chief Administrator of the Development Authority to ensure proper implementation of this policy.

A.3 Procedure of Compounding an Un-authorized Colony:

a) **Submission of application:**

The applicant will apply to the Competent Authority for compounding of the offence as per Performa attached to this policy along with the following documents:

b) **List of Documents:**

i. Proof of ownership viz., Registered Sale Deed, full and final payment agreement/ agreement to sell on stamp paper, Fard Jamabandi of the time when such a colony was sold / developed and the present Jamabandi, share certificates in case of Cooperative Society.

ii. Location Plan of the colony along with Khasra plan of the area supported by a Google image of the year in which the colony is said to be established showing the area of the colony along with coordinates.

iii. Self Certificate by the applicant stating that the site of the colony does not violate any of the clauses as mentioned at Para-6 of this policy.

iv. Existing fully dimensioned Layout Plan showing detail of plots sold, under agreement to sell, unsold, built up/vacant plots, road circulation with width, space left for parks, public amenities, if any and duly signed by the Applicant.

v. Service Plan of the Colony, if any.

vi. Details of the development works carried out in the colony, if any.

vii. The promoter shall give an undertaking to pay Composition Fee or any other charges levied under this policy along with Composition fee.

viii. Minimum 10% of composition fee shall be deposited along with the application and 15% of Composition Fee shall be paid within a period of three months from the date of application. The rest amount shall be payable as per Para, A.2 (v) (a).

ix. Any other document if required

c) **Scrutiny by the Competent Authority:**

The Competent Authority after verifying the ownership and existence of colony at site and other required documents within two months or as prescribed by the department will come up with the proposed amendments in layout plan, if any and will identify area for park (s), improvement of connectivity to the colony if required, space for public services as per policy.

Thereafter, the Competent Authority will seek the comments/ clarification, if any, of the applicant within fifteen days and also raise demand for payment of charges within one month of the issue of demand notice. After receiving the clarification, if any, and requisite charges, the Competent Authority will approve the layout plan and upload it on website and copies of the same shall be sent to the concerned Sub-Registrar, District Town Planner of the Department of Town and Country Planning (for sites outside MC limits) and to concerned Sub-Registrar, Senior Town Planner, Local Government (for sites falling within MC limits). The civil litigation initiated by the authority under PAPRA, 1995 shall be withdrawn after receiving 100% charges and regularization of the colony. The Competent Authority will recommend to the concerned police station or the competent Court of law, as the case may be, to drop the legal proceedings against the applicant in criminal cases.

Note: -

- For colonies the competent authority shall issue the composition certificate to the developer after the fulfillment of conditions as laid down in this policy.
- Technical advice for layout plans/ CLU approval for all sized un-authorized colonies falling outside MC limits, covered under this policy shall be rendered at the level of concerned Senior Town Planner of the Department of Town and Country Planning, Punjab. For colonies falling within MC limits the necessary technical advice/ CLU approval shall be as decided by the Department of Local Government, Punjab.

B. **Regularization of plots/ buildings in an un-authorized colonies:**

In un-authorized colonies a number of plots are sold out and many of the plot holders may have constructed buildings. Majority of such colonies are without pucca road network and are devoid of other basic amenities like water supply, sewerage network and electricity etc. The provision of such services will involve huge expenditure which

should be shared by plot holders/ building owners of an un-authorized colony. To share this expenditure the plot holders/ building owners shall have to pay the regularization charges. These charges shall be independent of the composition fee to be charged from the developer of un-authorized colony. The concerned authority/ local body shall provide above said basic services in a colony to the extent of amount received from regularization of plots/ buildings of a such colony:

Regularization charges in case of residential plots/ buildings in un-authorized colonies developed **before and after 17/08/2007**:-

Collector Rates Rs/ sq yd	Regularization Fee for residential plots per sq yd in rupees **Before 2007**					Regularization Fee for residential plots per sq yd in rupees **After 2007**				
	0-50 sq yds	Above 50-100 sq yds	Above 100 to < 250 sq yds	250 to < 500 sq yds	500 sq yds & above	0-50 sq yds	Above 50-100 sq yds	Above 100 to < 250 sq yds	250 to < 500 sq yds	500 sq yds & above
More than 8000/-	Nil	65	125	190	315	Nil	125	250	375	625
2000/- to 8000/-	Nil	30	65	95	160	Nil	65	125	190	315
Below 2000/-	Nil	Free	30	45	90	Nil	Free	65	90	160

Regularization charges in case of commercial plots/ buildings in un-authorized colonies developed **before and after 17/08/2007**:-

Collector Rates Rs/ sq yd	Regularization charges for commercial plots per sq yd in rupees **Before 2007**				Regularization charges for commercial plots per sq yd in rupees **After 2007**			
	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above
More than 5000/-	190	375	565	780	375	750	1125	1565
2500/- 5000/-	175	250	440	595	345	500	875	1190
less than 2500	Free	40	55	80	Free	75	115	155

Note:

- The industrial plots/ buildings shall be charged at half the rates as fixed for residential plot/ buildings in the above table and institutional plot/ buildings shall be charged at par with residential plots/ buildings.

- The plot size as mentioned in the registered sale deed or full and final payment agreement on stamp paper shall be considered for levying regularization charges even if the plots is owned jointly by more than one owner, i.e., the rates will not be calculated according to the share of the co-owners in registered sale deed or agreement, rather this calculation will be done on area transaction involved in the sale deed/ agreement.
- The regularization charges on buildings shall be charged proportionately to the use of the building, i.e., as per the percentage of area used for residential, commercial, institutional use etc.
- **In addition to regularization charges for plots the composition fee on un-authorized buildings shall be charged in *lump-sum* as under:**

Category of Building	**Composition fee per sq. feet of covered area within Municipal Limits**	**Composition fee per sq. feet of covered area outside Municipal Limits**
Residential building	Rs.5.00	Rs.2.50
Commercial building	Rs.25.00	Rs.25.00
Industrial building	Rs.12.50	Rs.5.00
Institutional Building	Rs.12.50	Rs.12.50

- ***The building owners who have got their buildings regularized under policy dated 21.08.2013 may claim refund for the excess amount deposited from the concerned Authority as per the revised charges fixed in the above table.***
- Regularization charges and composition fee on buildings only shall be retained by the Department of Local Government, Punjab, if the site falls within municipal limits and by the concerned Development Authority, if the site falls outside MC limits.
- In case of illegal colonies, where building plans have already been approved by the Competent Authority or where NOC has been issued after receiving EDC/ SIF in that case, the regularization charges as mentioned in the above tables shall not be charged.

Development charges for plots/ buildings which do not get regularized under policies:

It has come to the notice of the Govt. that under the previous policies for the compounding of un-authorized colonies in most of the cases the percentage of regularization of plots and buildings in a colony has not reached upto the level of 70% fixed under the policies for a colony to qualify for the provision of water supply, sewer and pucca streets etc. To solve this difficulty the thresh hold of 70% is reduced to 50% under this policy so that the basic services could be provided to the residents of maximum number of un-authorized colonies. As the services to be laid out in the entire colony has to maintain the continuity of the net work, therefore there remains a possibility of misuse of these services by those plot/ building owners who have not paid regularization charges. Therefore, to plug the misuse of basic services a provision is made under this policy whereby the remaining plot/ building owners shall be eligible to apply for regularization in future even after the lapse of this policy subject to the condition that such plot/ building should fall in un-authorized colonies developed before 01.04.2013 and building should also have been

constructed before 01.04.2013, The owners of such plots/ buildings has to pay the following development charges in addition to composition fee for construction of the building as fixed under this policy for getting their building plan approval and to get connection of water supply, sewer, electricity etc.

Development charges (Residential plots/ buildings):

Collector Rates Rs/ sq yd	Development charges for residential plots per sq yd in rupees **Before 2007**					Development charges for residential plots per sq yd in rupees **After 2007**				
	0-50 sq yds	Above 50-100 sq yds	Above 100 to ≤ 250 sq yds	250 to < 500 sq yds	500 sq yds & above	0-50 sq yds	Above 50-100 sq yds	Above 100 to ≤ 250 sq yds	250 to < 500 sq yds	500 sq yds & above
More than 8000/-	Nil	130	250	380	630	Nil	250	500	750	1250
2000/- to 8000/-	Nil	60	130	190	320	Nil	130	250	380	630
Below 2000/-	Nil	Free	60	90	180	Nil	Free	130	180	320

Development charges (Commercial plots/ buildings):

Collector Rates Rs/ sq yd	Development charges for commercial plots per sq yd in rupees **Before 2007**				Development charges for commercial plots per sq yd in rupees **After 2007**			
	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above
More than 5000/-	380	750	1130	1560	750	1500	2250	3130
2500/- 5000/-	350	500	880	1190	690	1000	1750	2380
less than 2500	Free	80	110	160	Free	150	230	310

Note:

- The above said development charges shall be applicable on those applicants who apply for regularization of their plots/ buildings within a period of six months from the last date of receiving applications for regularization under this policy.
- If an application for regularization of plot/ building is received after a period of six months and within period of one year from the last date of receiving applications under this policy, then the applicant has to pay 50% more in addition to the above mentioned development charges.

- The industrial plots/ buildings shall be charged at half the rates as fixed for residential plot/ buildings in the above table and institutional plot/ buildings shall be charged at par with residential plots/ buildings.
- The plot size as mentioned in the registered sale deed or full and final payment agreement on stamp paper shall be considered for levying development charges even if the plots is owned jointly by more than one owner, i.e., the rates will not be calculated according to the share of the co-owners in registered sale deed or agreement, rather this calculation will be done on area transaction involved in the sale deed/ agreement.
- The development charges on buildings shall be charged proportionately to the use of the building, i.e., as per the percentage of area used for residential, commercial, institutional use etc.

B.1 **General Conditions:**

i) The plots sold before August 9, 1995 (the date of enactment of the Punjab Apartment and Property Regulation Act, 1995) falling in un-authorized colonies developed before 9 August 1995 need not to apply under this policy for regularization, but the plots sold after 9 August 1995 are covered under this policy.

ii) The first sale deed of the plots falling under un-authorized colonies will be the basis for calculating charges for regularization of plots. For example, if an un-authorized colony has been established before 17.08.2007 and the plots in such a colony have been sold for the first time before 17.08.2007 but the re-sale of some plots has taken place even after 17.08.2007, then in case of re-sold plots, the regularization charges shall be calculated on the basis of first sale deed of the plot but the Competent Authority shall link the first sale deed of the plot with the last sale deed and then decide accordingly subject to the condition that the first and the last sale deed shall be of the same plot and there is no difference in the area also.

iii) The individual plot/ building in an un-authorized colony will be regularized on application by the owner of the plot/ building by receiving regularization charges only, even if the offense of the colonizer has not been compounded so far.

iv) a) **Residential buildings upto 750 sq. yds plot area:-** In case of residential buildings having less than 750 sq. yds plot area, the applicant shall submit an application along with self attested building plan of the existing building and a self certificate regarding structure safety of the building or site plan of the plot, as the case may be. The applicant shall also certify that the building is constructed before 01.04.2013.

b) **Residential buildings above 750 sq yd plot area and other buildings:-** The applicant shall submit an application along with a building plan of existing building prepared and duly signed by a qualified architect or site plan of the plot, as the case may be. The applicant shall also submit structural safety certificate. In this case the architect shall also certify that the building is constructed before 01-04-2013.

v) Regularization Charges shall be paid by the plot holders/ building owners as given below:

a) 10% of the total amount of regularization charges shall be deposited at the time of submission of application to the concerned authority along with 5% Social Infrastructure Fund will be deposited with Chief Administrator, PUDA, SAS Nagar. The authority shall scrutinize the documents within two months and issue a demand notice to the applicant regarding deposit of 15% amount of regularization charges within one month from the issue of demand notice. The remaining 70% amount will be deposited to the concerned local body/ development authority, as the case may be, within one year in three equal quarterly installments along with an interest @ 12% per annum.

b) Out of total proceeds of regularization charges 1% will be deposited as Cancer Cess and 1% will be deposited for Culture Cess.

c) A rebate of 5% shall be allowed, if the total regularization charges are paid in lump sum along with the application.

vi) The existing residential buildings shall be approved on *as is where is basis subject* to the condition that they do not violate the conditions as mentioned in para 6 of this policy. **However, new construction in a vacant plot or any addition to the existing building shall be approved as per present building rules.**

vii) In case of public buildings, commercial and industrial buildings public safety and security, public conveniences and parking shall not be compromised for regularizing such buildings. The owner shall have to make such structural changes in the building, if required within a period of six months from the date of approval and also submit mandatory clearances from other departments, if required in this period. In case he fails to fulfill, any of the conditions within this period, the approval granted to him shall deem to be cancelled and the owner of the building shall be proceeded against as per provisions of the law.

viii) In case of un-authorized buildings/ plots for which the owner does not submit the application to the Competent Authority within the prescribed period, the legal proceedings shall be initiated against owners of such buildings.

B.2 Procedure for compounding un-authorized plots/ buildings in un-authorized colonies:

i) **Submission of application:**

The application for regularization of un-authorized plot/ buildings may be submitted as per Performa prescribed by the department to the Competent Authority by the owner of the building along with the following documents:

a) Proof of ownership viz., Registered Sale Deed/ Fard Jamabandi, full and final payment agreement to sell on stamp paper, *share certificate in case of member of*

Cooperative Society, Power of Attorney to sell as the case may be. The agreement prepared by pasting revenue stamps will not be considered valid for the purpose of regularization.

b) Location Plan of the site showing the detail of surrounding area

c) **i) In case of residential building upto 750 sq. yd plot area:-** A fully dimensioned plan of the plot/ building showing detail of plot area/ constructed area on all floors (in case of building) along with service plan of the building duly prepared and signed by the owner along with a self certificate of structure safety.

ii) **In case of residential building for more than 750 sq. yd plot area and other buildings:** - The above mentioned documents shall be duly signed by a qualified architect and the owner.

d) Self Certificate by the applicant stating that the site of the plot/ building does not violate any of the clauses as mentioned at Para-6 of this policy.

e) In case of high rise buildings, the clearance from Airport Authority of India shall be mandatory, if the building falls in the air funnel of the Airport/ Air Force Station.

f) Undertaking from the owner to pay Regularization Charges or any other charges levied under this policy.

g) Any other document, if required.

ii) **Scrutiny of Application:**

- The Competent Authority shall verify the location of plot/ building and the documents attached with the application within a period of two months from the date of application and convey to the applicant the demand notice/ observations, if any. The Competent Authority will also ascertain that the plot/ building being regularized does not fall under any category of land as mentioned at Para-6 of this policy.
- The applicant shall deposit the required charges along with modified building plans, if required (in case of a building) within one month. The Competent Authority shall approve the plot/ building plans within one month from the receipt of charges and complete documents, if satisfied. The legal proceedings, if any, will be withdrawn only after the receipt of final payment of total charges.

8. **Consequences for non submission of application for regularization of un-authorized Colonies/ plots/ buildings:**

In case an application is not submitted by the concerned Promoter/ Developer/ Plot holder/ building owner as the case may be, within the stipulated time for regularization of un-authorized colony/ plot/ building, the following consequences may follow:-

a) Such Colony/ plot/building shall remain as un-authorized and offense shall be treated as continuing against the promoter/ developer/ plot holder/ building

owner as the case may be and penal action which includes lodging of FIR will be initiated under the provisions of PAPR Act, 1995.

b) No connection for water supply and other services like sewerage, drainage, electricity etc shall be provided to such colony/ plot/ building.

c) No Registrar or Sub-Registrar appointed under the provisions of the Registration Act, 1908, shall register sale deed or any other document regarding sale of land or plot or building situated in an un-authorized colony.

d) No building plan shall be approved by the Building Plan Sanctioning Authority in such un-authorized colonies.

e) Other enforcement actions including demolition of the unapproved building, if any on such plots may be initiated.

9. Regularization charges levied to be kept in a separate account:

The amount collected by the Competent Authority under this policy shall be kept and maintained under its control in a separate account and shall be utilized as enumerated in Para A-2 (iv). The Competent Authority shall review the development works undertaken by the local authority relating to such un-approved layouts on a quarterly basis and shall have the power to issue necessary instructions and directions in this regard.

10. Committee for identification of un-authorized developers:

The Developer of an un-authorized colony shall be allowed self-certification of layout plan, service plans, revenue/ ownership documents etc of his colony but where the developer of such colony does not come forward for regularization of his offence within **one month** time from the date of notification of this policy, the following Committees shall identify within three months from the expiry of **one month** time, the person(s) who are/ were responsible to develop such illegal colony after making due investigation, scrutiny of relevant record and summoning of persons involved in the development of such colony. The committee shall submit its finding report to the Competent Authority. The colonizer of an un-authorized colony who has not applied within a stipulated period for regularization of his colony but applies after identification by the committee within a period of three months from the expiry of **one month** time, then he will be charged 20% extra of composition fee as penalty. If the promoter of un-authorized colony does not apply under this policy, then the Competent Authority shall get the FIR registered or take necessary action under relevant Acts against the promoter.

Committee for identifying un-authorized colonies falling within municipal limits:-

1. Joint/Additional Commissioner (Corp. cities)/ Regional Deputy Director (LG) (Other towns)	Chairman
2. Sub Divisional Magistrate (concerned)	Member
3. Executive Officer (concerned)	Member
4. Municipal Town Planner/ Municipal Engineer	Member
5.	

Note:

Where no Joint/ Additional Commissioner is available, the Commissioner Municipal Corporation will be the Chairman of the committee.

Committee for identifying un-authorized colonies falling outside municipal limits:-

1. Additional Chief Administrator of the Concerned Authority	Chairman
2. Sub Divisional Magistrate (concerned)	Member
3. District Town Planner	Member
4. S.E. of the Concerned Authority	Member

11. Appeal

i) Any applicant aggrieved by an order passed by the Competent Authority may prefer an appeal to the Appellate Authority constituted by the Government within thirty days from the receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in this policy.

Application form for regularization of colonies and plots/ buildings for applicants and certificate form for compounding of colonies and regularization of plots/ buildings to be issued by the Competent Authority has been prepared and uploaded on website www.punjabregularization.com.

Viswajeet Khanna, IAS
Dated: Additional Chief Secretary to Government of Punjab,
Department of Housing & Urban Development

Endst. No.12/04/2016-5Hg2/891764/2 Dated, Chd:15/12/2016

A copy with a spare copy is forwarded to the Controller, Printing & Stationery, Punjab, SAS Nagar with a request to publish this notification in the Punjab Govt. Gazette (Ordinary) and 100 copies thereof may be supplied to this Department for official use.

-sd/-
Special Secretary