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

Dated: The 20 April 2018

No.12/01/2017-5hg2/1130 **Whereas** the Government of Punjab in order to bring unauthorized colonies under a planned framework and to provide basic facilities to the residents of these colonies had enacted the Punjab Laws (Special Provisions) Act, 2013, which was re-enacted in the year 2014 and further re-enacted in the year 2016 under which the policies -No. 12/2/2013– 5HG2/ 3052 dated 21.08.2013 (amended vide No. 12/2/13-5 Hg II/ 4017 dated 05.11.2013), No. 12/2/13-5Hg2/332385/1 dated 28.10.2014 and No. 12/04/16-5Hg2/ 891764/1 dated 15.12.2016 were notified respectively for the compounding of unauthorized colonies and for the regularization of plots/ buildings falling under unauthorized colonies.

1.2 **Whereas,** during the implementation of these policies a total number of 6662 applications were received for regularization of unauthorized colonies out of which 3377 fall within Municipal Limits and the remaining 3285 colonies are outside municipal limits, 2565 of these colonies have already been approved. Besides this, 380912 plot/ building owners had applied for regularization of their plots/ buildings to different Local Bodies and Special Development Authorities. Out of these 333634 have been regularized by different Competent Authorities.

1.3 **Whereas** Govt. has information that there still exist a number of unauthorized colonies and many plot/ building owners falling under unauthorized colonies which could not apply for regularization under the previous policies. The colonies which have already been issued regularization certificate, need not to apply afresh. Similarly plots that have been issued regularization certificate earlier shall not be required to get the same again after the colony in which they are situated is regularized.

1.4 **And,** whereas, the Association of colonizers of Punjab have brought to the notice of Govt. certain difficulties in the implementation of these policies and whereas Government desires to ensure provision of the basic services and safety to the residents of these colonies.

1.5 **Now,** Government has enacted an Act called The Punjab Laws (Special Provisions for Regularization of Unauthorized Colonies) Act 2018, therefore the Governor of Punjab is pleased to notify this policy for the compounding of unauthorized colonies and for the regularization of plots and buildings falling within such colonies and to prevent the future growth of unauthorized colonies in the State of Punjab under the provisions of the above said Act.

2. Background:

2.1 The Government has enacted Punjab Apartment and Property Regulation Act, 1995 (PAPRA-1995) which was amended in the year 2014. Section-36(1) which deals with the offences by promoters or estate agents provides that "*any person or promoter or his agent registered under the act, without reasonable cause fails to comply with or contravenes the provisions of sections 3,5,6,9 or 15 shall, on convention, be punished with imprisonment for a minimum term of three years*

which may extended to seven years and with minimum fine of rupees two lac, which may extend to rupees five lac".

Previously also to facilitate the compounding of offences by the promoters Rule 31(3) of PAPRA-1995 was amended and a regularization policy was framed in 2010. But most of the unauthorized colonies could not fulfill the provisions as laid down in amended rule 31(3) (b), (c), (d) and (e) of PAPRA-1995 which read as follows:-

a. The width of access road to such colony shall not be less than thirty-five feet;
b. The width of the internal roads in such colony shall not be less than twenty-five feet;
c. in the layout plan of such colony, the land reserved for roads, open spaces, schools and public and community buildings and other common purposes, shall not be less than thirty-five percent of the gross area of such colony; and
d. such colony must have a site for water works and Sewage Treatment Plant or it should have been linked with the water supply and sewerage laid down by a local authority in the area of such colony.

The problem of unauthorized colonies continued and the Government in order to provide basic services such as potable water, sewerage facilities, pucca roads and electricity to the residents of these colonies again framed regularization policies for unauthorized colonies in the year 2013, 2014 and in the year 2016 under the provisions of The Punjab Laws (Special Provisions) Act enacted in the year 2013, 2014 and 2016 respectively.

In spite of these efforts not much promoters of unauthorized colonies have opted for getting their offences compounded under these policies. Such unauthorized development is not only defeating the very objective of planned development but it has also resulted in shortage of civic infrastructure in urban areas of the State.

2.2 Therefore, in order to bring all these unplanned colonies into the fold of planned development and to ensure provision of basic amenities for better quality of life and to provide safety from the fire risk etc. to the residents of these colonies and to give another chance to those colonizers and plot holder who could not apply earlier and to dispose of the pending applications, it is proposed to give one more opportunity through this policy. Since completing the entire internal development work as well as external development work may have huge financial implications, the liability of the Government to provide these services will be limited to the collection of funds under this policy. There will be no further responsibility of ULBs or Development Authorities to provide services and infrastructure beyond the funds collected from the individual colony (including its plot holders/building owners).

3. Definitions:

i. **"Built up"** under this policy means a construction with pucca roof which is intended to be used for Residential or Commercial or Industrial or Institutional purpose or any habitable use.

ii. **"Competent Authority"** means (a) Chief Administrator of the concerned Special Development Authority in case of area falling outside municipal limits, (b)

Commissioner Municipal Corporation, in case of area falling within municipal corporation limits and (c) Regional Deputy Director, Local Government for the area falling within municipal limits of Municipal/Nagar Councils.

iii. **"Composition Fee"** means a fee levied for developing a colony without getting required approvals from the competent authority.

iv. **"Development of unauthorized colony"** means the process of developing a colony by subdividing land physically, including by way of demarcating katcha roads or by constructing pucca roads or where stone metal has been laid out or where services like water supply, sewer, electrical, parks or water works or sewer treatment plant or boundary wall or any one of these activities has been carried out or are in the process of being carried out.

v. **"Developer"** means a person who has developed or is developing an unauthorized colony and shall include the owner of the land or the person who entered into an agreement to develop or Power of Attorney holder on behalf of the land owner, or any other person who was associated with the sale of land or development of unauthorized colony.

vi. **"High Rise Building":-** any building 15 m or above in height;

vii. **"Plot Holder"** means a person in who holds title to a plot through registered a registered sale deed or power of attorney or any other legally valid document;

viii. **"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 thereto by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any similar public purposes;

ix. **"Public Land":-** means land owned by the Central or the State Government or Boards or Corporations constituted under any central or state law or owned by the Central or State Government including the land owned by Gram Panchayat or Municipality;

x. **"Regularization Charge"** means a charge to be paid for regularizing the unapproved plots/buildings.

xi. **"Residents Welfare Association (RWA) ":-** means a society of the plot holders of an unauthorized colony or a cooperative society registered under The Societies Registration Act-1860;

xii. **"Unauthorized Colony**" means a colony and includes a building or Apartments, which has been developed by promoter in contravention of the provisions of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act 14 of 1995);

xiii. **"Unauthorized Commercial Colony"** means a colony whose area under commercial use is 25% or more;

xiv. **"Unauthorized Building"** means a building constructed in violation of the Punjab Regional and Town Planning and Development Act, 1995, the Punjab

Apartment and Property Regulation Act, 1995, or the Punjab Municipal Corporation Act, 1976, or the Factories Act, 1948, or the Punjab Town Improvement Act, 1922 or the Punjab Municipal Act, 1911;

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

4. Applicability of policy:

This policy shall be applicable from the date of its notification in the entire State of Punjab, including municipal limits falling under the Punjab New Capital (Periphery) Control Act, 1952. However, the policy shall not be applicable in the remaining area covered under the Punjab New Capital (Periphery) Control Act, 1952.

4.1 Regularization of unauthorised colony w.r.t. Master Plan provisions:

The unauthorised colonies developed before 01.04.2013 shall be regularized irrespective of the land use of the Master Plan as this provision was available in the previous policies also. However, the unauthorized colonies developed after 01.04.2013 shall not be regularized if the site of the colony contravenes the land use proposals of the Master Plan.

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

a. On any public land including land belonging to Gram Panchayat (such as Shamlat Lands including Jumla Mushtarka Malkaan), Municipal Land, Waqf Board or Land under Punjab Land Preservation Act, 1900, Land delisted from Punjab Land Preservation Act, 1900 etc.

b. 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 4 and 4.1 or any other Act prohibiting the development of colonies or buildings in a particular area.

c. Within the restricted zone near the Airport/Defense land.

d. Area of colony which falls in restricted area along scheduled roads and National Highway or any other restricted area under any other law.

Provided however that if part of such colony falls outside such area then such part may be considered for regularization under this policy

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

f. No colonies/ plots/ buildings falling in proposed roads, no construction zone etc. earmarked in any approved Master Plan shall be regularized;

Provided however that in case any NOC/ regularization certificate has been issued to any plot/ building under any previous policy then cases of such colony will be considered by the Competent Authority on merits.

g. No colony/ plot/ building shall be regularized in non-compatible land use of Master Plans if developed after 01.04.2013.

h. This policy shall not cover the unauthorized Marriage Palaces and the unauthorized

stand-alone buildings for which the Government has notified separate policies.

i. No colony shall be regularised unless the case is submitted by either colonizer/developer or RWA or Co-operative Society members of the concerned colony. Provided that in case the case is submitted by the colonizer/ developer, formation of RWA will be mandatory before the issue of the regularization certificate.

5. Objectives:

The objectives of this Policy are:-

a. To bring all unauthorized colonies/ buildings, wherever feasible into planning framework and to regularize the development.

b. To facilitate the implementation of Master Plans.

c. To improve the circulation pattern of streets/ roads.

d. To facilitate provision of basic amenities to residents/ plot holders of these areas.

e. To make provisions to regularize and to compound offences 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.

6. Cut-off date for application for regularization:

a. New applications of unauthorized colonies developed before **19.03.2018** and plots/ buildings falling under these colonies will be received under this policy for regularization.

b. It shall be compulsory for all developers / RWA/ Co-operative Society of unauthorized colonies to file an application with the Competent Authority in the prescribed format for compounding of unauthorized colony and regularization of plots/buildings falling in unauthorized colonies within a period of Four Months from the date of notification of this policy. Provided further that no new application will be accepted after four months from the notification of the policy. Applications received for regularization of colonies before the last date of submission under this policy and the pending applications received under the previous policies, if any will be disposed off within six months from the notification of the policy.

c. The applications received for regularization of colonies will be scrutinized within three months.

d. If there is any discrepancy in the documents found during scrutiny under clause 6(c), applicant shall submit the required documents within next three months.

e. After receiving all documents under clause 6(d), final regularization certificate shall be given to the applicant within next two months.

f. The applications for regularization of plots/ buildings shall only be considered after regularization of the colony in which the said plot falls. The owners of plots/buildings may also apply for regularization of their plot/building after the cut-off date subject to the payment of regularization charges as stipulated in para 13 & 14 of this policy.

7. Categories of Unauthorized Colonies:

7.1 The unauthorized colonies under this Policy shall be categorized into following four groups:-

a. Where upto 25% of the plots are built up.
b. Where above 25% to 50% of the plots are built up.
c. Where above 50% of the plots are built up.
d. Special Provisions for exceptional colonies with more than 75% built-up area.

a. Where upto 25% of the plots are built up:

In this category of colonies most of the area is available for re-planning, therefore in order to bring these colonies at par with the norms as laid down under the present Act/ Rules/ Instructions, the area which is un-built/ vacant can be demarcated and frozen for widening of the roads/ streets, spaces for parks, water works, public building etc. as per norms applicable to approved colonies under PAPRA, 1995. The developer will not be required to obtain a regular license under PAPRA, 1995 but he will be issued a regularization certificate and a revised layout plan of the colony shall be approved by the competent authority keeping in view the following norms (apart from other norms as applicable) while approving the layout plans. The minimum 35% area shall be kept under roads, parks etc. however the minimum area required for a colony shall not be applicable in this case. The colonizer shall be responsible to fulfill the following conditions in addition to any other condition imposed by the Competent Authority while issuing the regularization certificate.

i. No road in a colony shall be less than 30' wide.

ii. Approach road to the colony shall not be less than shall not be less than 22'-0" which shall be widened by leaving half of the required strip of land from its own colony to widen the approach road as under:

   i) 35' wide in case of colony with an area less than 10 acres.

   ii) 45' wide in case of colony upto 50 Acres.

   iii) 60' wide in case of colony above 50 acres.

iii. The Change of Land Use (CLU), External Development Charges (EDC), License Fee (LF)/ Permission Fee (PF) and Social Infrastructure Funds (SIF) charges shall be paid as applicable to a licensed colony under PAPRA, 1995. The schedule of payment shall be as applicable to approved colonies under PAPRA, 1995.

b. Where above 25% to 50% of the plots are built up:

In such colonies where the roads and the basic amenities have not come up to the norms as laid down under the provisions of law and guidelines but some area is available which could be utilized for providing minimum required infrastructure viz; roads, parks, water works, sewerage treatment plant and other amenities. The regularization of such colonies shall be governed by the following parameters:-

i. The unsold plots in such colonies shall be utilized for providing 35% area under parks/ open spaces, water supply, sewerage, roads etc.

ii. The minimum road width in such colonies shall be 30'. However, the Competent

Authority may allow a variance of 10% in street width if it is satisfied that after allowing variance the street width is sufficient for the movement of fire tender/ ambulance. In case the street width available in the colony is less than 30' and the Competent Authority is satisfied that it is difficult for the promoter to widen the street width to make it 30' wide in that case the colony shall be regularized only if the minimum street width available is 15 feet.

c. Where beyond 50% of the plots are built up:

In such colonies the extent of built-up area being on the higher side it may not be possible for the promoter to provide required minimum area under roads, parks, water supply, sewerage and other facilities as required under approved colonies under PAPRA, 1995. Such colonies may be regularized on as is where is basis, but there may be some space available for the provision of minimum basic amenities, therefore, in this category of colonies, the compounding shall be guided by the following parameters:-

i. The minimum road width in such colonies shall be 20'. However, the Competent Authority may allow a variance of 10% in street width if it is satisfied that after allowing variance the street width is sufficient for the movement of fire tender/ ambulance. In case the street width available in the colony is less than 20' and the Competent Authority is satisfied that it is difficult to widen the street width to make it 20' wide in that case the colony shall be regularized if the minimum street width available is 15 feet.

ii. A space of at-least 50'X50' shall be provided for water supply pump house.

iii. The colonizer must provide atleast one adequate space of 50'X50' for a park in case of a colony over **10 acres**.

d. Special Provisions for exceptional colonies with more than 75% built-up area:

There may be some colonies with large built-up area which may not be covered in any category of colonies listed at 7.1 (a),(b) and (c) and where the width of street/ roads may be less than 15 feet where the movement of fire tender and ambulance may be difficult in case of emergency. The road widening in such colonies and provision of a space for a pumping station and park etc. may also not be feasible but at the same time the safety and security of the public has to be protected and basic facilities like potable water supply, sewer, pucca road, electricity would be required. Therefore, the regularization of such colonies shall be considered by the following **committees constituted under the chairmanship of Deputy Commissioner** of the concerned district on as is where is basis subject to certain conditions:-

A. Outside Municipal Limits:

i.	Deputy Commissioner	Chairman
ii.	Chief Administrator / Additional Chief Administrator of the Concerned Authority	Member (Convener)
iii.	Superintending Engineer of Concerned Development Authority	Member
iv.	Senior Town Planner of the concerned circle	Member

v.	Superintending Engineer PWD (B&R)	Member
vi.	District Forest Officer	Member
vii.	Fire Officer of the concerned area	Member
viii.	Any other officer as special invitee	Member

B. Within Municipal Limits:

i.	Deputy Commissioner	Chairman
ii.	Commissioner of Municipal Corporation for corporation Towns and Regional Deputy Director for Municipal Towns	Member (Convener)
iii.	Superintending Engineer of Municipal Corporation and Municipal Engineer for Municipal Towns	Member
iv.	Senior Town Planner of the Local Government	Member
v.	Superintending Engineer PWD (B&R)	Member
vi.	District Forest Officer	Member
vii.	Fire Officer of the concerned area	Member
viii.	Any other officer as special invitee	Member

Note: *Deputy Commissioner will personally chair the meeting and shall not delegate power to any subordinate.*

Every application of such colony, submitted to the committee for regularization may be considered subjected to the following conditions:-

i. Each such colony shall have an RWA which will take action as per the following and give a certificate to the Competent Authority of having taken necessary action.

ii. The residents of such colonies shall be made aware by the RWA against the risk of fire and earthquake etc.

iii. The entire colony shall be provided fire hydrants as per norms of the fire department of Punjab.

iv. The telephone numbers for emergency help of the department of Police, Health and Fire Brigade shall be displayed on suitable places by the RWA.

v. The RWA shall educate the residence against the storage of inflame-able material in the residential houses/ plots.

vi. Each resident of the colony shall also be educated about minimizing the loss of life and property in case of fire/ earthquake etc. For this purpose, the residents shall be required to install fire extinguisher and also keep sand-filled buckets in their houses.

vii. If the residents agree to shift the wall to widen the street/road upto 30'-0" then composition charges shall be reduced proportionately.

7.2 If the Competent Authority is satisfied that it is not possible for the developer/ RWA/ Co-operative Society of a colony to provide area for parks and water works, to the extent required in each case above, he may relax this requirement wholly or partially to the extent of 10% of the requirement of that area.

7.3 An application for regularization of a colony may be moved by the developer or by RWA or Co-operative Society of the colony hereafter referred to as applicant, along with layout plan superimposed with Khasra details.

The colony which have not applied under any previous policy/ whose application is pending/ whose application has been rejected by the competent authority have to apply afresh under this policy.

a) Submission of Application:

Application form for compounding of colonies for applicants and certificate form for compounding of colonies to be issued by the Competent Authority has been prepared and uploaded on the website of the respected competent authorities for public information.

b) List of Documents:

a) **In case the applicant is a developer:-** proof of ownership viz., Registered Sale Deeds or full and final payment agreements to sell on stamp paper, Fard Jamabandi of the time when such a colony was sold/developed and the present Jamabandi.

b) **In case the applicant is a Residents Welfare Association (RWA):-** Registered Sale Deeds or Fard Jamabandi of the time when such a colony was sold/developed and the present Jamabandi.

c) **In case the applicant is a Cooperative Society:-** share certificates of members.

Besides this, the following documents shall also be submitted along with application:-

i. Location Plan of the colony, superimposed on the google image.
ii. Site Plan/Layout Plan of the colony superimposed with Khasra plan and google image.
iii. The Applicant will furnish a self-certified certificate stating that the site of the colony does not violate any of the clauses as mentioned at Para-4 of this policy.
iv. The Applicant will furnish the existing Layout Plan showing the detail of plots sold, unsold, built up/vacant plots, road circulation with width, space left for parks, public amenities, if any duly signed by the applicant himself or by his representative.
v. The Applicant will furnish the service plan showing sewage, water supply, electricity of the Colony, if any.
vi. Details of the development works carried out in the colony, if any.
vii. The Applicant shall give an undertaking to pay Composition Fee and any other charges levied under this policy.
viii. Demand draft/online payment of the charges/fee as specified in the policy.
ix. Every colony applied for regularization or compounding shall be given UID number which will be automatically generated at the time of on-line filing of application.
x. Any other document if required under this policy.

8. Composition Fee for compounding of unauthorized colonies:

8.1 Composition Fee for unauthorized Residential colonies falling under categories defined at 7.1

Year of Establishment of unauthorized colony	Percentage of current Collector Rate	Remarks
More than 10 Years	0.5	Subject to maximum of Rs.3,00,000/- per acre (calculated on the basis of per sq. yd.)
Between 10 to 4 Years	2.0	Subject to maximum of Rs.10,00,000/- per acre (calculated on the basis of per sq. yd.)
Less than 4 years	6.0	Subject to maximum of Rs 20,00,000/- per acre (calculated on the basis of per sq. yd.)

Notes:

a) *The date of establishment shall be determined from the date of first registration of the plot.*

b) *The composition fee for unauthorized residential colonies to be charged from the developers shall be on per square yard basis which will be multiplied by 4840 and then by 0.5%,2.0% or 6% of collector rate, as the case may be. For example, if the residential colony is developed more than 10 years ago and the current 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:-*

2000 X 4840 X 0.5/100 = Rs. 48,400/-

So, in this case the colonizer has to pay Rs. 48,400/- per acre as composition fee.

8.2 The composition fee for commercial area shall be based on the collector rate for the land to be used for commercial purpose. Wherever the collector rates are not fixed for commercial purpose, in such cases double the collector rate of residential area shall be considered as collector rate for regularization of commercial area.

8.3 The developer of the colony shall be bound to pay the fee / charges as fixed above 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 or the Residents' Welfare Association may also deposit the fee / charges for the compounding of unauthorized colony.

9. Mode of payment of Composition fee and other conditions

i) 25% amount of total composition fee for compounding of the colony shall be deposited with the development authority or local authority as the case may be. The authority shall scrutinize the documents within three months and if found eligible for regularization, issue a demand notice to the applicant regarding deposit of 25% amount of the project within one month from the issue of demand notice. The remaining 50% amount will be deposited with the concerned authority within one year in **two equal** instalments along with an interest @12% per annum.

ii) The composition fee received from the developers shall be deposited with development authorities in case of colonies falling outside M.C. limit and with concerned urban local bodies in case of colony falling within M.C. limit. For the colonies within MC Limits, the Local Government shall be responsible for compounding and outside MC limits; concerned Development Authorities shall be responsible for the same.

iii) On receipt of full and final payment, the layout plan submitted by the developer shall be approved provided that the layout plan fulfils the conditions as mentioned under

each category of colony at Sr. No. 7.1 (a), (b), (c) and (d).

iv) The committees as listed under Sr. No. 7.1(d) 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 for the regularization of a colony in its respective jurisdiction.

v) Any area under green spaces, roads, STP, water works, community centre etc. shall vest with the RWA and maintenance of the same shall be the responsibility of the RWA.

vi) All pending applications / rejected applications received under the previous policies dated 21.08.2013, 05.11.2013, 28.10.2014 and 15.12. 2016 will be dealt according to the provisions of this policy. For rejected applications the applicant has to apply a fresh. Any amount already paid will be adjusted against amount payable under this policy. If any excess amount deposited shall not be refunded.

vii) The compounding of unauthorized colonies will be subject to the outcome of decisions regarding pending cases if any in this regard in any Court of law.

viii) 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.

ix) No unauthorized colony which was developed on or after 19th March 2018 will be compounded under this policy.

10. Identification of unauthorized developers/colonies:

The Developer of an unauthorized colony shall be allowed self-certification of layout plan, service plans, revenue/ ownership documents etc of his colony or there can be a third party verification, but where the developer of such colony does not come forward for regularization of his offence within **four months** time from the date of notification of this policy, the following officers/Authority shall identify within **three months** from the expiry of **four months** 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 concerned officer / authority shall submit its finding report to the Competent Authority. The colonizer of an unauthorized colony who has not applied within a stipulated period for regularization of his colony but applies after identification by the authority within a period of three months from the expiry of **four months** time, then he will be charged 20% extra of composition fee as penalty and criminal proceedings may be also be initiated against him. The Competent Authority shall get the FIR registered within **three months** or take other necessary action under relevant Acts against the promoter of unauthorized colonies who do not apply for regularization under this policy.

Provided however, if any colony not identified with in this period it will not debarred later but action will be taken as per para 10.3 of this policy.

10.1 The un-authorized colony shall be identified by the following officer:-

i. E.O. (Regulatory),SDM, Executive Magistrate for areas falling outside municipal limits under the supervision of Chief Administrator of Concerned Authority.

ii. Assistant Commissioner / Joint Commissioner, Executive Officer of concerned

Municipal Corporation/ Municipal Council/ Nagar Panchayat as the case may be for areas falling within municipal limits, under the supervision of Commissioner of concerned Municipal Corporation or Regional Deputy Director as the case may be.

10.2 The authority to render technical advice for C.L.U. and approval of layout plan:-

i. The technical advice for approval of CLU/layout plans for all sized unauthorized 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.

ii. The technical advice for approval of CLU/layout plans for all sized unauthorized colonies falling within MC limits, covered under this policy shall be rendered at the level of Commissioner of concerned municipal Corporation or Executive Officer of concerned municipal council/ Nagar Panchayat as the case may be.

10.3 Consequences for non submission of application for regularization of un-authorized Colonies:-

In case an application is not submitted by the concerned Promoter/RWA/ Co-operative Society for regularization of unauthorized colony, the following consequences shall follow:-

i) Such Colony shall remain as unauthorized and offence shall be treated as continuing against the promoter and penal action which includes lodging of FIR will be initiated under the provisions of PAPRA, 1995.

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

iii) 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 plots or buildings falling under unauthorized colony.

iv) No building plan shall be approved by any Competent Authority on any plot falling under such unauthorized colony.

v) Other enforcement actions including demolition of the unapproved building, if any falling under such colony may be initiated.

11. Scrutiny by the Competent Authority:

The Competent Authority after verifying the ownership and existence of colony at site and other required documents within three months from the date of application 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 and after receiving the clarification, if any, and deposit of 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, Municipal Town Planner, Local Government (for sites falling within MC limits).

Further, the civil/criminal action in any litigation regarding unauthorized colony by the authority under PAPR Act, 1995 shall be withheld for a period of 12 months after receiving 25% of the composition charges but shall be withdrawn only after regularization. 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 civil/ criminal cases. Provided, however, that in case the developer/ colonizer does not apply for regularization, criminal action against him shall not be withdrawn.

12. Issuance of Regularization Certificate:-

The regularization Certificate to colony shall be issued by the competent authority as mentioned at serial No. 17 of this policy only after payment of full and final charges and after fulfilment of all conditions as stipulated under this policy. The regularization certificate of the colony shall be put on the website of the respected competent authorities for public information.

13. Regularization of plots in an unauthorized colony:

In unauthorized 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/ owners of an unauthorized colony. To share this expenditure the plot holders/ owners shall have to pay the development charges. These charges shall be independent of the composition fee to be charged for regularization of an unauthorized colony. The concerned authority/ local body shall provide above said basic services in a colony to the extent of the amount received from composition of colony and development charges received on of plots of a such colony:

The charges for compounding an un-authorized plot shall be called development charges as this fund will be primarily used for development works to be carried out for that colony.

Development charges: The development charges shall be payable by the plot holders as fixed under this policy.

Development charges of residential plots (outside M.C. Limits):-

Plot Size	Development charges for residential plots per sq.yd in rupees
Upto 50 yd^2	0.5 % of current Collector Rate
Above 50 to 100 yd^2	1.0% of current Collector Rate
Above 100 to below 250 yd^2	4.0% of current Collector Rate
250 yd^2 and above	6.0% of current Collector Rate

Development charges of commercial plots (outside M.C. Limits):-

Plot Size	Development charges for commercial plots per sq.yd in rupees
Upto 25 yd^2	9% of current Collector Rate
Above 25 yd^2 below 50 yd^2	18% of current Collector Rate
50 yd^2 and above	36% of current Collector Rate

Note:

i) *Within M.C. Limits the current development charges for residential plots and commercial plots as fixed by the department of Local Govt. will be applicable.*

ii) *The industrial plots and institutional plots shall be charged at half the rates as fixed for residential plot in the above table.*

iii) *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 plot 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.*

iv) *The regularization fee 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.*

v) *Development charges and regularization fee on buildings 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.*

vi) *Where building plans have already been approved by the Competent Authority or where NOC has been issued prior to 20.1.2005 in that case, the regularization fee as mentioned above shall not be charged.*

vii) *These charges shall be increased by 15% from Ist April of every year starting from 01.04.2019.*

In addition to development charges for plots, in case a building has been constructed on the plot, Regularization fee on a unauthorized building shall be charged in *lump-sum* as under:

Category of Building	Regularization fee per sq. feet of covered area within Municipal Limits	Regularization fee per sq. feet of covered area outside Municipal Limits
Residential	Rs.37.5	Rs.7.50
Commercial	Rs.75.00	Rs.45.00
Industrial	*Rs.* 75.00	*Rs.* 7.50
Institutional	*Rs.* 75.00	*Rs.* 7.50

Note:

i) *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.*

ii) *Development charges and regularization fee on buildings 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.*

iii) *Where building plans have already been approved by the Competent Authority or where NOC has been issued prior to 20.1.2005 in that case, the regularization fee as mentioned above shall not be charged.*

iv) *These charges shall be increased by 15% from Ist April of every year starting from 01.04.2019.*

14. Development charges for plot holders who apply after the cut-off date under this policy:

It has come to the notice of the Govt. that under the previous policies for the compounding of unauthorized 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 network, 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 with condition that such plot/ building should fall in un- authorized colonies developed before 19.03.2018 and building should also have been constructed before 19.03.2018, The owners of such plots/ buildings has to pay the development charges in addition to regularization 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.

15. General Conditions:

a. The plots sold before August 9, 1995 (the date of enactment of the Punjab Apartment and Property Regulation Act, 1995) falling in unauthorized 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.

"The colonies which will be regularized under this policy shall have to get them self registered under RERA Act with the Real Estate Regulatory Authority within three months"

b. The individual plot/ building in an unauthorized colony will be regularized on application by the owner of the plot/ building only, if the colony has been regularized.

c. **Residential buildings of or upto 250 sq. yds plot area:-** In case of residential buildings having less than 250 sq. yds plot area, the applicant shall submit an application along with self attested building plan of the existing building and a certificate from an Architect / Civil Engineer regarding structure safety of the building . The applicant shall also certify that the building is constructed before 19.03.2018.

d. **Residential buildings above 250 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. The applicant shall also submit structural safety certificate from a structure engineer. In this case the architect shall also certify that the building is constructed before 19-03-2018.

e. Development Charges / Regularization fee shall be paid by the plot holders/ building owners as given below:

i) 25% of the total amount of development charges and regularization fee shall be deposited at the time of submission of application to the concerned authority. The authority shall scrutinize the documents within two months and issue a demand notice to the applicant regarding deposit of 25% amount of development charges / regularization fee within one month from the issue of demand notice. The remaining 50% amount will be deposited to the concerned local body/ development authority, as the case may be, within one year in two equal instalments along with an interest @ 12% per annum.

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

f. The existing residential buildings shall be regularized on ***as is where is basis subject*** to maximum 50% excess of the permissible Floor Area Ratio (FAR) and fire safety, parking requirement, public safety/ security, public convenience shall not be

compromised and that they are in a regularized colony. **However, new construction in a vacant plot or any addition to the existing building shall be approved as per present building rules.**

g. In case of non residential buildings, it shall be regularized on ***as is where is basis subject*** to maximum 50% excess of the permissible Floor Area Ratio (FAR) and fire safety, parking requirement, public safety/ security, public convenience shall not be compromised. The owner shall have to make such structural changes in the building as 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 be deemed to be cancelled and the owner of the building shall be proceeded against as per provisions of the law.

h. The pending/rejected applications from previous policies for regularization of plots may be considered under this policy at the request of the applicant and any payment made earlier shall be adjusted against the amount due without any interest.

16. Procedure for compounding unauthorized plots/ buildings in unauthorized colonies:

16.1. Submission of application:

The application for regularization of unauthorized plot/ buildings may be submitted as per prescribed Performa by the owner of the building / plot along with the following documents:

a) Application form for regularization of plots/ buildings for applicants and certificate form for regularization of plots/ buildings to be issued by the Competent Authority has been prepared and shall be uploaded on website of the respected competent authorities for public information.

b) 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.

c) Location Plan of the site showing the detail of surrounding area.

d) **In case of residential building upto 250 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 certificate of structure safety from an Architect/ Civil Engineer.

e) **In case of residential building for more than 250 sq. yd plot area and other buildings: -** The above mentioned documents shall be duly signed by a qualified architect and the owner. The applicant shall also submit structural safety certificate from a structural engineer.

f) Self Certificate by the applicant stating that the site of the plot/ building does not violate any of the clauses as mentioned at Para-7 of this policy.

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

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

i) Any other document, if required.

16.2 Scrutiny of Application:

a. 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-4 of this policy.

b. 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.

16.3 Sanctioning of Building Plans:

The Competent Authority to approve the building plans within M.C. limits shall be Commissioner Municipal Corporation or Executive Officer of M.C. as the case may be and for area outside Municipal limit building plan shall be approved by concerned Estate Officer.

17. Utilization of charges:

In case of unauthorized 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 water supply, sewerage, paved streets etc. to the residents of the colony, out of the funds collected from regularization of colonies/ plots/ buildings falling under that colony. In case of an unauthorized 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 colonies/ 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 unauthorized colony out of the funds collected from regularizing colonies/ plots/ buildings falling in that colony. The funds received by regularization of colonies/ plots/ buildings in an unauthorized colony will be utilized for providing basic services to the residents of such colony only and nowhere else. *The funds collected from the regularization of the colony and the plot/buildings falling within that colony upto 31st March each year will be spent within the next financial year on the development/provision of infrastructure for that colony. The RWA of the concerned colony shall make request for prioritization of the development/infrastructure works required for that colony which shall be honoured by the concerned authority and the amount collected from the regularization of that colony shall be spent on the colony in consultation with RWA. The Expenditure shall be incurred only if minimum 50% plot holders have deposited the development charges and the regularization fee.* Maintenance of common facilities and infrastructure will be done by Developer/ Colonizer or RWA or Co-operative Society.

18. Maintenance of a separate account:

A separate account shall be maintained for each colony and the funds collected by regularization of colonies/ plots/ buildings falling in that colony will be utilized for providing basic services and External Development to the residents of that colony only.

19. Consequences for non submission of application for regularization of un-authorized plots/ buildings:

In case an application is not submitted by the concerned owner of the plot/building for regularization under this policy within a period of 12 months from the date of notification of this policy, the following consequences shall follow:-

i) Such plot/building shall remain as unauthorized and no connection for water supply and other services like sewerage, drainage, electricity etc shall be provided to such plot/ building.

ii) No building plan shall be approved by the Building Plan Sanctioning Authority on such unauthorized plots.

iii) Other enforcement actions including demolition of such unapproved building, if any may be initiated.

20. Committee for Regularization of un-authorized colonies:

The following committee shall scrutinize and give their recommendations for regularization of the colony.

20.1 Committee for Regularization of un-authorized colonies falling outside municipal limits:-

1. Chief Administrator of the Concerned Authority	Chairman
2. Senior Town Planner of the concerned circle	Member
3. Superintending Engineer of the Concerned Authority	Member
4. Sub Divisional Officer (Revenue)	Member
5. Estate Officer	Member (convener)

20.2 Committee for Regularization of un-authorized colonies falling within municipal limits:-

1. Commissioner Municipal Corporation for corporation towns and Regional Deputy Director Local Government for Municipal towns	Chairman
2. Sub Divisional Officer (Revenue)	Member
3. Superintending Engineer of Corporation and Municipal Engineer for Municipal Committee	Member
4. Municipal Town Planner of the concerned corporation	Member
5. Assistant Commissioner/ Executive Officer of the concerned corporation / council	Member (convener)

Note: The committee for regularization of unauthorized colonies falling within Municipal Limits will recommend the case directly to the Government for final approval.

21. Appeal:

Any applicant aggrieved by an order passed by the Competent Authority may prefer an appeal to Chief Administrator, Punjab Urban Development Authority (PUDA), S.A.S

Nagar, for areas outside municipal limits or Director Local Government for areas within Municipal Limits (as the case may be) who will be the Appellate Authority, within thirty days from the receipt of the order provided that the applicant has paid the necessary charges and submitted documents as specified in this policy.

22. Application form for regularization :

Application form for regularization of colonies and plots/ buildings and the form of certificate for compounding of colonies and regularization of plots/ buildings to be issued by the Competent Authority is available on website of the respected competent authorities for public information.

23. Provisions to control future development of unauthorized colonies:

i) In order to have strict control on the development of unauthorized colonies and building activity in future, 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.

ii) 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 unauthorized building or colony after giving a notice of thirty days and providing a reasonable opportunity of being heard to the person(s) concerned.

iii) The concerned authorities will send a list of all approved colonies along with layout plan superimposed on khasra plan to the sub registrar/ joint sub registrar to get plot registered in regularized unapproved colonies. No plot falling within unauthorized colonies shall be registered.

iv) Besides the above said measures no water supply, sewer or electric connection will be allowed and no sub registrar/ joint sub registrar shall register their sale deed or any other document regarding the sale of that unauthorized plot or building or colony.

No un-authorized colony which has been developed on and after 19.03.2018 shall be regularized and stringent actions as mentioned above shall be taken against the colonizer.

Place: Chandigarh
Dated: 20-04-2018

Vini Mahajan, IAS
Additional Chief Secretary to Government of Punjab
Department of Housing and Urban Development

Endst. No. 12/01/17-5HG2/ 1131 Dated: 20-04-2018

A 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 50 copies thereof may be supplied to this Department for official use.

Special Secretary