

## Notifications and Orders

**(119) Permission to members of Cooperative House Building Societies to transfer their share in land.**—Whereas a Scheme galled the Chandigarh Allotment of Land to Cooperative House Building Societies Scheme, 1991 was formulated by Chandigarh Administration, Finance Department, - *vide* Notification bearing No. UTFI(3)-92/5214, dated 28th May, 1991 regulating the allotment of land to the Cooperative House Building Societies in the Union Territory, Chandigarh.

And whereas under the aforesaid Scheme, the Chandigarh Administration allotted land on chunk basis to the Chandigarh Housing Board for its further allotment to the eligible Cooperative House Building Societies for construction of multistoried dwelling units for its *bona fide* and eligible members on the terms and conditions to be laid down in the allotment letter and lease deed.

And whereas as per the aforesaid Scheme, no individual/Society shall part with the possession of the land or dwelling unit before the expiry of atleast 5 years from the date of allotment. However, the allotment letter issued by the Chandigarh Housing Board to various Societies in the year 1994/2002 provide that no society or its member shall sell or otherwise transfer his/her rights in the land or port thereof for a period of 15 years/5 years of from the date of completion of the building.

And whereas the condition imposed in the allotment letter issued to the Cooperative House Building Societies, has created a number of complications. In certain Societies; the original allottee members have alienated their dwelling units on the basis of Powder of Attorney and as such the original allottee members are in minority yet managing the affairs of the respective Societies. This has virtually affected the management of the Societies in terms of the Punjab Cooperative Societies Act, 1961 as applicable to the Union Territory, Chandigarh.

And whereas, to overcome aforementioned problems being faced by tin Societies to function under the Punjab Cooperative Societies Act 1961, it 1ms been, fell that in public interest, the original members in the Cooperative House Building Societies in Union Territory, Chandigarh be allowed to transfer their share/flat/ dwelling unit, no twill islanding anything contained in the letter of allotment/conveyance deed/lease deed imposing a condition of 15 years/5 years on the transfer of site/flat dwelling unit, as the case may be, or any right, title or interest therein from the date of completion of the building.

Now, therefore, the Administrator, Union Territory, Chandigarh is pleased to order that the original members in the Cooperative House Building Societies functioning in 1hc Union Territory, Chandigarh shall be entitled to transfer their ownership or shares of flats/dwelling units, or any right, title or interest therein or to part with the possession of land/dwelling unit after 5 years from the date of allotment of land to the respective Society through a legal process subject to the fulfilling of die following conditions:-

1. that the Society has paid full premium of the site allotted to it.
2. that the construction of the building as per approved plan by the Competent Authority is complete and occupation certificate obtained by the said Society;
3. that 1/3rd of the unearned increase in the value of the land to be assessed by the Estate Officer, Union Territory, Chandigarh [as provided in the Chandigarh (Sales of Sites and Buildings) Rules, 1960 and Chandigarh Lease Hold of Sites and Building Rules, 1973] on the date of receipt of application from the transferor or transferee for the purpose be payable by him/her to the Chandigarh Administration before al lowing sash transfer by the Registrar, Cooperative Societies, Union Territory, Chandigarh.

However, in the case of transfer of Share/flat/dwelling unit to a family member i.e mother, father, spouse, brother, widow sister or unmarried sister son and/or daughter shall not be construed as transfer for the purpose of unearned increase.

4. Once such a transfer takes place, the new owner or shareholder can be treated as a registered member of the Society.

*(See Chandigarh Administration Gazette, (Extra,) dt 7.2.2008 at page 245)*