

Chandigarh Allotment of Land to Co-operative House Building Societies Scheme, 1991

Notification dated 28th May, 1991

No. UTFI (3) - 91/5214. - With view to promote private housing and optimum utilisation of land by constructing multi-storeyed structures, the Administrator, Union Territory, Chandigarh is pleased to make the following scheme regulating allotment of land to the Co-operative House Building Societies, in the Union Territory, Chandigarh, namely :-

1. (1) This scheme may be called the Chandigarh Allotment of Land to Co-operative House Building Societies Scheme, 1991.

(2) It shall come into force at once.

2. (1) In this Scheme, unless the context, otherwise requires :-

(a) "Family" means a person, his spouse and their dependent children.

(b) "Government" means the Central Government.

(c) "Society" means a Co-operative House Building Society registered under the Punjab Co-operative Societies Act, 1961, as applicable to the Union Territory, Chandigarh, engaged in the promotion of construction and management of residential accommodation for the use of its members.

(d) "Land" means a piece of land for multistoreyed Dwelling Units.

(2) Words and expressions used but not defined in this Scheme and defined in the Capital of Punjab (Development and Regulation) Act, 1952 shall have the meanings respectively assigned to them by that Act.

3. The Chandigarh Administration may conduct survey to assess the demand by inviting applications on prescribed forms available from the Chief Executive Officer, Chandigarh Housing Board alongwith 25% of the premium of land to be applied for as earnest money and proof that the Society has sufficient funds and resources to pay the balance of premium of land and to undertake construction work on the land if allotted to them through the Chandigarh Housing Board. Such survey shall, however not be construed as a commitment for allotment of land in any way.

4. The Chandigarh Administration shall allot land on chunk basis to the Chandigarh Housing Board for its further allotment to the eligible Co-operative House Building Societies from whom applications were invited under clause 3 above, having sufficient funds and resources to the satisfaction of the Estate Officer, on Lease Hold Basis for 99 years for the construction of multistoreyed structures/dwelling units (hereinafter called DU) and their allotment to its eligible members on the terms and conditions to be laid down in the allotment letter and lease deed. The land so allotted shall be planned in consultation with the Chief Architect and Secretary, Architecture Department, Union Territory, Chandigarh.

and developed by the Engineering Department as usual. The proposed Plan shall be got sanctioned from the Chief Administrator, Chandigarh as per the provisions of the Punjab Capital (Development and Regulation) Building Rules, 1952 as amended to date. The seniority of society may be determined from registration Number and date. The Administrator may allot land to the societies within the limits of Union Territory, Chandigarh subject to the fulfilment of provisions of the Scheme and the Capital of Punjab (Development and Regulation) Act, 1952 as amended from time to time and the rules made thereunder including the Chandigarh Lease Hold of Sites and Building Rules, 1973 (as amended from time to time). The society and its members shall be jointly and severally responsible for payment of premium including instalment and ground rent and for complying with the terms and conditions, rules and regulations and the provisions of the Act referred to above. The minimum quantum of land that can be allotted is one acre and 40 to 60 number of Dwelling Units (as approved by the Chief Architect) are to be provided by the Society per acre. The Chandigarh Administration may fix cut off date for the purpose of allotment of land to the Societies as well as to members.

COMMENTARY

Allotment of plot - Petitioner society applied for allotment of land measuring 5 acres under allotment Scheme 1979 - The land was allotted for construction of flats for 2000 members of the society @ 175 per sq. yds. on lease hold basis for 99 years - Petitioner paid Rs. 9,25,000/- to the department which was duly received by it on 4-4-90 - Tentative price of the land was Rs. 42,35,000/- - Administration sent a letter to the society on 29-11-96 that scheme 1979 was repealed by Scheme 1991 and society could not be given the land and it should apply for refund of deposited amount - Act of Administration is unjustified and contrary to law - Once the society has been allotted land under a valid scheme, allotment cannot be cancelled under a new scheme introduced in the year 1991 especially when allotment made under old Scheme has been saved by provisions of new Scheme - Respondent has no right to cancel allotment after keeping the deposits with it for almost 10 years - Respondent directed to give possession of the disputed land to the petitioner - Petition allowed - *Chandigarh Police Cooperative Housing Society v. Chandigarh Administration through its Advisor*, 2001 HRR 77 D.B.

Allotment of plots - Administration cannot magnify allotment of left over plots to new members by way of substitution on the ground that they are not members of the societies on a particular date - Where no cut off date was specified in the scheme for determination of eligibility of members - Approval to allotment of plots to new members inducted by substitution in place of drop outs cannot be refused by administration - Entitlement to allotment of left over plots cannot be said to be erroneous - *Union Territory, Chandigarh v. Parmod Kumar*, 2006 (Suppl.) HRR 738 DB

5. Premium. - The premium of land to be allotted to the Co-operative Societies under this Scheme shall be determined by the Chief Executive Officer, Chandigarh Housing Board, in such manner as may be directed by the Chief Administrator from time to time.

6. Eligibility. - A society may be considered eligible for allotment of land if it is duly registered with the Registrar, Co-operative Societies, Union Territory, Chandigarh functioning properly having sufficient funds/resources to pay the pre-

mium, to undertake the construction work, to complete it in a stipulated period, and that each of its members fulfils the following conditions :-

- (i) He is a bona fide resident of the Union Territory of Chandigarh and should be residing in Union Territory, Chandigarh atleast for last two years on the date of the allotment of land to the Society ;
- (ii) He is an employee of the Central Government/Corporation owned or controlled by Central Government stationed at Chandigarh on the date of notification of Scheme or has served in the past at Chandigarh, or
- (iii) He is an employee of Union Territory Administration or the States of Punjab and Haryana or any Corporation owned or controlled by Union Territory or State Governments referred to above and is either serving at Chandigarh on the date of notification of the Scheme or has served in the past ; or
- (iv) He is a retired from the Government or Corporation referred to at (ii) and (iii) above and residing at Chandigarh.

An applicant member may be eligible for allotment of dwelling unit in accordance with his monthly income i.e. one dwelling unit out of the dwelling units constructed per acre, as per category given below :-

'[(A) (1) 25 Dwelling Units per acre	Category "A"
(2) 35 Dwelling Units per acre	Category "B"
(3) 45 Dwelling Units per acre	Category "C"

(The density shall not in total exceed 40% of the covered area)]

(B) Income Group	Category for which eligible
Members having monthly income of Rs. 5,001 and above	"A"
Members having monthly income of Rs. 2,001 to 5,000	"B"
Members having monthly income upto Rs. 2,000	"C"

Provided that no society shall be eligible for allotment of a site under this scheme if any of its members, their spouses or dependent children already owns, either on free-hold, lease-hold or hire purchase basis, a dwelling unit or a residential house/site/flat at Chandigarh, Manimajra, Panchkula and S.A.S. Nagar (Mohali):

Provided further that not more than one member of a family shall be a member of any such Society and not more than one dwelling unit shall be allotted to one family:

Provided further that 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.

COMMENTARY

Eligibility - Petitioner as a member of a Registered House Building Co-operative Society was denied allotment of house on the ground that he was not found to be resident of Chandigarh at the time of applying for allotment - Petitioner remained in Chandigarh between Oct., 1963 to May, 1964 and now is working as Superintendent- ing Engineer in Punjab Housing Board - It is clear from the clauses of Scheme that not only those who were resident of Chandigarh at the crucial time but also those who have even been in Chandigarh are entitled to allotment - *Nirmal Singh v. Union Territory, Chandigarh*, 1996 HRR 157.

7. Grouping of Society/Enrolment of new members. - If any Society has less than 50 members, these shall be grouped together so as to enable the Chandigarh Housing Board to allot atleast one acre of land to a group of Societies.

8. Refund of Earnest Money. - The earnest money shall be refunded to the

1. Substituted by Chandigarh Administration Gazette Notification dated 19.03.1993

Society, if any Society cancels its demand before allotment of land. Earnest money shall also be refunded to un-accommodated Societies, if any. No interest shall, however, be payable on any amount which remained deposited with the Estate Officer under this Scheme.

9. Operation of Account/check thereon. - Every member who applied / have applied to the Society for allotment of a dwelling unit under this Scheme shall pay all the amount in this respect demanded by the Society by means of crossed demand draft payable to the Society. The Society shall deposit it in their account maintained in the Chandigarh State Co-operative Bank Ltd., Sector 22, Chandigarh only. The Society shall not be competent to withdraw any amount so deposited without the prior approval of the Registrar Co-operative Societies, Chandigarh Administration, to discharge liabilities of payment of earnest money, instalments, ground rent and for construction purposes in respect of the land to be allotted/ allotted to the Society.

10. Construction of dwelling units and allotment thereof. - The Society shall be responsible for completion of buildings i.e. dwelling units within 3 years from the date of allotment and further allotment of these to their members by draw of lots. However, grouping can be allowed by the Society. Draw of lots shall be witnessed by the authorised officer/officials of Co-operative Department and Estate Office, Chandigarh Administration.

11. Apart from the provisions of this scheme, provisions of the Chandigarh Lease Hold of Sites and Building Rules, 1973, as amended from time to time, shall be applicable to the land allotted under this scheme.

12. If at any time any difficulty arises in giving effect to the provisions of this scheme, the Chief Administrator, may give directions consistent with the provisions of the scheme as he/she may deem appropriate.

13. Appeal and savings. - The Chandigarh Allotment of Sites, to Co-operative Housing Societies Scheme, 1979 as in force is hereby repealed. However, the allotments already made under this scheme shall continue to be governed by the said scheme.

14. The Estate Officer shall fix the date for the submission of applications under this scheme and shall further be competent to extend it in all or in any case.
