

Licensing of Sites in Chandigarh Garden Centre Scheme, 2008

Published in the Chandigarh Administration Gazette, (Extra.), dated January 18, 2008/ Pausa 28, 1929 at page 143

No. 43/3/68-UTFI(5)-2008/430 —WHEREAS the land used for some nurseries has been acquired by the Administration from time to time for development purposes and a number of nurseries were uprooted as a result thereof. There are also other nurseries including those run by the Departments of Chandigarh Administration, its Boards, Corporations, which need to be relocated.

Now, therefore, in order to re-settle the nurseries which stand uprooted and to re-locate the other nurseries including those being run by various Departments of Chandigarh Administration or its Boards or Corporations, the Administrator, Union Territory, Chandigarh, in exercise of the powers conferred by sections 3 and 22 of the Capital of Punjab (Development and Regulation) Act, 1952 and all other powers enabling him in this behalf, is pleased to make the following scheme for allotment of sites on monthly license fee basis for setting up of Nurseries in Chandigarh Garden Centre, namely:—

1. *Short title and commencement.*—(i) The Scheme may be called the “Licensing of Sites in Chandigarh Garden Centre Scheme, 2008”.

(ii) It shall come into force from the date of its publication in the Official Gazette.

2. *Definitions.*—

(i) “Allotment” means allotment of a site on monthly license fee basis under this scheme.

(ii) “Garden Centre” means a site notified by Chandigarh Administration for production, sale of plants, seeds, and sale of flower pots, pesticides, kitchen garden implements, wooden artefacts etc.

(iii) “Nursery” means a place for plantation and preparation of saplings of ornamental plants and plants of any other kind which would be subsequently planted at other places.

(iv) All words and expressions used but not defined in this Scheme shall have the same meaning as defined in the Capital of Punjab (Development and Regulation) Act, 1952 or Rules made thereunder.

3. *Eligibility.*—Any person interested in setting up and running the Nurseries in Garden Centre whether already engaged in such an activity or not, including departments of Chandigarh Administration, or its Boards/Corporations and oustees from the nursery sites, are eligible for allotment of a site under this Scheme.

4. *Procedure.*—(i) The interested person including the departments of Chandigarh Administration or its Boards/Corporations, may apply for allotment of a site under this Scheme to the Estate Officer on a plain paper giving proof of area used for nursery and proof of running the nursery in the past, proof of acquisition

of nursery by Chandigarh Administration, proof of residence and credentials for being able to run the Nurseries in the Garden Centre.

- (ii) The Estate Officer will scrutinise the applications so received to determine the eligibility of a person, department(s)/oustees(s) for the purpose and an intimation shall be sent to all the applicants, to this effect, as the case may be.
- (iii) The allotment of sites to the oustees from nurseries, departments of Chandigarh Administration or its Boards/Corporations will be made on priority basis in preference to other applicants, Size of a site to be allotted shall be proposed by the Department of Urban Planning, Chandigarh Administration to the Estate Officer and it shall be in proportion to the area of site so acquired by the Chandigarh Administration.
- (iv) The allotment to the other eligible applicants shall be made by draw of lots.

5. The site will be allotted on monthly license fee basis for a period of 10 years initially which will be extended for every five years thereafter. The license fee shall be as determined by the Administration from time to time, which will be increased after every five years.

6. (i) The license fee for the first year shall be payable in lumpsum through Demand Draft to the Estate Officer, calculated up to the end of the financial year in which the allotment is made, within 30 days of the allotment.

(ii) The license fee calculated for subsequent financial years shall be payable every year by 30th April of the respective year, in advance.

(iii) The license fee with late fee of half percent for each day of delay calculated on the total license fee shall be paid till 31st May of the respective year.

(iv) If the license fee alongwith late fee as specified in sub-clause (iii) is not paid till 31st May of the respective year, the Estate Officer, after issuing a show cause notice and after giving a reasonable opportunity of being heard to the licensee (*sic*), may cancel the licence of the site so allotted under the Scheme and take possession of the site so allotted free from encumbrances.

7. The licensee shall not carry out any business other than production, sale of plants, seeds and sale of kitchen garden implements, manure, fertilizer in small packs, insecticides and pesticides (under valid license only), wooden artefacts and other related items.

8. The licensee shall not sell or otherwise transfer the possession of the site or part thereof in any manner or sublet the said site.

9. The licensee shall be permitted to construct a single storey structure of semi-permanent nature on the allotted site which shall not exceed 5% of the total area of the site or 1000 sq. ft. whichever is less. This will include construction of one room for mali, store room and sale counter etc. and the plans for which shall be got approved from the Chief Architect, Union Territory, Chandigarh.

10. No sub-division or amalgamation of the site(s) shall be permitted.

11. The departments of Chandigarh Administration or its Boards/Corporations, who will be allotted a site on its request under this scheme, will wind-up the existing nurseries and the land so vacated, will be utilised by the Administration for various purposes as deemed appropriate by the Administration.

12. There shall be a provision for common parking, cafeteria, play facilities for children, public conveniences in the Garden Centre. The facilities will be created and managed in a manner as deemed appropriate by the Estate Officer.

13. Basic services such as lighting, pavement of parking, sewerage, water supply, road etc. up to the site will be got laid by the Administration. The licensee shall have to arrange for light, sewerage, water supply etc. on the site allotted to him by taking individual connections under the rules.

14. The licensee of the sites in Garden Centre will bear electricity, water and other charges, taxes and levies as imposed by the Central Government/Chandigarh Administration from time to time.

15. If any licensee contravenes any condition of license, the Estate Officer, after issuing a show cause notice and after giving a reasonable opportunity of being heard, may cancel the license and take possession of the site so allotted free from encumbrances.

16. The amount of monthly license fee and increase therein shall be determined by the Administration from time to time

17. **Appeal and Revision.**—A licensee aggrieved by an order of the Estate Officer passed under clause 6(iv) or 15 above, may file an appeal before the Chief Administrator within 30 days from the date of the said order. Revision against the order passed by the Chief Administrator may be preferred before the Adviser to the Administrator within 30 days or order of the chief Administrator.

18. In case any licensee is interested to discontinue the running of nurseries in the Garden Centre, at any time after the allotment of site under this Scheme, he shall handover the encumbrance free possession of the site forthwith to the Estate Officer, Union Territory, Chandigarh or any other officer/official duly authorised by him in this behalf and the licence shall be deemed to be cancelled in the name of said licensee thereupon.
