

**CHANDIGARH ADMINISTRATION
FINANCE DEPARTMENT
(ESTATE -II BRANCH)
Notification**

Chandigarh, dated the 08.07.2020

No. 45/5/22-UTFI(6)-2020/ 9293 In exercise of the powers conferred by Sections 3 and 22 of the Capital of Punjab (Development and Regulation) Act, 1952 as adapted by the Punjab Reorganization (Chandigarh) Adaptation of Laws (on State and Concurrent Subjects) Order, 1968 and all other powers enabling him in this behalf, the Administrator, Union Territory of Chandigarh, is pleased to make the following Rules, to amend the Chandigarh Estate Rules, 2007, namely:-

1. These Rules may be called the Chandigarh Estate (Amendment) Rules, 2020.
2. It shall come into force from the date of its publication in the Official Gazette.
3. In the Chandigarh Estate Rules, 2007 existing Rule 7, sub-rule (i), shall be substituted in the following manner:-

"Rule 7 Transfer of Site/Building by the allottee/lessee.

(i) Allotment cases: No site /building sold by way of allotment, whether on lease hold basis or on free hold basis, shall be allowed to be transferred before the expiry of 15 years from the date of allotment unless in the opinion of the Estate Officer exceptional circumstances exit for the grant of permission to transfer before the said period;

Provided that in case of transfer after the expiry of ban period of 15 years by the original transferee (allottee/lessee) by way of sale/gift/mortgage or otherwise of the site or any right, title or interest therein, 1/3rd of the unearned increase in the value (i.e. the difference between the price paid by the original allottee/lessee and the market value of the site/ building at the time of permission of transfer) shall be paid to the government before registering such sale or transfer. The market value of the property for this purpose shall be assessed by Estate Officer or such other authority as may be prescribed by the Chief Administrator. The current market value of the property shall be assessed in view of the average of auction price over the last three financial years for property of the same category or on the basis of such other factors as the Estate Officer considers to be appropriate. The present value of the original premium shall be calculated by enhancing the premium by 9% per annum compounded annually, from the date(s) of payment. The difference between these two values shall be the unearned increase. During assessment, notice shall be issued to the lessee(s) and he/she shall be afforded an opportunity of being heard and the transferee shall be entitled to produce his/her evidence and of being heard;

Provided that there shall be no restriction of ban period and liability of unearned increase charges on transfer of the site building allotted on free hold basis, if, the allottee/transferee has paid full consideration amount/price, dues etc. of the site;

Provided that 1/3rd of the unearned increase in the value will not be charged if the mortgage or charge of a site/building is created with previous consent in writing of the Estate Officer, in favour of the Central Government, State Government, Chandigarh Administration, Life Insurance Corporation of India or any Scheduled Bank for securing a loan to be advanced by them for constructing the building on the site;