

**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 utilization of land by constructing multi –storeyed structures, the Administrator, UT, Chandigarh is pleased to make the following scheme regulating allotment of land to the Co –operative House Building Societies, in the UT, 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 UT, 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 define 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 of allotted to them through the Chandigarh Housing Board. Such survey shall, however not be constructed 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 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 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, UT, 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 UT, Chandigarh subject to the fulfillment 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 there under 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 installment 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 its 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 unjustifiable and contrary to law. Once the society has been allotted land under a valid scheme, allotment can not 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 for almost 10 years – respondent directed to give possession of the disputed land to the petitioner – Petition allowed – Chandigarh Police Cooperative House Society Vs. Chandigarh Administration through its Advisor, 2001 HRR 77 D.B.

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 RCS, UT, Chandigarh functioning properly having sufficient funds/resources to pay the premium, to undertake the construction work, to complete in a stipulated period and that of its fulfills the following conditions :-

- i) He is a bonafide resident of UT, Chandigarh and should be residing in UT Chandigarh at least for last 2 years on the date of allotment of land to the society.
- ii) He is an employee of the central government/Corporation on 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 UT., Chandigarh or the states of Punjab and Haryana Or any Corporation or controlled by UT., Chandigarh or State Governments preferred dated above and is either serving at Chandigarh on the dated of notification of this 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 and above	"B"
Members having monthly income of 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//land 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 at least 5 years from the date of allotment.

COMMENTARY

Eligibility- Petitioner as a member of a Registered House Building Cooperative Society was denied allotment of house on the ground that he was not found to be a resident of Chandigarh at the time of applying for allotment – Petitioner remained in Chandigarh between October 1963 to May 1964 and now is working as Superintending Engineer in Punjab Housing Board- it is clear from the clause of scheme that not only those who were residents of Chandigarh at the time of crucial time but also those who have even been in Chandigarh are entitled to allotment – Nirmal Singh V. Union Territory, Chandigarh, 1966 HRR157.

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 at least one acre of land to a group of societies.

8. Refund of Earnest Money - The earnest money shall be refunded to the society, if any society cancels its demand before allotment of land. Earnest money shall be refunded to unaccommodated 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 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 Cooperative 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, Cooperative Societies, Chandigarh Administration to discharge liabilities of payment of earnest money, installments, 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 building 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 f lots shall be witnessed by the authorised Officer/ officials of Cooperative Department and Estate Office, Chandigarh Administration.

11. Apart from the provision 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 given directions constituent with the provisions of the scheme as he/she may be deem appropriate.

13. Appeal and Saving – The Chandigarh Allotment of Sites, to Cooperative Housing Societies Scheme, 1979 as in force is hereby repealed. However, the allotment s already made under this scheme shall continue to the 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 tot extend it in all or in any case.
