

Government of Punjab
Department of Housing and Urban Development
(Housing- Branch)
Notification

Dated: 18, October 2018

No. 18/55/17-5hg2/1823

In view of various difficulties being faced by the Promoters due to lack of any policy to surrender the license, the Governor of Punjab is pleased to notify the following policy for surrender of license issued under the provisions of the Punjab Apartment and Property Regulation Act, 1995:-

1. Surrendering of license of the colony would be allowed in the following cases:-
 - (i) Where the Promoter has not sold/allotted/ leased out any plot/ apartment nor has he undertaken any development works at the site of the colony. In such cases, the promoter will submit an affidavit attested by an Executive Magistrate assuring that no sale deed/allotment/lease deed for any plot/apartment/villa/house has been executed in the said colony.
 - (ii) Where the promoter has sold/allotted/leased out any plot/apartment in his licensed colony, then in such cases irrevocable consent from the allottees/plot holders/apartment owners in the form of an affidavit attested by an Executive Magistrate regarding no claim on the said property, will be submitted by the Promoter.

Provided that if any construction has been raised in the licensed colony, the same has to demolished by the Promoter first, restoring the land to its original form, to the satisfaction of the Competent Authority.

2. Before surrendering the license of the colony, a 30 days public notice inviting objections from the public will be got published by the Competent Authority, the cost of which should be paid by the Promoter, in two leading National Daily Newspapers having wider circulation in the locality and in case any objection is received, then the Competent Authority, after giving an opportunity of hearing to the parties concerned, shall take an appropriate decision for initiating further proceedings for surrender of License.
3. The charges deposited by the Promoter on account of Change of Land Use (CLU), License fees, SIF will not be refunded. Further, forfeiture of 25% of the total amount of EDC received against that project, without interest/penal interest, shall be made in favour of the Authority and the balance amount of EDC would be refunded without any interest to the Promoter. In cases where less than 25% amount of EDC has been paid,

then the entire amount of EDC deposited by the Promoter shall be forfeited. But if EDC or any other amount against any other project of the same Promoter is due to be paid to the Authority, then in that case the balance amount of EDC will not be refunded to the Promoter rather the same shall be adjusted against the outstanding dues of other project of the same Promoter. However, the dues shall be treated as transferred from the date of issue of order of cancellation of license only. The balance amount of EDC shall be refunded to the Promoter without any interest, only if no amount of EDC is due from other projects of the same Promoter.

4. The Promoter shall be solely responsible for any legal claims/liabilities in case he/she has availed any bank loan etc. on the basis of license. The Authority/Government would not be responsible for any legal implications. The Promoter will submit an undertaking in the form of an affidavit duly attested by an Executive Magistrate, in this regard.
5. The Promoter will surrender the original license and approved Layout Plan/Building plan to the Concerned Authority before the issuance of approval for surrender of license.
6. Before issuance of approval for surrender of license, the Promoter shall submit an affidavit duly attested by an Executive Magistrate declaring therein that he/she will not sell any plot by sub dividing the land under the colony without obtaining requisite approval/license from the Competent Authority, failing which prosecution proceedings under the appropriate provisions of the Punjab Apartment and Property Regulation Act, 1995, will be initiated against the promoter.
7. After surrender of the license has been approved by the Competent Authority, the Promoter may seek fresh permission for CLU as per the guidelines of the Department of Town & Country Planning.
8. Approval for surrender of license shall be uploaded on the website of PUDA/Authority concerned for information of General Public.

Date: 18-10-2018

Place: Chandigarh

Vini Mahajan, IAS

**Additional Chief Secretary to Government of Punjab
Department of Housing and Urban Development**

Endst. No. 18/55/17-5HG2/ 1824

Dated: 18/10/2018

A copy is forwarded to the Controller, Printing & Stationery, Punjab, SAS Nagar with a request to publish this notification in the Punjab Govt. Gazette (Extra-Ordinary).

Special Secretary