



GOVERNMENT OF PUNJAB  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
(HOUSING II BRANCH)

NOTIFICATION <sup>28<sup>th</sup></sup>

The October 2014

332385/1  
No.12/2/13-5HG2/

Whereas the Government of Punjab in order to bring unauthorized colonies under the umbrella of planning framework and to provide basic facilities to the residents of these colonies had enacted the Punjab Laws (Special Provisions) Act, 2013 for a period of one year i.e., 17.04.2013 to 16.04.2014, under which a policy No. 12/2/2013- 5HG2/ 3052 dated 21.08.2013 and 12/2/13-5 Hg II/ 4017 dated 05.11.2013 was notified for compounding of offences for creation of unauthorized colonies and regularization of plots/ buildings falling within these colonies.

Whereas during implementation of this policy, a large number of applications were received for compounding of unauthorized colonies and regularization of plots/ buildings falling in unauthorized colonies.

Whereas due to large number of applications, shortage of staff and implementation of model Election Code of Conduct during the implementation of this policy, a number of applications could not be disposed off within the stipulated period of time. Also the Non Resident Indians' and the people of Punjab working outside the State of Punjab who could not apply earlier for regularization of their plots/ buildings under the previous policy are to be provided another opportunity for regularization of their plots/ buildings falling in unauthorized colonies.

Therefore, the Governor of Punjab is pleased to notify this new policy for compounding/ regularization of unauthorized colonies and plots/ buildings falling within these colonies in the State of Punjab framed under the provisions of The Punjab Laws (Special Provisions) Ordinance 2014. This notification will supersede the previous notification Nos.12/2/13-5HG2/3052 dated 21.08.2013 and No. 12/2/13-5 Hg II/ 4017 dated 05.11.2013:-

## **1. Background**

The Government of Punjab vide its Notification No.GSR. 41/PA14/1995/Ss 38 & 45/ Amd (2)/ 2010 dated 09-12-2010 had amended the Punjab Apartment and Property Regulation Rules 1995 to incorporate the relevant provisions for compounding of the offences in the rules. Accordingly in Rule 31 (3) some conditions were laid down for compounding of the offences of unauthorized colonies to fulfill certain conditions so as to make an offence under the Punjab Apartment and Property Regulation Act, 1995 eligible for compounding. During the last two decades numerous unauthorized colonies have come up in the State of Punjab but as per the provisions incorporated in the Rules as stated above, only a few Colonizers actually opted for getting the offences compounded. The study on the ground has brought out that most of the colonies do not fulfill the provisions as laid down under Rule 31(3) (b), (c), (d) & (e). These amendments under the Rules have not been able to meet the desired results.

The problem being faced by the State and people living in these colonies is that they have not been provided with basic amenities like water supply, sewerage and adequate roads etc. Compounding of offence of developing unauthorized colony is one aspect of the problem while the other aspect is to make provisions of basic facilities and amenities to the inhabitants of their colonies who have built their houses in these colonies or have purchased land/plots for housing purposes. The policy should be strict with the Colonizers who have violated the provisions of the Act/ Rules but some need based provisions are required to be made for the innocent general public who knowingly or unknowingly has fallen into the trap of owning plots/ houses in their unauthorized colonies. It is the basic duty of the Government to provide minimum essential amenities to each and every citizen of the State.

The detailed survey conducted to identify unauthorized colonies in the State, identified 5340 colonies which have come up on about 20600 acres of land in various cities and towns. Although as per the number of applications received under the previous policy, the number of unauthorized colonies is 6404 with an approximate area of 25000 acres. But still there are some unauthorized colonies which could not be applied due to one or

the other reason under the previous policy. Besides this, a number of scattered buildings of different categories have also come up without approval in different parts of the State of Punjab. Such sub-standard development of buildings and unauthorized sub-divisions of land into plots is not only defeating the very objective of planned development but also affecting the planned extension of services and amenities by the Authorities.

Therefore, in order to bring all these unplanned areas into the fold of planned development and to provide basic amenities and to ensure better quality of life to the public, the Government of Punjab had enacted **The Punjab Laws (Special Provisions) Act, 2013** by which the violators of unauthorized colonies were punished by imposing suitable charges/ fee in order to compound their offences and for those individuals who have fallen into the trap of unscrupulous colonizers could be provided basic amenities at a cost so fixed. The act was operative for a period of one year i.e., from 17.04.2013 to 16.04.2014. During this period, a large number of applications of unauthorized colonies and plots/ buildings falling within unauthorized colonies have been received by the concerned Authorities for regularization. As stated in the previous paras, all the applications received under the previous policy could not be disposed off within the stipulated period of time and also to give another opportunity to the public who could not apply for regularization of their plots/ buildings falling within unauthorized colonies, the present policy is being framed.

#### **Stringent provisions made for future:**

In order to have strict control on the development of unauthorized colonies and building activity in future, the stringent legal provisions have been made in the Punjab Apartment and Property Regulations Act, 1995 which provide punishment with imprisonment for a minimum term of three years which may extend to seven years and with minimum fine of rupees 2 lac, which may extend to rupees five lac on conviction of the Colonizer of an unauthorized colony. Under the provisions of the Act *ibid*, the Competent Authority has also been empowered to order to demolish or remove or stop construction of such unauthorized building or colony after giving a notice of thirty days and affording a reasonable opportunity of being heard to the person(s) concerned.

Besides the abovesaid measures no water supply, sewer or electric connection will be allowed and no Registrar or SubóRegistrar shall register their sale deed or any other document regarding the sale of that unauthorized plot or building or colony.

Keeping, this in view the following policy for regularization of these unauthorized colonies and plots/ buildings is formulated hereunder.

## **2. Definitions**

“**Unauthorized Colony**” means a colony which has been developed in contravention of the provisions of the Punjab Apartment and Property Regulation Act, 1995 and the rules framed thereunder.

“**Built up**” means an area with any construction or part of a construction which is intended to be used for residential, commercial, industrial or other purpose, whether in actual use or not and includes any out-house, stable, cattle shed and garage.

“**Commercial Building**”, means a building or part thereof used for the purpose of commerce or for storage of goods or as an office whether attached to any industry or otherwise.

“**Industrial building**” means a building used or constructed or adapted to be used either ordinarily or occasionally for fabrication, assembly, manufacturing or processing of products or materials of all kinds;

“**Competent Authority**” means Chief Administrator of the concerned Special Development Authority in case of areas falling outside municipal limits, Commissioner Municipal Corporation in case of areas falling within municipal corporation limits and Regional Deputy Director Local Government if the area falls within the municipal limits of Municipal/Nagar Councils.

“**Developer**” means a person who has developed an unauthorized colony and shall include the owner of the land or the person who entered into an agreement to develop or Power of Attorney holder who has got the registered sale deed/ agreement executed on

behalf of the land owner, or any other person who was associated with the sale of land in contravention of PAPRA, 1995 or development of unauthorized colony.

“**Plot Holder**” means a person in whose name the plot is registered with a registered sale deed prior to the 1.4.2013.

“**Unauthorized Building**” means the buildings constructed in violation of the Punjab Regional and Town Planning and Development Act, 1995, the Punjab Apartment and Property Regulation Act, 1995, the Punjab Municipal Corporation Act, 1976, the Factories Act, 1948, the Punjab Town Improvement Act, 1922, the Punjab Municipal Act, 1911.

“**Public building**” means a building used or constructed or adapted to be used either ordinarily or occasionally as a place open to general public and it includes a hospital, college, school, theatre, public concert room, public lecture room, public exhibition hall or as a public place of assembly or entertainment for persons admitted there to by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any similar public purposes;

“**High rise Building**”, all buildings 15 m or above in height shall be considered as high rise buildings;

The terms and expressions which are not defined in this policy shall have the same meaning as in the respective Acts/ Rules/ Regulations/ Byelaws of the respective Authorities unless the context otherwise requires.

### **3. Applicability of policy**

- (i) This policy shall be applicable for a period of one year from the date of notification of The Punjab Laws (Special Provisions) Ordinance, 2014 in the entire State of Punjab and
- (ii) Within municipal limits and FEZ area falling under the Punjab New Capital (Periphery) Control Act, 1952. However, this policy will not be applicable in rest of the area falling under the Punjab New Capital (Periphery) Control Act, 1952.

Provided that no unauthorized colony/ plot/ building shall be regularized if it falls within PLPA area, delisted PLPA area, Government/ wakf board land and in restricted area along scheduled roads.

- (iii) If there is any pendency of applications received for regularization before the last date of submission of applications under this policy, they will be allowed to be dealt even after expiry of period of one year provided that no new application will be entertained after the expiry of this policy.
- (iv) New applications of unauthorized colonies developed before 01.04.2013 and plots/ buildings falling under these colonies will be received under this policy for regularization.

**A. Un-authorized Colonies**

**B. Un-authorized constructions/ buildings in unauthorized colonies**

This policy shall not be applicable to the unauthorized Marriage Palaces for which the Government has already notified a separate policy.

**4. Objectives**

The objectives of this policy are:

- a) To bring all un-authorized colonies/ buildings into planning framework and to regularize the development.
- b) To facilitate the implementation of Master Plan's land uses.
- c) To improve the circulation pattern of streets/ roads.
- d) To provide basic amenities residents/ plot holders of these area.
- e) To make provisions to compound offences made under the Punjab Regional and Town Planning and Development Act 1995, the Punjab Apartment and Property Regulation Act 1995, the Punjab Municipal Corporation Act 1976, the Factories Act 1948, the Punjab Town Improvement Act 1922 and the Punjab Municipal Act 1911.

**5. Cut-off date for Regularization of Unauthorized Colonies/ Buildings**

Only those unapproved colonies or plots/ buildings within unauthorized colonies developed before 01.04.2013 will be considered under this policy.

## **6. Restrictions on approval in certain areas**

No un-authorized colony, plot/ building in unauthorized colonies will be regularized in the following situations:-

- i)** Over land belonging to State/ Central Government/ Public Undertakings/ Panchayat Lands/ Shamlat Lands/ Jumla Mushtarka Malkaan/ Waqf Board/ Land under PLPA etc.

Restricted areas under Works of Defense Act, 1903, the Ancient Monuments and Archaeological Sites and Remains Act, 1958, the Punjab new Capital (periphery) Control Act, 1952 (except as mentioned in para 3 (ii)) or any other Act prohibiting the development of colonies/ buildings in a particular area.

- ii)** Within the restricted zone near the Airport.
- iii)** Within the restricted zone along Scheduled Roads.
- iv)** In case of sites in the vicinity of oil/ gas pipelines, clear distance and other stipulations of the respective authority shall be complied with.
- v)** Buildings/ constructions on the open spaces earmarked in any approved layout shall not be considered for regularization.

### **1. Compulsory application for Regularization**

It shall be compulsory for all developers of un-authorized colonies/ owners of plots/ buildings in such colonies to file an application with the Competent Authority in the prescribed format for compounding of colony/ plots/ buildings within three months from the date of notification of this policy or as per the time frame fixed by the Department of Housing and Urban Development from time to time.

#### **A. Un-authorized Colonies**

On the basis of survey, unauthorized colonies can be categorized into following groups:-

- i)** Where more than 65% area is sold and built up
- ii)** Where more than 65% area is sold but 35% to 65% area is built up
- iii)** Where area between 35% to 65% is sold but less than 35% area is built up

iv) Where area less than 35% is sold

**i) Where more than 65% area is sold and built up:**

In such colonies as per the rules of PAPRA, a minimum of 35% area is supposed to be utilized in roads, open spaces and in providing basic amenities. In these colonies this condition of rules may not be fulfilled in toto, but there may be space available for provision of basic amenities. In this category the regularization shall be guided by the following parameters:

- In this category of colonies as the most of the area is already developed and built up, there may be some scope for widening of the roads/ streets, space for parks, water works etc. The colony may be regularized on as *is where is basis*. But the developer shall be required to provide spaces of adequate size for the provision of water supply, sewerage facility and an open space/ park which will not be allowed to be sold in future. These colonies shall be regularized keeping in view the present site conditions provided that each road/ street of the colony shall be wide enough (minimum 20ø0ö) to permit the free movement of fire tender/ ambulance.

**ii) Where more than 65% area is sold but 35% to 65% area is built up:**

In this category of colonies although considerable area of the colony is already sold and developed/ built up but still there may be some scope for widening of the roads/ streets, space for parks, water works etc. The developer shall be required to provide spaces of adequate size for the provision of water supply, sewerage facility and an open space/ park. In these colonies also each road/ street of the colony shall be wide enough (minimum 20ø0ö) to permit the free movement of fire tender/ ambulance.

**iii) Where area between 35% to 65% is sold but less than 35% area is built up:**

In such colonies area between 35-65% has been sold and the roads and the basic amenities have not come up to the norms as laid down in the provisions of the law but the area is available which can be utilized for providing minimum



required infrastructure viz; roads, parks, water works, sewerage treatment plant and other amenities.

In this category of colonies although all the norms required under PAPR Act,1995 may not be possible to be fulfilled but there is a scope to provide minimum infrastructure viz; widening of roads, space for parks, water works, sewerage treatment plant and other social infrastructure. The regularization shall be governed by following parameters:

- a) 35% area will be utilized for provision of parks/ open spaces, basic amenities, roads etc. The unsold plots in such colonies shall be utilized for the provision of these services.
- b) The Competent Authority wherever possible shall require the applicant to widen the streets/ roads upto the extent possible. However, such street/ road should be wide enough to allow the movement of fire tender/ ambulance.

**iv) *Where area less than 35% is sold***

In this category of colonies most of the area is available for re-planning. So in order to bring these colonies at par to the norms as laid down under the present Act/ Rules/ Instructions, the area that remains to be sold/ vacant shall be got demarcated and frozen for widening of the roads/ streets, space for parks, water works etc. The promoter will have to obtain a regular license under the provisions of PAPRA, 1995 and a revised layout plan has to be approved by the competent authority keeping in view the present norms (except size of the colony) and procedure applicable to setting up of new colonies.

The developer will be responsible to complete all the required internal development works in such colony and will maintain these services as per conditions of license.

Developer will be bound to pay Composition fee for getting the offense compounded and CLU, EDC, LF/ PF, SIF etc at the prevalent rates as fixed by the Government.

## **A.1 Composition Fee for Regularization of Unauthorized Colonies**

Composition Fee for each category of unauthorized Residential colonies upto 20 acres contiguous chunk of land shall be as given below:

<b>Year of Establishment of unauthorized colony</b>	<b>%age of Collector Rate as on 01.04.2013</b>	<b>Remarks</b>
Before 17.08.2007	1.0	Subject to minimum of Rs. 50000/- and maximum of Rs. 2,00,000/- per acre (calculated on the basis of per sq yd)
After 17.08.2007	4.0	Subject to minimum of Rs. 5,00,000/- and maximum of Rs. 10,00,000/- per acre (calculated on the basis of per sq yd)

### **Note:**

- The composition fee for unauthorized colonies to be charged from the developers shall be on per square yard basis which will be multiplied by 4840 and then by 1% or 4% of collector rate, as the case may be. For example, if the residential colony is developed before 2007 and the collector rate for residential use is Rs. 2000/- per square yard for that area, then the composition fee in this case shall be calculated as given below:  
$$\frac{2000 \times 4840 \times 1.0}{100} = \text{Rs. } 96,800/-$$

So, in this case the colonizer has to pay Rs. 96,800/- per acre as composition fee.
- Composition Fee for each category of unauthorized colonies above 20 acres contiguous chunk of land shall be 2% of Collector rate (as on 01.04.2013) for colonies established before 2007 and 8% of the collector rate for colonies established after 2007. There will be neither maximum nor minimum cap of composition fee in this case.
- Composition fee for industrial colonies shall be 50% of the composition fee as mentioned in the above table subject to maximum and minimum caps as given in the above table.
- The composition fee for commercial colonies shall be three time of the composition fee as given in the above table. This fee shall be charged on proportionate basis for each type of land use in the colony. There will be neither maximum nor minimum cap of composition fee in this case.
- The sale of more than 50% of total number of plots or more than 50% of the area shall be the basis for determining the time period of establishment of an unauthorized colony. The sale of plot may be in the shape of registered sale deed or full and final payment agreement on stamp paper signed before 31.03.2013. The agreement prepared by pasting revenue stamps will not be considered valid for the purpose of regularization.
- \* In case of Category A.iv (where area less than 35% is sold) colonies, the composition fee at the rate of **10%** of the total Composition fee as prescribed in the above table shall be charged from the developer, at the time of submission of application for the grant of license. This concession is given as the developer in this case will have to pay CLU, EDC, LF/ PF and SIF etc at the present rates applicable to approved colonies.

## **A.2 General Conditions:**

- i) Under this policy no unauthorized colony or construction shall be regularized which has come up on or after 1<sup>st</sup> April 2013.**
- ii) The unauthorized colonies shall be regularized in all land use zones of the Master Plans. However, no new/ addition in the area of the existing colony shall be allowed if such area does not conform to land use zone of the Master Plan and further the road alignment proposals of the Master Plans will be kept intact.**
- iii) The charges for compounding an unauthorized colony shall be of two-fold:**

- a) The developer of the colony shall be bound to pay Composition fee as fixed by the government under this policy for getting the offense compounded.

*Provided that besides the promoter/ colonizer, the Resident's Welfare Association or the individual plot holders may also deposit the composition fee for the regularization of unauthorized colony and in that eventuality, proceedings with regard to criminal complaint made to the police or pending in the competent Court of Law, if any, shall be got suspended or withdrawn, as the case may be, by the Competent Authority upon deposit of requisite full amount of Composition fee*

- b) Regularization charges for plots/ buildings as fixed under this policy shall be paid by the plot holders for getting his plot/ construction regularized.

- iv) **Utilization of Compounding fee/ Regularization charges:** In case of unauthorized colony falling outside Municipal limits, it will be the responsibility of the Chief Administrator of the concerned Special Development Authority to provide basic infrastructure such as paved streets, water supply and sewerage connection etc to the residents of the colony, out of the funds collected from compounding of such colony or by regularizing plots/ buildings falling under that colony. In case of an unauthorized colony falling within municipal limits of a Corporation town, the Commissioner of the concerned Municipal Corporation will be responsible to provide basic infrastructure out of the funds collected from compounding of such colonies or by regularizing plots/ buildings. However, in case of other municipal towns, it will be the responsibility of the Regional Deputy Director, Urban Local Bodies to direct the concerned Municipal Council to provide basic services in an unauthorized colony out of the funds collected from compounding of such colony or by regularizing plots/ buildings falling in that colony. The funds collected by compounding such colonies or received by regularization of plots/ buildings in an unauthorized colony will only be

utilized for providing basic services to the residents of such colonies and nowhere else.

- v) The composition fee received from the developers/ plot holders shall be deposited in the following manner:
  - a) 10% of the total composition fee realized from compounding of colonies both within Municipal limits and outside municipal limits shall be deposited in government treasury along with the application, 15% within three months of submission of application and the remaining 75% will be deposited in the government treasury within one year in three equal quarterly instalments along with an interest @ 12% per annum.
  - b) Out of total proceeds of Composition fee, 1% will be deposited as Cancer Cess and 1% will be deposited for Culture Cess.
  - c) A rebate of 5% shall be allowed, if the total Composition fee is paid in lump sum at the time of submission of application.
- vi) In case of Category I, II and III the layout plan submitted by the developer shall be approved provided that the street width is adequate to permit the free movement of fire tender/ ambulance and the promoter has provided the requisite facilities as mentioned in para A (i), (ii) and (iii). But in case of Category IV colonies the promoter has to amend the layout plan as per guidelines.
- vii) The Competent Authority may relax any of the conditions, if it is satisfied that it is not possible for the developer to provide any of the requirements or any of the facility exists in the vicinity of such colony by passing a speaking order.
- viii) For the colonies within MC Limits, MC shall be responsible for compounding and for providing basic amenities and outside MC limits; concerned Development Authorities shall be responsible for the same subject to the availability of funds.
- ix) In case developer of an unauthorized colony or the plot holder, as the case may be, fails to pay the Composition/ Regularization Fee etc as fixed by the

Government under this policy, then the amount shall be recoverable as Arrears of the Land Revenue.

- x) Any area under green spaces, revenue rastas/ roads etc shall vest with Local Authority or the Development Authority as the case may be. Necessary notification will be issued under relevant provisions of the relevant Acts in this regard by the Competent Authority.
- xi) The applicant shall submit the application along with the bank draft of requisite charges/ Fee.
- xii) The compounding of building plans shall be independent from the regularization of colony or composition fee paid by the developer.
- xiii) All pending applications received under the policy dated 21.08.2013 and 05.11.2013 will be dealt according to the provisions of the previous policy.
- xiv) The compounding of unauthorized colonies or regularization of plots/buildings will be subject to the outcome of decisions regarding pending cases in this regard in any Court of law.
- xv) The Municipal Commissioners of Corporation cities shall be responsible to ensure the proper and timely implementation of this policy in respective Municipal Corporation cities and in case of other Municipal Towns Regional Deputy Director, Urban Local Bodies will ensure the timely implementation of the policy. However, for areas outside municipal limits, it will be the responsibility of the concerned Chief Administrator of the Development Authority to ensure proper implementation of this policy.

### **A.3 Procedure of Compounding an Unauthorized Colony**

#### **a) Submission of application:**

The applicant will apply to the Competent Authority for compounding of the offence as per Performa attached to this policy along with the following documents:

#### **b) List of Documents:**

- i. Proof of ownership viz., Registered Sale Deed, full and final payment agreement/ agreement to sell on stamp paper, Fard Jamabandi of the time when such a colony was sold / developed and the present jamabandi.

- ii. Location Plan of the colony along with Khasra plan of the area and google image showing the coordinates and existence of colony.
- iii. Self Certificate by the applicant stating that the site of the colony does not violate any of the clauses as mentioned at para 6 of this policy.
- iv. Existing fully dimensioned Layout Plan showing detail of plots sold, under agreement to sell, unsold, built up/vacant plots, road circulation with width, space left for parks, public amenities, if any and duly signed by the Applicant.
- v. Service Plan of the Colony, if any.
- vi. Details of the development works carried out in the colony, if any.
- vii. The promoter shall give an undertaking to pay Composition Fee in case of category A(i), (ii) and (iii) colonies and in case of category A(iv) the promoter shall also undertake to pay CLU, EDC, LF/ PF, SIF or any other charges levied under this policy at present rates along with Composition fee fixed under this policy.
- viii. Minimum 10% of composition fee shall be deposited along with the application and 15% of Composition Fee shall be paid within a period of three months from the date of application. The rest amount shall be payable as per para A.2 (v) (a).
- ix. Any other document if required

**c) Scrutiny by the Competent Authority:**

The Competent Authority after verifying the ownership and existence of colony at site and other required documents within 30days or as prescribed by the department will come up with the proposed amendments in layout plan, if any and will identify area for park (s), improvement of connectivity to the colony if required, space for public services as per policy.

Thereafter, the Competent Authority will seek the comments/ consent of applicant within 10 days and raise demand for payment of charges.

After receiving the consent and requisite charges, the Competent Authority will approve the layout plan and upload it on website and copies of the same shall be sent to the concerned SubóRegistrar, District Town Planner of the Department of Town and Country Planning (for sites outside MC limits) and to concerned SubóRegistrar, Senior Town Planner, Local Government (for sites falling within MC

limits). The legal proceedings, if any, will be got suspended after receipt of application from the promoter along-with 100% charges. The Competent Authority will inform the concerned police station or the competent Court of law, as the case may be to suspend the legal proceedings against the applicant. The legal proceedings may only be dropped after the final order for compounding of the offense committed under PAPRA 1995 is passed by the Competent Authority.

**Note: -**

- For category A. i, ii and iii colonies the competent authority shall issue the composition certificate to the developer after the fulfillment of conditions as laid down in this policy but in case of category A iv colony the competent authority shall grant license after compliance of present conditions of the license under PAPRA, 1995 irrespective of the size of the colony.
- Technical advice for layout plans/ CLU approval for all sized unauthorized colonies falling outside MC limits, covered under this policy shall be rendered at the level of concerned Senior Town Planner of the Department of Town and Country Planning, Punjab. For colonies falling within MC limits the necessary technical advice/ CLU approval shall be as decided by the Department of Local Government, Punjab.

**B. Regularization of plots/ buildings in an unauthorized colonies**

In unauthorized colonies a number of plots are sold out and many of the plot holders may have constructed buildings. Majority of such colonies are without pucca road network and are devoid of other basic amenities like water supply, sewerage network and electricity etc. The burden of providing all these amenities shall lie on the concerned local authority/ development authority as the case may be. To share this burden the plot holders/ building owners shall have to pay the regularization charges. These charges shall be independent of the composition fee to be charged from the developer of the unauthorized colony:

**Regularization charges in case of residential plots/ buildings in unauthorized colonies developed before and after 17/08/2007:-**

Collector Rates Rs/ sq yd	Regularization Fee for residential plots per sq yd in rupees <b>Before 2007</b> Note: Mid values i.e., 25, 75, 200, 400 and 500 sq yd are taken as an example for calculation purpose					Regularization Fee for residential plots per sq yd in rupees <b>After 2007</b> Note: Mid values i.e., 25, 75, 200, 400 and 500 sq yd are taken as an example for calculation purpose				
	0-50 sq yds	Above 50-100 sq yds	Above 100 to < 250 sq yds	250 to < 500 sq yds	500 sq yds & above	0-50 sq yds	Above 50-100 sq yds	Above 100 to < 250 sq yds	250 to < 500 sq yds	500 sq yds & above
	25 sq yds	75 sq yds	200 sq yds	400 sq yds	500 sq yds	25 sq yds	75 sq yds	200 sq yds	400 sq yds	500 sq yds
More than 8000/-	Nil	65	125	190	315	Nil	125	250	375	625
	Nil	4875	25000	76000	157500	Nil	9375	50000	150000	312500
2000/- to 8000/-	Nil	30	65	95	160	Nil	65	125	190	315
	Nil	2250	13000	38000	80000	Nil	4875	25000	76000	157500
Below 2000/-	Nil	Free	30	45	90	Nil	Free	65	90	160
	Nil	Free	6000	18000	45000	Nil	Free	13000	36000	80000

**Regularization charges in case of commercial plots/ buildings in unauthorized colonies developed before and after 17/08/2007:-**

Collector Rates Rs/ sq yd	Regularization Fee for commercial plots per sq yd in rupees <b>Before 2007</b> Note: Mid values i.e., 12.50, 37, 75 and 100 sq yd are taken as an example for calculation purpose				Regularization Fee for commercial plots per sq yd in rupees <b>After 2007</b> Note: Mid values i.e., 12.50, 37, 75 and 100 sq yd are taken as an example for calculation purpose			
	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above	Upto 25 sq yds	Above 25-49 sq yds	Above 50-99 sq yds	100 and above
	12.50 yds	37 yds	75 yds	100 yds	12.50 yds	37 yds	75 yds	100 yds
More than 5000/-	190	375	565	780	375	750	1125	1565
	2375	13875	42375	78000	4687.50	27750	84375	156500
2500/-5000/-	175	250	440	595	345	500	875	1190
	2187.50	9250	33000	59500	4312.50	18500	65625	119000
less than 2500	Free	40	55	80	Free	75	115	155
	Free	1480	4125	8000	Free	2775	8625	15500

**Note:**

- The industrial plots/ buildings shall be charged at half the rates as fixed for residential plot/ buildings in the above table and institutional plot/ buildings shall be charged at par with residential plots/ buildings.
- The plot size as mentioned in the registered sale deed or full and final payment agreement on stamp paper shall be considered for levying regularization charges even if the plots is owned jointly by more than one owner, i.e., the rates will not be calculated according to the share of the co-owners in



registered sale deed or agreement, rather this calculation will be done on area transaction involved in the sale deed/ agreement.

- The regularization charges on buildings shall be charged proportionately to the use of the building, i.e., as per the percentage of area used for residential, commercial, institutional use etc.
- **In addition to regularization charges for plots the composition fee on unauthorized buildings shall be charged as under:**

Category of Building	Composition fee per sq. feet of covered area within Municipal Limits	Composition fee per sq. feet of covered area outside Municipal Limits
Residential building	Rs.5.00	Rs.2.50
Commercial building	Rs.25.00	Rs.25.00
Industrial building	Rs.12.50	Rs.5.00
Institutional Building	Rs.12.50	Rs.12.50

- *The building owners who have got their buildings regularized under policy dated 21.08.2013 may claim refund for the excess amount deposited from the concerned Authority as per the revised charges fixed in the above table.*
- Regularization charges and composition fee on buildings only shall be retained by the Department of Local Government, Punjab, if the site falls within municipal limits and by the concerned Development Authority, if the site falls outside MC limits.
- In case of illegal colonies, where building plans have already been approved by the Competent Authority or where NOC has been issued after receiving EDC/ SIF in that case, the regularization charges as mentioned in the above tables shall not be charged.

### **B.1 General Conditions**

- i) The plots sold before 9 August 1995 (the date of enactment of the Punjab Apartment and Property Regulation Act, 1995) falling in unauthorized colonies developed before 9 August 1995 need not to apply under this policy for regularization, but the plots sold after 9 August 1995 are covered under this policy.
- ii) The first sale deed of the plots falling under unauthorized colonies will be the basis for calculating charges for regularization of plots. For example, if an unauthorized colony has been established before 17.08.2007 and the plots in such a colony have been sold for the first time before 17.08.2007 but the re-sale of some plots has taken place even after 17.08.2007, then in case of re-sold plots, the regularization charges shall be calculated on the basis of first sale deed of the plot but the Competent Authority shall link the first sale deed of the plot with the last sale deed and then decide accordingly subject to the condition that the first and the last sale deed shall be of the same plot and there is no difference in the area also.
- iii) The individual plot/ building in an unauthorized colony will be regularized on application by the owner of the plot/ building by receiving regularization charges only, even if the offense of the colonizer has not been compounded so far.

- iv) a) **Residential buildings upto 750 sq yd plot area:-** In case of residential buildings having less than 750 sqyd plot area, the applicant shall submit an application along with self attested building plan of the existing building and a self certificate regarding structure safety of the building or site plan of the plot, as the case may be. The applicant shall also certify that the building is constructed before 01.04.2013.
- b) **Residential buildings above 750 sq yd plot area and other buildings:-** The applicant shall submit an application along with a building plan of existing building prepared and duly signed by a qualified architect or site plan of the plot, as the case may be. The applicant shall also submit structural safety certificate. In this case the architect shall also certify that the building is constructed before 01-04-2013.
- v) Regularization Charges shall be paid by the plot holders/ building owners as given below:
- a) 25% of the total regularization charges shall be deposited with concerned local body/ development authority, as the case may be, along with 5% as Social Infrastructure Fund which will be deposited with Chief Administrator, PUDA, Mohali by the applicant along with application. The balance 70% charges will be deposited within one year in three equal quarterly instalments along with an interest @ 12% per annum with the concerned local body/ authority.
  - b) Out of total proceeds of regularization charges 1% will be deposited as Cancer Cess and 1% will be deposited for Culture Cess.
  - c) A rebate of 5% shall be allowed, if the total regularization charges are paid in lump sum along with the application.
- vi) The existing residential buildings shall be approved on *as is where is basis subject* to the condition that they do not violate the conditions as mentioned in para 6 of this policy. However, new construction in a vacant plot or any addition to the existing building shall be approved as per present building rules.
- vii) In case of public buildings, commercial and industrial buildings public safety and security, public conveniences and parking shall not be compromised for regularizing such buildings. The owner shall have to make such structural changes in the building, if required within a period of six months from the date of approval and

also submit mandatory clearances from other departments, if required in this period. In case he fails to fulfill, any of the conditions within this period, the approval granted to him shall be deemed to be cancelled and the owner of the building shall be proceeded against as per provisions of the law.

- viii) In case of un-authorized buildings/ plots for which the owner does not submit the application to the Competent Authority within the prescribed period, the legal proceedings shall be initiated against owners of such buildings.

**B.2 Procedure for compounding unauthorized plots/ buildings in unauthorized colonies**

**i) Submission of application:**

The application for regularization of un-authorized plot/ buildings may be submitted as per Performa prescribed by the department to the Competent Authority by the owner of the building along with the following documents:

- a) Proof of ownership viz., Registered Sale Deed/ Fard Jamabandi, full and final payment agreement to sell on stamp paper, Power of Attorney to sell as the case may be. The agreement prepared by pasting revenue stamps will not be considered valid for the purpose of regularization.
- b) Location Plan of the site showing the detail of surrounding area
- c) **i) In case of residential building upto 750 sqyd plot area:-** A fully dimensioned plan of the plot/ building showing detail of plot area/ constructed area on all floors (in case of building) along with service plan of the building duly prepared and signed by the owner along with a self certificate of structure safety.
- ii) In case of residential building for more than 750 sqyd plot area and other buildings:** - The above mentioned documents shall be duly signed by a qualified architect and the owner.
- d) Self Certificate by the applicant stating that the site of the plot/ building does not violate any of the clauses as mentioned at para 6 of this policy.

- e) In case of high rise buildings, the clearance from Airport Authority of India shall be mandatory, if the building falls in the air funnel of the Airport/ Air Force Station.
- f) Undertaking from the owner to pay Regularization Charges or any other charges levied under this policy.
- g) Minimum 25% of regularization charges and 5% as Social Infrastructure Fund shall be deposited along with the application.
- h) Any other document, if required

**iii) Scrutiny of Application:**

- The Competent Authority shall verify the location of plot/ building and the documents attached with the application within a period of 30 days from the date of application and convey to the applicant the demand notice/ observations, if any. The Competent Authority will also ascertain that the plot/ building being regularized does not fall under any category of land as mentioned at para 6 of this policy.
- The applicant shall deposit the required charges along with modified building plans, if required (in case of a building) within a period of 15 days. The Competent Authority shall approve the plot/ building plans within 15 days from the receipt of charges and complete documents, if satisfied. The legal proceedings, if any, will be withdrawn only after the receipt of final payment of total charges.

**8. Consequences for non submission of application for regularization of unauthorized Colonies/ plots/ buildings**

In case an application is not submitted by the concerned Promoter/ Developer/ Plot holder/ building owner as the case may be, within the stipulated time for regularization of un-authorized colony/ plot/ building, the following consequences may follow:-

- a) Such Colony/ plot/building shall remain as unauthorized and offense shall be treated as continuing against the promoter/ developer/ plot holder/ building owner as the case may be and penal action which includes lodging of FIR will be initiated under the provisions of PAPR Act, 1995.

- b) No connection for water supply and other services like sewerage, drainage, electricity etc shall be provided to such colony/ plot/ building.
- c) No Registrar or Sub- Registrar appointed under the provisions of the Registration Act, 1908, shall register sale deed or any other document regarding sale of land or plot or building situated in an unauthorized colony.
- d) No building plan shall be approved by the Building Plan Sanctioning Authority in such unauthorized colonies.
- e) Other enforcement actions including demolition of the unapproved building, if any on such plots may be initiated.

**9. Amount levied to be kept in a separate account**

The amount collected by the Competent Authority under this policy shall be kept and maintained under its control in a separate account and shall be utilized as enumerated in para A-2 (iv). The Competent Authority shall review the development works undertaken by the local authority relating to such un-approved layouts on a quarterly basis and shall have the power to issue necessary instructions and directions in this regard.

**10. Committee for identification of un-authorized developers:**

The Developer of an unauthorized colony shall be allowed self-certification of layout plan, service plans, revenue/ ownership documents etc of his colony but where the developer of such colony does not come forward for regularization of his offence **within** six monthsØ time from the date of notification of this policy, the following Committees shall identify within three months from the expiry of six monthsØ time, the person(s) who are/ were responsible to develop such illegal colony after making due investigation, scrutiny of relevant record and summoning of persons involved in the development of such colony. The committee shall submit its finding report to the Competent Authority. The colonizer of an unauthorized colony who has not applied within a stipulated period for regularization of his colony but applies after identification by the committee within a period of 3 months from the expiry of six monthsØ time, then

he will be charged 20% extra of composition fee as penalty. If the promoter of unauthorized colony does not apply under this policy, then the Competent Authority shall get the FIR registered or take necessary action under relevant Acts against the promoter.

**Committee for identifying unauthorized colonies falling within municipal limits:-**

- |   |          |
|---|----------|
| 1. Joint/Additional Commissioner (Corp. cities)/<br>Regional Deputy Director (LG) (Other towns) | Chairman |
| 2. Sub Divisional Magistrate (concerned)  | Member   |
| 3. Executive Officer (concerned)  | Member   |
| 4. Municipal Town Planner/ Municipal Engineer   | Member   |

**Note:**

*Where no Joint/ Additional Commissioner is available, the Commissioner Municipal Corporation will be the Chairman of the committee.*

**Committee for identifying unauthorized colonies falling outside municipal limits:-**

- |   |          |
|---|----------|
| 1. Additional Chief Administrator of the<br>Concerned Authority | Chairman |
| 2. Sub Divisional Magistrate (concerned)                        | Member   |
| 3. District Town Planner  | Member   |
| 4. S.E. of the Concerned Authority                              | Member   |

**11. Appeal**

- i) Any applicant aggrieved by an order passed by the Competent Authority may prefer an appeal to the Appellate Authority constituted by the Government within thirty days from the receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in this policy.

Application form for regularization of colonies and plots/ buildings for applicants and certificate form for compounding of colonies and regularization of plots/ buildings to be issued by the Competent Authority has been prepared and uploaded on website [www.punjabregularization.com](http://www.punjabregularization.com). The compounding/ regularization of unauthorized colonies/ plots/ buildings under this policy will be subject to decision of the Hon'ble Courts in pending cases in this regard.

Dated: 28<sup>th</sup> Oct, 2014.  
Chandigarh

A. Venu Prasad, IAS  
Secretary to Government of Punjab,  
Department of Housing & Urban Development

Endst. No.12/2/2013-5HG2/ 332385/2 Dated: 28.10.2014

A copy with a spare 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) and 200 copies thereof may be supplied to this Department for official use.

332385/3-19

Sd/-  
Special Secretary

Endst. No. 12/2/2013-5HG2/

Dated, Chandigarh, the: 28.10.2014

A copy is forwarded to the following for information and necessary action:-

1. Financial Commissioner, Revenue, Punjab.
2. Principal Secretary, Industry and Commerce, Punjab.
3. Principal Secretary to the Deputy Chief Minister, Punjab for kind information of the Hon'ble Deputy Chief Minister, Punjab - Cum- Minister Housing and Urban Development Department .
4. Secretary, Local Government, Punjab.
5. Chief Administrator, PUDA, Mohali.
6. Chief Administrator, GMADA, Mohali.
7. Chief Administrator, PDA, Patiala.
8. Chief Administrator, BDA, Bathinda.
9. Chief Administrator, GLADA, Ludhiana.
10. Chief Administrator, JDA, Jalandhar.
11. Chief Administrator, ADA, Amritsar.
12. Director, Town and Country Planning, Punjab, SAS Nagar.
13. Director, Local Government, Punjab, Chandigarh
- ✓ 14. Chief Town Planner, Punjab, Mohali.
15. Managing Director, Punjab Infotech, Chandigarh.
16. Superintendent, Cabinet Affairs Branch, Main Sectt. Chandigarh w.r.t.their U.O.No.1/202/2014-1Cabinet/3338 dated 24-09-2014
17. Chief Nodal Officer, Nodal office, PUDA, SAS Nagar.

*Balbir Singh*  
Superintendent  
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