

**Proposed amendment in Uttar Pradesh Avas Evam Vikas Parishad's Regulations regarding disposal of non-residential property, 1980 (revised February 1993, again revised March 2016)\***

S No. 574/UPHDB/CS -1 SM/ 2016 – Uttar Pradesh Avas Evam Vikas Parishad Act 1965 (Uttar Pradesh Act No. 1, 1966), 95 of the Uttar Pradesh Avas Evam Vikas Parishad includes non-residential property in its schemes. The following regulations are hereby made regarding disposal of as-built commercial buildings/shops, constructed/developed commercial plots and commercial halls etc.:- Regulations regarding disposal of non-residential property of Uttar Pradesh Avas Evam Vikas Parishad, 1980 (revised February 1993, again revised March, 2016)

**Part 1**

**General**

**1. Short title and beginning:-**

1. These regulations will be called Uttar Pradesh Avas Evam Vikas Parishad's Disposal of Non-Residential Property Regulations 1980 (as amended February, 1993 and again amended March, 2016).
2. These regulations will come into force from the date of their publication in the Uttar Pradesh Gazette.

**2. Spread and Objective:-**

1. These regulations shall prevail in all such areas of Uttar Pradesh in which the Uttar Pradesh Avas Evam Vikas Parishad Act 1965 (Uttar Pradesh Act No. 1, 1966) shall apply.

(2) These regulations shall apply to non-residential property of the Parishad.

(3) Their purpose, in the schemes of Uttar Pradesh Avas Evam Vikas Parishad, is to include non-residential property such as community center plot and building/twin plot/facility/cultural commercial building and plot/shop/petrol and diesel pump plot/hotel multiplex/shopping mall/ To regulate the disposal of nursing home plots/institutional plots/mixed land use plots and other defined commercial properties which are not for residential purpose.

**3. Definitions - Unless the context otherwise requires, in these regulations: -**

- i. "Act" means the Uttar Pradesh Avas Evam Vikas Parishad Act, 1965 (Uttar Pradesh Act No. 1, 1966).
- ii. "Parishad" means Housing and Development Board.
- iii. "Property" means constructed commercial buildings and commercial plots/shops/business halls etc., whose land use is other than residential.
- iv. "Commercial building/shop/commercial plot and commercial hall" means those buildings/shops/plots which are used only for business or in which industrial units are established.
- v. "Auction" means the process of auction in which any interested buyer of non-residential property has obtained eligibility by depositing the prescribed earnest money in the Parishad fund through NEFT/RTGS/Online mode and has made an open bid for the particular property. In which the final decision to hand over the property has been taken in favor of the interested buyer who makes the highest bid or offers the maximum price through sealed bid.
- vi. "Intending purchaser" in auction proceedings means a person who Must be a citizen of India and belongs to a registered organization duly constituted as per rules and who has deposited

- the prescribed earnest money into the Parishad treasury through NEFT/RTGS/Online mode. By doing this, you have obtained eligibility to participate in the auction proceedings.
- vii. "Earnest Money" means the amount determined by the Parishad to be deposited by the interested buyer through NEFT/RTGS/Online mode of the prescribed earnest money for participating in the auction proceedings. It is required to be deposited in favor of the Parishad.
  - viii. "Allotment letter" means the letter which, after the auction proceedings, after due acceptance by the sanctioning authority under the prescribed rules, is issued by the competent authority in relation to any property in the name of the eligible person/institution. certain conditions. Issued with restrictions and payment details.
  - ix. "Highest bid" means the bid/rate which is the highest bid/rate among the last bid/rate placed by the applicant/entity participating in the auction process and the sealed bid received.
  - x. "Auction Committee" means the zonal officer of the concerned zone such as Additional/Joint/Deputy Housing Commissioner, Superintending Engineer (related circle), Executive Engineer, Assistant Housing Commissioner/Property Manager, representative of the District Magistrate and Secretary/Additional Secretary of the Authority. , from the officers present. The committee will be headed by the Zonal Officer and in the absence of the Zonal Officer, by an officer nominated by the Secretary/Housing Commissioner.
  - xi. "Presiding Officer" means the officer presiding over the auction committee.
  - xii. "Reserve price" means the price determined by the Parishad at which bids are invited. The reserve price is determined by adding 12 percent freehold fee to the land rate in effect for the property in question on the date of auction, the arrived price/rate and the latest revalued value of construction in the constructed property and in case of a corner property, adding 10 percent corner fee to it. The price/rate is from.
  - xiii. "Auction venue" means the place where the auction will be conducted;

## **Part-2**

### **4. Eligibility to participate in the auction –**

1 (a) The person participating in the auction should be a citizen of India as per the Indian Constitution and his age should be at least 18 years on the date of the auction.

1 (b) Apart from individuals, registered institutions/ firms/ companies can also participate in the auction. The "representative" of the institution who has been authorized by the said institution/ firm/ company to bid in the auction can bid on behalf of the institution as per the rules. Attested copy of the authorization certificate is required to be attached with the auction application form. It will be necessary to attach a certified copy of the registration certificate and memorandum and articles of association of the institution/ firm/ company with the application form. Reservation if any is not payable to the company/ institution/ society.

2 The person participating in the auction must compulsorily deposit the token amount before the auction. The token amount will be **10 percent** of the reserve price of the property. The determination of the reserve rate/price will be calculated as per the then prevailing/effective provisions of the valuation directory and Rule 3 (12), details of which will also be mentioned on the website, published advertisement and notice Parishad.

### **5. Offer of properties for allotment –**

While offering the properties for disposal by the construction wing, their site plans will be compulsorily made available to the property management office only then the offer will be valid. The site plan must be signed with the name of the concerned Junior Engineer/Assistant Engineer.

**6. Reservation in property** – Commercial plots, shops and business halls(Except for leased properties and residential buildings/plots which will be disposed of through auction), 21% reservation will be given to Scheduled Caste applicants, 2% to Scheduled Tribe applicants and 27% for Other Backward Class persons i.e. a total of 50%.

Apart from the above, the following horizontal reservation will be provided to the applicants of the following categories according to the reservation category they belong to:-

<b>Reservation Category</b>	<b>Reservation Percentage</b>
Honourable MLA/MP/Freedom Fighter	5%
Government servants and security services employees who have completed 50 years of age	5%
Employees of Uttar Pradesh Avas Evam Vikas Parishad, Development Authority, Water Institute / Municipal Corporation and local bodies.	2%
Former and present servicemen and their dependents	3%
Disabled persons of the society	3%
Elderly (Senior Citizen)	10%

(b) If the reserved category applicants do not participate in the first auction, then the property earmarked/reserved for the reserved category will be distributed among the general category applicants.

(c) Reservation will be payable in the auction process of developed/constructed commercial plots/buildings/shops/commercial halls of the Council. Reservation will not be payable in leased properties like community center plots, institutional plots, school plots and bulk sale plots.

### **Part-3**

#### **Allotment/auction process and disposal**

**7. In comparison to the residential land rate, the reserved land rate for non-residential properties to be sold through auction will be as follows: -**

- |   |              |
|---|--------------|
| (a) Commercial plot, multiplex plot, petrol and diesel pump plot  | -2.0 times   |
| Twin Plot, Facility Plot, Cultural Plot, Institutional Plot, Nursing Home Plot, Premium Plot and Hotel Plot |              |
| (b) Mixed use plots   | – 1.25 times |
| (c) Community center plot   | – 1.00 times |
| (d) School plot.  |              |
| (I) For the first ten years of the commencement of the scheme   | – 0.5 times  |
| (II) After 10 years   | – 1.00 times |

(e) Disposal of bulk sale plot will be done on the basis of two-bid system. (Appendix-9)

(f) Disposal of group housing plots larger than 2000 square meters located in the schemes of Lucknow and Ghaziabad will also be done on the basis of two-bid system. Reservation will not be payable in plots disposed of through two-bid system. (Annexure 8)

In various schemes of the Parishad, land is distributed through bulk sale to central and state government/semi-government departments and such public institutions which are under the state government, on the basis of the recommendations received through the high level committee on the applications received as per the following procedure will go. (Annexure 9)

Serial No.	Details of land	for office use or office and residential use (Jointly)	For residential use only
1	2	3	4
A.	1.5 times the approved residential rate in	up to one acre. 1.5 times the approved residential rate in	at approved residential rate
B. (1) (2)	More than one acre up to five acre first one acre More than one acre of additional land	1.5 times 1.25 times	1.0 times 0.90 times
C (1) (2)	More than five acres up to 20 acre first one acre More than one acre up to additional five acres of land	1.5 times 1.25 times	1.0 times 0.90 times
3	Additional land more than five acres 1.0 times 0.80 times	1.0 times	0.80 times

#### **Terms and Conditions-**

(1.) If the entire required amount is deposited within three months, a discount of 2 percent will be given, otherwise 15 percent interest will be charged after three months from the date of allotment.

(2.) The rates informed to the institution will be valid for six months. Freehold fee of 12 percent will be added to the above rates. Corner fee will not be payable.

(3.) Land will be allotted after depositing 10 percent amount.

(4.) 20 percent of the total amount will have to be paid within three months. After 50 percent payment, the land will be registered and the remaining amount will be settled in installments with 15 percent interest for 2 years. In relation to which the decision of the Housing Commissioner will be final.

(5.) If for any reason the land is not taken by the allottee, then from the date of allotment letter till the date of decision not to take the land, interest will be deducted on the payable price and the remaining amount will be paid.

(6.) Along with bulk land, the cost of land covered under external development done by the Parishad will also be included in the said rates.

(7.) If due to any reason there is an increase in the cost of the land or due to any dispute there is an increase in the rates of the land under consideration, then it will be payable by the allottee.

(8.) When land is given in a developed area, the reserve rate will be determined on the actual value of the land, the developed value and the interest amount.

a. Land in Parishad schemes can be allotted to private developers through auction as per two-bid system.

### **8. Reserve rate of commercial plot/reserve price of shops**

The reserve rate for constructed/developed commercial plots/shops will be determined by doubling the residential rate and adding 12% freehold fee on it to determine the "minimum reserve rate" for the auction. In case of corner plot, 10% including additional corner fee, reserved as above.

The rate will be determined. The constructed shops will be disposed of through auction, considering their valuation along with interest as reserve price.

### **9. Multiplex/Shopping Mall Plot:-**

Since the use of multiplex/shopping mall is commercial, the reserve rate of the plots will be double the residential rate and 12% freehold fee will be included to determine the "minimum reserve rate" for the auction. In case of a corner plot, the reserve rate will be determined as above, including 10% additional corner fee.

An affidavit will be taken from the interested buyers of multiplex/shopping malls that they will take all the safety and fire fighting measures themselves. All the rules of the local body/government will be acceptable to them.

The construction work will have to be done within 5 years from the date of possession of the plot subject to the rules/conditions set by the government/Parishad. If used contrary to the approved map, the allotment will be cancelled.

If the allotment is cancelled, the token amount and the amount deposited in the first phase will be confiscated and the remaining amount will be returned without interest

### **10 Petrol/Diesel Pump Plot:**

Since the use of petrol pump and diesel pump is commercial, the reserved rate of the plots marked for this will be like the commercial rate. Oil companies, authorized license holders or those setting up petrol pumps

Interested buyers will also be given an opportunity to participate in the public auction of the plots in question by taking an affidavit to the following effect (a) and (b).

(a) Use of the plot only for petrol/diesel pump and other permitted purposes shall be done.

(b) Before registration of the plot and approval of the map, the license of petrol/diesel will be presented in the concerned office.

Petrol/Diesel pump will have to be installed within 2 years otherwise the token amount will be confiscated. The remaining construction will have to be done within the next 3 years under the terms and conditions of the Government/Parishad. The plot will be allotted on lease and after the petrol pump is completely established, the process of freehold will be taken.

Under no circumstances will the land use of this land be changed in future.

#### **11. Twin, Facility, Cultural, Institutional and Nursing Home plots –**

1. Institutional plots will be disposed of by determining the “minimum reserve rate” for auction at the rate of 1.5 times the prevailing residential rate and including 12% freehold fee on it. In case of corner, the minimum reserve rate will be determined as above by including 10% additional corner fee.
2. In addition to the above mentioned plots, on application by government/semi-government institutions, on the joint proposal/recommendation of Additional/Joint/Deputy Housing Commissioner (Zonal Officer) and Superintending Engineer (Circle) in the interest of the Parishad on the basis of merits. The decision of allotment can be taken by the Housing Commissioner
3. The following activities may be permitted in institutional plots:
  - a. Government semi-government offices, private offices, research / development / research centers, zonal / regional offices (including a branch) of nationalized / private banks, wedding processions / banquet halls, higher technical institutes, management institutes, higher secondary / inter colleges. College, Polytechnic, Medical/Dental College, Hospital, Health/Family Welfare Centre, Telephone Office Centre/Television Centre, Assembly Hall, Yoga/Manan/Discourse/Satsang Centre, Religious Building, Social and Cultural Institution/Centre, Auditorium, Theatre, Museum, Art Gallery/Exhibition Centre, Music/Dance Drama Training/Art Centre, Library, Club, Sports Centre, Cyber CaféApart from the above, other uses which do not fall under residential and commercial use will also be permitted.
4. The reserved rate of nursing home plots will be 1.5 times the residential rate. The reserve rate will be determined by adding 12 percent freehold fee at 1.50 times the prevailing residential rate. In case of corner, 10 percent corner fee will also be payable.

The construction will have to be completed within 05 years from the date of obtaining possession of the plot, otherwise the allotment of the plot will be canceled along with confiscation of the token amount.
5. The reserve rate of Twin Facility, Cultural will be determined as "Minimum Reserve Rate" for the auction by including 1.5 times the prevailing residential rate and 12% freehold fee on it. 10% additional corner charge in case of corner. Including this, the minimum reserve rate will be determined as above. Construction will have to be completed within 05 years from the date of obtaining possession of the plot, Otherwise, the allotment of the plot will be canceled along with confiscation of token amount.

## **12. Hotel Plot –**

The "minimum reserve rate" for the auction will be determined by including the reserve rate of the hotel plot, twice the prevailing residential rate and 12% freehold fee on it. In case of corner, the minimum reserved rate will be determined as above, including 10% additional corner fee.

The construction will have to be completed within 05 years from the date of obtaining possession of the plot, otherwise the allotment of the plot will be cancelled along with confiscation of the token amount.

## **13. Community Center Plot –**

1. Since the purpose of the wedding procession/community centre is special (social/spiritual), these plots will be developed in the middle of the plan as much as possible.
2. The plots will be disposed of through auction by adding 10 percent lease rent to the prevailing residential rate on 90 years lease and considering it as reserve rate.
3. Before allotment of plot by private construction institution, cooperative society, private entrepreneurs, they will have to make a written agreement to the effect that the allotted plot will be used for the same purpose and purpose for which it has been determined.
4. If there is a need for the work of the Parishad, the Parishad will be given top priority in allotment of the community centre.
5. The rules and conditions made from time to time by the State Government, Parishad or local body will continue to be applicable to the institution. If any special taxes etc. are demanded by the local body or other institution for the operation of the community centre/barat ghar, then this amount will be payable by the institution.
6. It will be mandatory to make necessary arrangements to keep the building and its surrounding environment clean. Also, no such use of the property will be made which is against the interest of the residential environment/master plan proposal or the development work done by the Parishad.
7. The construction of the community centre/ marriage hall will have to be done as per the map approved by the competent authority of the Parishad.
8. It will be mandatory for the organization to carry out construction work equal to 0.60 FAR. FAR will be maximum 1.0 and land cover will be maximum 30 percent. One percent of the area of the plot for the community center can be used as shops/kiosks with minimum 5.0 cm set back ground cover and compliance with FAR etc.
9. The general rules related to allotment will have to be followed by the allottee.
10. The decision of the Housing Commissioner regarding allotment will be final and binding. The Housing Commissioner will have full authority to cancel any allotment without assigning any reason.
11. Land rate should be determined by adding 10% lubricant in case of corner. The construction of the community center plot will have to be completed within 05 years from the date of obtaining possession, otherwise the token amount will be confiscated. The allotment of the plot will be cancelled. 25 percent of the total value of the plot. At the time of allotment, the remaining 75 percent amount will be payable in 5 annual installments with 15 percent interest.

#### **14. School plots –**

Registration and allotment of plots for educational institutions in Parishad schemes, Appendix-7 of Regulation-2009 (as amended in 2012) is already in force, which will be a part of this regulation.

##### **A. Plots to be disposed of through two-bid system:**

Regulations regarding plots to be disposed of through two-bid system (Appendix-8 and 9) are already publicized which will be a part of this regulation.

#### **15. Method of allotment and payment of auctioned property –**

- 1 In any scheme, before the auction proceedings, information about the non-residential property to be auctioned should be published on the notice board, national/regional level popular newspapers of the concerned city and It will be published on the Parishad's website at least 10 days before the auction date.
- 2 Non-residential properties to be auctioned shall be auctioned on “as is where is” basis. The person participating in the auction (interested buyer) can inspect the site of the concerned property on any working day after the publication of the advertisement related to the auction. After bidding the highest bid, no complaint regarding any defect regarding the condition of the auctioned property or its construction etc. will be admissible/acceptable
- 3 Applications for the desired property in the auction proceedings will be accepted along with NEFT/RTGS/Online mode of the prescribed earnest money at the auction venue, on the date of auction, before the commencement of the auction.
- 4 The details given in the application form should be true and correct. Incomplete or conditional applications will not be accepted under any circumstances. If at any time it is found that any intending purchaser has given wrong information or has suppressed any relevant fact, his application will be rejected. If any property is auctioned to such an interested buyer, the entire earnest money will be confiscated and hence no claim of the buyer will be accepted.
- 5 If the application form is correct, a “token” will be issued to the interested buyer to participate in the auction. Token can be issued against the property for which the sealed bid has been given to the interested buyer for participating in the auction/bidding of the same property on submitting a photocopy of the NEFT/RTGS/Online mode enclosed in the sealed bid along with the application form. The restriction will be that that token will not be allowed for any other property. An interested buyer can authorize his/her blood relatives, brothers-sisters, parents, sons-daughters and husband-wife to participate in the auction. The photo and signature of the concerned person in the authorization letter will be certified by the interested buyer. A person can represent only one intending buyer.
- 6 The auction proceedings will be conducted by the presiding officer i.e. the chairman of the auction committee.
- 7 The auction proceedings will be held in public at the auction venue. The reserve price of the property will be announced to the interested buyers by the presiding officer. For a particular property, interested buyers will place bids, which will also be announced by recording them on a register/bid register. The highest bid for the property to be auctioned, declared one, two, three, will be recorded/accepted in the bid register before the "fall of the hammer", after which no bid will be recorded/accepted. And it will be mandatory for signatures of the highest and second highest bidders and all the members of the auction committee.
- 8 The Presiding Officer will only accept bids higher than the reserved rate/price for the property. Will accept. If there is only one bidder, the bid higher than the reserve price can be accepted



by the presiding officer for disposal of the property, but the decision on this will be taken only at the Housing Commissioner level.

- 9 Any interested buyer who wants to purchase the property through the sealed bid process, may submit the sealed bid application form in the prescribed format along with a NEFT/RTGS/Online mode of the prescribed earnest money amount (10 percent of the reserve price of the property) on the prescribed date and time. Will present it in the property management office. On filling the application form along with the photocopy of the NEFT/RTGS/Online mode attached in the sealed bid, a token can also be issued for participating in the auction, but the deposited sealed bid will not be returned.
- 10 The following particulars shall be included in the sealed bid form:-
  - (a) Name and complete permanent/temporary address of the sealed bid purchaser.
  - (b) Name of father/husband
  - (c) Name of the scheme and city
  - (d) Category, number and area of property
- 11 The decision will be taken at the sanctioning authority level after considering both the highest bid received from the auction and the sealed bid received. After completion of bidding for the property, the sealed bids received against the property will be opened in the presence of people present at the auction venue. If the highest bid and the amount of the highest bidder are equal, then in that case the highest bid will be given preference over the highest bidder, but if two or more bids of the same highest bid are received, in such a case the same bidder will be given preference. By holding a public lottery, the bid of the successful applicant will be accepted as the highest bid.

#### **16- Approval of auction**

(a) On forwarding of the highest bid accepted by the presiding officer in the auction proceedings, the sanctioning officer will be able to accept or reject it in the interest of the Council by giving clear reasons. The levels capable of taking decisions will be as follows:-

- (1) Decision on properties with reserve price up to Rs 1.00 crore - zonal officer

Deputy/Joint/Additional Housing Commissioner

- (2) Value exceeding Rs 1.00 crore and Decision on properties with reserve price up to Rs 3.00 crore - Additional Housing Commissioner and Secretary

- (3) Non-residential property with reserve price more than Rs 3.00 crore - housing commissioner

(b) If bids exceeding the reserve price are received, the highest bid will be forwarded to the competent level for decision after considering the merits and demerits and circumstances within a week of receipt of the letter.

In case of pooling or other special unavoidable circumstances in the auction, a report will be sent by the auction committee with joint signatures to the competent level, in which all the circumstances/reasons will be mentioned.

In case the allotment is rejected by the highest bidder or is canceled due to non-payment, cancellation action will be taken as per rules. The earnest money deposited in case of cancellation will be confiscated. If the request for revival is made within six months and 40 percent of the earnest money is deposited, the decision on revival will be taken at the competent level.

(c) In case of any dispute after the decision of acceptance/rejection by the competent authority on the highest bid received, the decision of the Housing Commissioner will be final.

(d) Normally single bid/offer will not be accepted.

#### **16.(a) Allocation and payment method for non-auctioned property**

1. After approval by the approving officer, the allotment letter in respect of the auctioned property will be issued by the Parishad on the prescribed format.

2. The allottee shall make payment of the value of the allotted property through NEFT/RTGS/Online mode.

(a) Process of full payment - After adjusting the amount of earnest money paid by interested buyers who want to take the property on full payment, the remaining amount of the accepted price of the property will be paid to the prescribed bank by the date mentioned in the deed of issue. Will have to be done in the prescribed account.

(b) Process of payment in installments: Those buyers who want to buy the property by installment purchase method i.e. by paying as per the normal payment process, they should pay the remaining amount of the accepted price as per the normal payment process in Appendix-5 or special payment process in Appendix-6. This has to be done as per the indicated procedure. According to the special payment procedure Appendix-6, the decision on which properties will be paid will be decided by the Housing Commissioner.

- The equated installments will include 11% interest.
- Interest rates on properties may be revised from time to time.
- Revaluation of constructed properties at the interest rates taken in the original approved valuation.
- If the due amount is not deposited within time, then simple interest of 11% + additional interest of 2% plus 13% interest will be payable on the remaining amount for delay.
- The rates of interest may be revised from time to time.

#### **17. Excess land**

In case of commercial plots, institutional plots or other non-residential properties, which are disposed of through auction, if there is a decrease/increase in the area of the property in question at the site after the auction, then the price of the land will be less/more than the accepted rate. will be. Simple interest will also be payable on the calculation of time period.

After the auction, if there is availability of additional land at the site of the property in question, the decision will be taken by the Housing Commissioner on the basis of architectural and planning opinion.

#### **18. Cancellation of transfer of non-residential property for non-deposit of due amount:-**

(a) In case of refusal by the interested buyer after bidding the highest bid or in case of non-deposit of due amount after acceptance, the entire token amount deposited will be confiscated.

(b) After full payment, if the allottee disagrees with taking the property, then the allotment will be cancelled by deducting the entire amount deposited in the first phase including the token amount from the amount paid. Cancellation will be allowed from the same competent level from which the highest bid received against the property has been approved.

(c) After cancellation of allotment of property whose possession is with the Parishad, such property will be included in the proposed auction after 02 months. In case the property becomes vacant, on application by depositing revival fee (40 percent of the earnest money), the allotment can be revived within a maximum of six months, subject to the conditions of up-to-date payment of the property by the sanctioning authority.

(d) Cancelled non-residential properties of which physical possession is already in possession; Revival can be done by the sanctioning authority if the entire remaining amount including interest payable against it and the amount seized in the cancellation order as revival fee is deposited in the Parishad account.

#### **19. Misuse of property**

(a) The property to be auctioned by the Parishad will be prohibited from being used for the sale of country liquor/English liquor or other intoxicants or for such activities which create "public nuisance".

(b) The meat/fish shop will be built separately from other shops and meat/fish will not be sold in shops other than those marked for this purpose.

#### **20. Property as Freehold –**

Properties allotted on lease (except community centre/school plots) will be allotted as free-hold under the terms/conditions prescribed by the Parishad

#### **21. Execution of deeds –**

According to the form prescribed by the Parishad, a lease /rent /sale deed will be executed between the Allottee and the Parishad, in relation to the property shown.

The allottee himself will bear the stamp duty/ registration fee and other expenses (which may be revised from time to time) for execution of the deed.

In all types of properties, the process of execution of the contract will be taken only after payment of the required lump sum amount and periodic due installments and other charges mentioned in the allotment letter.

#### **22. Payment of other taxes –**

The allottee himself will pay the taxes imposed by the Municipal and State Government or any other authority. If any expenditure is incurred by the Parishad for these purposes, the same will have to be reimbursed to the allottee.

#### **23. Recovery as land revenue –**

In case the allottee does not pay the due installments/other due amount against the price or does not make reimbursement as per Rule 27, recovery from the allottee like land revenue, including recovery expenses, will be done through the District Magistrate.

#### **24. Transfer –**

1. Division of the plot will not be permissible.
2. When a shop is built on a commercial plot and sold for the first time, the name of the buyer will be mentioned in the Parishad records free of cost after completing the prescribed formalities.

3. After the sale deed of the property is executed, sale/transfer of the property will be permissible. As a result of the sale, every buyer will have to deposit 01% conversion fee on the maximum of the value mentioned in each sale deed, the selling price and the circle rate applicable on the date of conversion application, and the applicant for conversion will have to deposit it in the Parishad fund. . Husband and wife will be considered as one buyer.
4. In case of blood relatives, transfer will not be permissible.
5. Transfer of property will remain prohibited until the minor attains majority.
6. After completing the formalities between the husband and wife, the Parishad can change the name from single to joint name and from joint name to single name free of cost.
7. For increase or decrease in name in the property shown, 2.5% of the value up to Rs. 10.00 lakh and 01% transfer fee (after the limit of Rs. 10.00 lakh) will be taken from each partner for the value up to Rs. 10.00 lakh, but in every case the ownership of the original allottee must remain otherwise it will be considered a sale.
8. On the death of the allottee, on the basis of joint ownership in favour of one of his nominees on the basis of their certificate, indignity bond and no objection of others and after completing the formalities like affidavit etc. the transfer can be done free of cost as per rules.
9. In the case of transfer of name on the basis of will, objections will be invited within 30 days by publishing a release in two popular and leading newspapers at the applicant's expense. On receiving the objection, information should be sent to all the objectors by registered post within 7 days along with evidence/proof for personal hearing, confirming the decision within 15 days from the date of issue of the letter. In case the objections are found to be ineffective after hearing on the day of hearing, the transfer order should be issued by issuing a clear order with reasons on merits from the competent level.
10. In case the objections are serious, the applicant should be informed to obtain an order from the competent court for name transfer in his favor and submit it. In the case of gift/donation/Hiba also, as per the cases of sale, transfer will be done after receiving the application from the joint signatures of the persons giving/receiving the gift and taking one percent transfer fee. The gift/donation/Hiba will be valid only after the sale deed of the property is executed in favor of the done.
11. After taking loan from the lending institutions by the allottees on the properties allotted by the Parishad and getting the registration done in full, if the said property is sold by the lending institution due to non-payment of the installments of the lending institution, the transfer will be done in favor of the buyer as per the rules. After completing the formalities, transfer can be done by charging one percent fee.
12. The properties allotted by the Parishad against the recovery certificate can be auctioned by the Revenue Officer by adding 10 percent of the recovery certificate amount to the mid-term assessment of the said property and determining the reserve price and the sale will be done by the Parishad in favor of the buyer. By executing the deed, their name can be mentioned in the Parishad records by taking 1% transfer fee.
- 12 (a) The in-charge of the property management office will be responsible for all types of name changes and name additions and subtractions.

## **25. Mandatory period of construction on the plot**

- 1) After getting the possession of the plots, no objection certificate will be given by the appointed authority on the map presented as per rules, so that the allottee can buy/sell the property to be developed on the commercial/builder plot etc. Arrangements can be made right from the beginning, but formal approval of the map requires complete examination of the map by the architect planner. It will be given after doing the work and depositing the due fees etc.

- 2) The maximum period of construction on the plot will be 5 years from the date of physical possession. In case of agreeing to the application along with special and acceptable reasons, the competent level of approval will be able to grant extension of time by charging the following fee on the auction price of the property as per the following:-

<b>Sixth Year</b>	<b>5%</b>
<b>Seventh Year</b>	10%
<b>Eight Year</b>	15%
<b>Ninth Year</b>	20%
<b>Tenth Year</b>	30%

There will be no extension of time after 10 years and the plot will be cancelled and vested in the Parishad.

- 3) After the execution of the freehold deed, no construction fee will be payable against the related properties.
- 4) Exemptions for serving and retired employees of Govt of India and all the departments under will Govt of Uttar Pradesh shall be applicable as per following limits. For this purpose, husband and wife will be considered as one unit. That is, the above exemption is available even if one of the husband and wife is working in government service.

**Non-construction fee will be payable as per the following details –**

Sr. No.	In case of Delay or Maintenance	In case of non-Construction	Exemption limit
1.	up to first 05 years	6th year up to 10 years	Up to 100% of the liability for this period
2.	till next 05 years	11 years to 15 years	50 percent of the liability of this period
3.	After the above limit	Allowed discount ends	Allowed discount ends

**26. Change of property –**

Change of property disposed of/allotted through auction will not be allowed.

**27. Mandatory construction of site as per approved/ sanctioned map –**

- The allottee will use the allotted property as per the sanctioned map and the conditions permitted by the Parishad, otherwise the Parishad will have the right to take back the property and take other appropriate action.
- Commercial uses will be permitted on the ground floor in mixed land use plots.
- Basement will also be permissible for provision of services in the allotted properties.
- Residential use will be permitted on the upper floors.
- In case the Parishad takes back the plot, the Parishad will not be obliged to pay compensation for any construction/improvement etc. done on it.

**28. Right to use the roof in shops –**

- The tenants of single storey shops will have the right to use the roof, but additional construction can be done only after getting the map approved from the Parishad and there will be no construction in the shops related to this construction or in other adjacent shops. If damage occurs then full responsibility lies with him will be reimbursed and the Parishad will not be responsible for any kind of Compensation.

**29. Responsibility for building construction materials –**

The Parishad will not be responsible for the arrangement of building construction materials.

**30. Violation of the terms and conditions of allotment –**

If the prescribed terms and conditions are not followed. If any violation is committed the allotment will be cancelled at any time.

**31. Final decision of Housing Commissioner –**

- Notwithstanding any provision in these rules, in any special circumstances, the Housing Commissioner will have full right to take any decision otherwise in the interest of the Parishad. The Housing Commissioner will have the right to change the process of allocation and payment method as per the contemporary circumstances. The decision of the Housing Commissioner on any issue or dispute regarding these rules will be final and binding.

**32. Jurisdiction for suits -**

Only the civil court located in the concerned city will have jurisdiction for the suits arising under these regulations.

**General payment procedure**

**Appendix 5**

<b>Sr. No.</b>	<b>Cost of Property</b>	<b>Token amount payable for participating in the auction</b>	<b>First phase</b>	<b>Second phase</b>
1.	Upto Rs. 1 Cr.	10% of the reserved price	Within 3 months from the date of issue of allotment letter, 50% of the approved value of the property in which the pre-deposit amount will be adjusted.	The remaining 50% of the sanctioned amount will be payable in 48 monthly installments with 11% interest.
2.	Above Rs. 1.0 Cr upto Rs. 3.0 Cr	10% of the reserved price	Within 3 months from the date of issue of allotment letter, 45% of the approved value of the property in which the pre-deposit amount will be adjusted.	The remaining 50% of the sanctioned amount will be payable in 60 monthly installments with 11% interest.
3.	More than Rs 3 Cr	10% of the reserved price	After deposit of 10% token amount, 40% amount without interest will have to be paid in 04 quarterly installments (in 01 year) from the date of issue of Avantan Patra.	The remaining 50% amount of the sanctioned amount will have to be paid in 10 monthly installments in 05 years with 11% interest. If the installments are not paid on time, 2% additional interest will be paid.

## Special payment procedure

### Appendix 6

Sr. No.	Cost of Property	Token amount payable for participating in the auction	First phase	Second phase	Third phase
1.	Upto Rs. 1 Cr.	10% of the reserved price	Within 3 months from the date of issue of allotment letter, 35% of the approved value of the property in which the pre-deposit amount will be adjusted	15% of the sanctioned value of the property within 4 months from the date of issue of allotment letter	The remaining 50% of the sanctioned amount will be payable 60 monthly installments with interest 11%
2.	Above Rs. 1.0 Cr upto Rs. 3.0 Cr	10% of the reserved price	Within 3 months from the date if issue of transfer letter, 30% of the value of the property will be accepted in which 13% of the pre-deposit amount will be adjusted	15% of the approved value of the property within 4 months from the date of issue of allotment letter.	The remaining 55% of the acceptance price will be payable in 72 monthly installments with 11% interest.
3.	More than Rs 3 Cr	10% of the reserved price	30% of the acceptance value of the property along with interest will have to be paid in 03 quarterly installments from the date of issue of Pradesh Patra. By adjusting the 10% token amount, you will get 40% of the money.	Being removed	The remaining 60% amount will have to be paid in 12 half yearly installments of 06 years with 11% interest. If installments are not paid on time, additional interest of 2% will be payable.

**\*Disclaimer –**

- **The above regulations is English translation of the approved Hindi regulations published on 16<sup>th</sup> June 2016 as Uttar Pradesh Gazette by Uttar Pradesh Avas Evam Vikas Parishad.**
- **Hindi version will be prevailed in case of any contradictions or discrepancies.**