

HOUSING BOARD HARYANA

The 22nd November ,1972



No. HHB 72 /6678- in exercise of the powers conferred by Section 74 of the Haryana Housing Board Act, 1971 (Haryana Act 20 of 1971) and all other powers enabling it in this behalf, the Housing Board Haryana with the previous sanction of the Government Haryana vide there memo No. 3796- Avas-40/72-7235734 dated the 22nd November 1972 here by make the following regulations, namely :-

1. **Short title, application and commencement-** (1) These regulations may be called the " Housing Board Haryana (Allotment, Management and Sale of Tenements) Regulations, 1972" .

(2) They apply to the allotment of tenements constructed by the Housing Board Haryana by way of sale or hire-purchase under:-
 - (i) Higher Income Group Housing Scheme,
 - (ii) The Middle Income Group Housing Scheme,
 - (iii) The Low Income Group Housing Scheme,
 - (iv) The Economically Weaker Section Scheme,

OR

- (v) Any other Scheme approved for the purposes of these regulations by the State Government

(3) They shall come into force at once.
2. **Definitions-** in these regulations, unless the context requires otherwise:-
 - (a) " Act" means the Haryana Housing Board Act, 1971 (Haryana Act No. 20 of 1971),
 - (b) " Allottee" means a means a person to whom a tenement is allotted in a building constructed under any scheme referred to in regulation 1(2) by way of sale or hire- purchase,
 - (c) " Allotment committee" means a committee constituted by the Board for the purpose of allotment of tenements in any building with a view to their absolute sale or sale on hire-purchase basis to allottees under these regulations,
 - (d) " Applicant" means a person applying to the Board for allotment of a tenement under these regulations,
 - (e) " Building" means any building constructed by the Board under any of the housing schemes referred to in Regulation 1(2),
 - (f) " hirer" means a person who has participated in the hire-purchase system and who has signed the Hire-Purchase Tenancy Agreement.
 - (g) " Hire-purchase" or" Hire- purchase system" means a system in which a participant takes steps to secure rights in a property under a scheme by payment of deposit and also a specified number of monthly installments spread over a specified number of years during which he remains a tenant on the terms and conditions set for the purpose and on the expiry of the number of said years ceases to be a tenant and becomes owner after payment of all dues.
 - 10.8.79 (h) " Monthly Income"- The monthly income shall mean the aggregate monthly income of an individual and that of his/her spouse and dependent relatives including unmarried minor children.
 - (i) "Initial installment"-means such amount of the purchase price of tenement as the Board has determined or may determine and which an allottee is required to pay to the Board before occupying such tenement, regard being had to the cost of a tenement constructed under any scheme of the Board,

- (j) "Purchase Price"-in relation to a tenement, in a building, means the price at which the Board may sell the tenement to an allottee by sale or hire-purchase, the amount being fixed for each case on the basis approved by the Board from time to time.
- (k) "Estate Manager"- means an officer appointed for purpose of management of buildings constructed under any housing scheme,
- (i) " Secretary"- means Secretary of the Board as defined in section 2 (q) of the Haryana Housing (Board Act, 1971.)
- 6-3-2001 (m) A person belonging to " Economically weaker Section"- means a person whose monthly income does not exceed Rs 3300, a person belonging to "Low income Group" means a person whose monthly income exceeds Rs.3300 but does not exceed Rs. 7300, a person belonging to "Middle income Group" means a person whose monthly income exceeds Rs.7300 but does not exceed Rs.14500 and a person belonging to "Higher income Group " means a person whose monthly income exceeds Rs. 14500'.
- 26.3.1985 (n) "Minor"-means the person below 18 years of age.

The meaning or interpretation of words, terms and conditions and definitions not given in the regulations shall have the same meaning and interpretation as given in the Act or the rules, regulations and bye-laws made there under.

3. **Allotment of tenements.-** As soon as any building is ready for occupation, the Board may, subject to the provisions of these regulations, allot tenements in such building to persons who agree to purchase them in accordance with the provisions of these regulation .

4. **Issue of notice for inviting applications and power of Board to allot tenements-**

- (1) The Board shall issue a notice in such newspapers as the Board may think fit for inviting applications from person in need of residential accommodation in building contracted/ likely to be constructed by the Board under any scheme before such date as may be specified in the notice.
- (2) The notice shall specify the location of the building , the number of tenements available for allotment, the class of persons for whom the number of tenements in any scheme is reserved , the amount to be made to the Board towards purchase of the tenement, payment of the balance of the purchase price to the Board either in lump sum or in such installments together with such interest as may be determined by the Board, the amount of each installment/ monthly installment together with interest in respect of each tenement, the stamp and registration charges, the last date for submission of applications and such other particulars as the Board may consider necessary.

Provided that the Board may in special cases authorise general registration of intending buers without mentioning the actual sites and layout, etc. of the proposed colonies to be established (only mentioned will be the name of the town and other general particulars)

- (3) Every applocant shall deposit in the office of the Board such earnest money as may be determined by the Board from time to time and shall enclose with his application the receipt obtained in token of such deposit. The earnest money shall be refunded to the applicant if a tenement is not allotted to him.
- (4) Where the tenements are reserved for any class of person as specified in the notice issued under clause (1) the procedure to be followed for allotment of such tenements shall be such as may be determined by the Board from time to time .

- (5) Deleted vide Haryana Government (Extra) Notification dated 21.10.1981 .
- (6) The Board may allot such number of tenements as it determines from time to time to persons on preference basis who deposit the amount as determined by the Board with their applications and under take to pay the balance in such number of installments as may be determined by the Board.

8.5.2001 (7) A tenement may be allotted to the person of the prescribed category subject to the condition

E.W.S. and L.I.G Categories :

- (i) That he is a resident of Haryana or is a person who is working in Haryana for at least six months on the date of application or is an employee of Haryana Government or Central Government, Municipal Corporation of Faridabad, any Board, Corporate Body working under the control of Haryana Government or the Government of India or an Ex-serviceman or a retired Haryana Government servant.
- (ii) That the applicant should not own a house in Haryana, Delhi or Chandigarh either in his/ her name or in the name of his/her wife/husband or in the name of his/her dependent relatives including unmarried minor children. However, applicant owning ancestral house in a village or a share in urban or rural property is eligible to apply.

M.I.G. and H.I.G. Categories :

- (i) The applicants of reserve categories namely Scheduled Castes, Handicapped, Blind Persons, Backward Classes, Freedom Fighters, Disabled Serviceman, War Widows and Widows should be domicile of Haryana.
- (ii) The applicants for which reservation is provided under Regulation 7 should not own a house in Haryana in his / her name or spouse's name of any dependent family members.

For all Categories :

- (i) The applicant must be a citizen of India.
- (ii) The applicant must have attained the age of majority at the time of registration.
- (iii) An eligible person, his or her spouse, or any of his/ her dependent member cannot submit more than one application under the scheme.

"Provided that if the number of applications received is less than the tenements available for the allotment in spite of repeating the advertisement, then the tenements may be allotted even to those persons who are otherwise not eligible"

5. **Application for tenements-** (1) Any person desiring to purchase a tenement in any building by way of sale or hire-purchase may, in pursuance of the notice published under regulation 4, make an application to the Board in the form prescribed by the Board.

11.4.2000 (2) No application shall be accepted by the Board unless it is received on or before the date specified in the notice or the date extended from time to time and the applicant pays the amount with application at the time of registration as provided in the notice published under regulation 4. The applicant shall not be entitled to any interest on the amount paid with the application at the time of registration where the Board

allots him a house within a period of two years from the closing date of registration or where the applicant chooses to withdraw his application within a period of two years which will be governed by the provision of regulations¹². In other cases, where the Board fails to allot houses within a period of two years from the closing date of registration, interest on amount paid with the application at the time of registration shall be payable for the period after the expiry of two years from the closing date of registration to the date of allotment or date of refund, whichever, is earlier, at the rate applicable in the case of saving bank accounts of the nationalized banks: Provided that if the Board is satisfied that the delay in submission of an application was on account of good and sufficient reasons, it may condone the delay.

6. **Register of applications-** On acceptance of an application under regulation 5, the Board shall enter each application in the register maintained for the purpose, in the order in which each application is accepted and shall pass a receipt to the applicant in taken of having received the application.
7. **Drawing of lots for purpose of allotment:-** (1) Allotment of houses shall be made by draw of lots " or by such other manner as may be determined by the Board.
(2) Unless otherwise provided or specified by the Board out of total number of houses, reservation in favour of applicants shall be to the extent of-

Serial Number	Categories	Reservation
1.	Depositors of 25% of the total cost and any amount over and above 25% including full cost at the time of registration	4%
2.	Haryana State Government Employees :-	
	(i) Haryana State Government Employees who have more than five years of service at application to retire	3%
	(ii) Haryana State Government Employees who have five years or less service according to rules relating to their superannuating.	5%
3.	Retired Haryana Government Employees	2%
4.	Housing Board Haryana Employees	2%
5.	Schedule Castes	18.5%
6.	Handicapped and Blind persons	1.5%
7.	War widows, disabled servicemen. Ex-servicemen, serving military personnel and their wives, Indian Air Force Benevolent Association, Freedom Fighters and General Reserve Engineering Force personnel	10%
8.	Backward Classes.	5%
9.	Widows (excluding war widows)	2%
	Total	50%

Reservation to the extent of 33% out of each of the above reserved categories (except widows) and general category shall be for women applicants as first/solo applicant. In sufficient women applicants are not forthcoming in any of the categories balance of the houses shall be allotted to other applicants in that same category:

Provided that if sufficient applicants are not forthcoming from any of the nine reserved categories mentioned above, the balance of the reserved houses shall be allotted to the applicants in the general category. The allotment of remaining houses after the allotment to the applicants belonging to the nine reserved categories referred to above shall be made to the applicants of general category.

Explanation :- That reservation provided in category 3 above will not be applicable to dismissed or pre-mature Government Servants'.

8. **Allotment of tenements -** (1) Subject to the provisions of these regulations, the Estate Manager shall examine the applications together with their age implements of successful applicants, and shall, unless there are reasons to act otherwise (such reasons being recorded in writing), allot tenements to applicants in the order in which their names are entered in the list of successful applicants, Provided that, each applicant has paid the deposit and made the initial payment and has complied with, or has agreed to comply with the terms and conditions of the housing scheme, the terms of allotment and the provisions of these regulations.

(2) The decision of the Estate Manager in allotting tenements shall, subject an appeal to the Chairman be final and binding on the applicants.
9. **Power of Board to allot-** Notwithstanding anything contained in these regulation , the Board may of its own or in accordance with the directions of the State Government allot any tenements in any in any building to any persons provided that such persons agree in writing to abide by the terms of allotment and the provisions of these regulations.
10. **Allotment letter, conditions of allotment etc.-** (1) After the allotment of tenements is finalized the Estate Manager shall issue an allotment letter informing the allottee that it is proposed to allot to him the tenement on the terms and conditions specified in the letter, and asking him to call at the concerned office of the Board and take delivery of the authority letter, and to take over possession of the tenement within the period specified in the letter.

(2) On receipt of an allotment letter, the allottee may, within the period specified in the letter, accept the allotment of a tenement and shall execute a hire purchase tenancy agreement if required by the Board, and shall comply with the terms and conditions of such agreement.

(3) Notwithstanding anything contained in the notice inviting applications, if after receipt of final bills for the construction of tenements or payment of interest on the amount of loans taken for the construction of such tenement or for expenditure incurred, for supervision, the Board considers it necessary to revise the price already specified in the notice, it may do so and determine the final price payable on allotment and all allottees in relation to the tenements aforesaid shall be bound by such determination and they shall pay difference, if any, between the final price so determined and the price paid by them including price paid in lump sum. Premium may also be charged for more advantageously situated tenements in the discretion of the Board as determined from time to time.

(4) After the tenements are finally accepted, the Estate Manager shall prepare an allotment register and enter therein the name of allottees according to the number of the tenements allotted to them.

(5) In case the amount demanded after draw of lots or at the time of issue of allotment letter or any other amount is not paid by the allottee/applicant within the stipulated period, the same may be accepted within extended period alongwith interest 1% higher than the lending rate by the Commercial Banks (Nationalised Banks)'

11. General liability of allottees- (1).Every allottee shall regularly pay to the Board the installments due from him in respect of the purchase price of the tenement allotted to him. He shall also pay municipal taxes, water and electricity charges, ground rent, his share of common services (e.g. common lights, sweeper, watchman and the like) and other public charges, due in respect of the land and get the building occupied by him to the authorities to who such taxes and charges are due.

- 6.12.1989 (2) The allottee or hirer under the hire- purchase system shall hold the tenement as a tenant for the Hire- Purchase period and shall regularly pay the monthly rent (installment) for every calendar month till the expiry of hire- purchase period.

Provided that on receipt on application from the hirer, the Board may permit the payment of the hire purchase price outstanding to the date of such application together with interest or other dues, if any, to be made in lump sum and no interest shall be charged from the date of such payment.

- (3) The hirer shall make full and regular payment of all the dues that are required to be made by him in pursuance of these presents or the Regulations. If any such payment is delayed, he shall be liable to pay a penalty not exceeding twenty five percent of the amount due. If it has reason to believe that person level to pay the amount has willfully failed to pay the same. In case of defaults of more than two months, the tenancy shall stand determined and the hirer shall be liable to be evicted. All the outstanding dues of the owner shall be recoverable as arrears of land revenue. The proceedings of eviction shall be governed by the provisions of Chapter VI of the Act :

Provided further that in the case of eviction, the amount already deposited by the hirer shall be utilized for recovering all dues whatsoever of the owner as the first charge and all the dues of the public bodies as the second charge and only the remainder shall be refunded to the hirer on his demand.

- (4) On payment of the first installment and such other dues as shall have been demanded by the Board, the hirer shall execute a hire- purchase agreement in the form "A".
- (5) Notwithstanding that the right, title and interest of the Board in the building have not been transferred to the allottee, he shall be bound to keep the tenement in as good condition as it was at the time when he was put in possession thereof, subject to only changes caused by reasonable wear and tear or irresistible force, and shall be responsible to maintain and keep in good and tenable repair, the building and all the land appurtenant thereto. On the failure of the allottee to do so, the Board shall maintain and keep in good and tenable repair the building and the land aforesaid and expenses so incurred shall be recovered from him.
- (6) Every allottee shall so long as the building containing tenements belongs to the Board and is not transferred to the allottees, allow and Officer duly authorized by the Board at all reasonable time to enter upon the tenement allotted to him and inspect the condition thereof, and give or leave notice of any defect in such condition and when such defect has been caused by any act or default on the part of the allottee or his servant or agent, the allottee shall be bound to make it good within one month after such notice has been left or given.

Explanation:- Reasonable time shall mean any time between sun-rise and sun-set.

- (7) The allottee may use the tenement allotted to him as a person of ordinary prudence but shall not use nor permit any other person to use the tenement for a purpose other than that for which it is allotted to him, and he shall not damage the tenement or commit any other act which is destructive or permanently injurious to it, so long as the tenement belongs to the Board and is not transferred to him.

- 11.4.2000.12. Refund of amount of initial payment- If the applicant withdraws his application till the date of offer of house by the Board 10% of the amount deposited with application at the time of registration shall forfeited to the Board and balance to him without any interest".
- 11.4.2000 13. Consequence on failure of allottee to take possession- Where any applicant is allotted a tenement under those regulations but he fails to take possession of the same within a period of 30 days from the date of receipt of the allotment letter issued to him or surrenders the same at any time, his name shall be removed from the allotment register and 50% of the amount deposited with the application at the time of registration shall be forfeited to the Board and balance refunded to him without interest".
14. Use and Maintenance of tenement- (1) No allottee shall have more than one cooking arrangement in the tenement,
- (2) No allottee shall use the tenement for purpose other than residence:
- (3) No allottee shall sublet the whole or any part of the tenement without the express permission of the Board.
15. Saving- Save as otherwise expressly provided by these regulations and any documents or instruments executed by an allottee with the Board so long as the tenement together with land appurtenant thereto belongs to the Board and is leased to the allottee, no tenement shall be transferred by sale or exchange by any allottee except with the previous permission in writing of the Board on such terms and conditions as are agreed to between the Board and the transferee and the transferee has complied with the same to the satisfaction of the Board, and the transferee shall then be deemed to be an allottee for the purposes of these regulations.

Provided further that the transferee allottee shall be liable to the Board in respect of all the unpaid installments and all other amounts due, if any, in respect of the tenement so transferred together with the interest due thereon.

By order of the Board Secretary
Housing Board Haryana,
Chandigarh



Haryana Government Gazette

EXTRAORDINARY

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हरियाणा सरकार

आवास बोर्ड हरियाणा

अधिसूचना

दिनांक 14 जनवरी, 2019

No. HBH/CRO(PM)/A-I/2019/211.— हरियाणा आवास बोर्ड अधिनियम, 1971 (1971 का अधिनियम की संख्या 20) की धारा 74 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सचिव, आवास बोर्ड हरियाणा, इसके द्वारा राज्य सरकार की उनके यादी क्रमांक 2/5/2016-2 hg Dated 09.03.2017 द्वारा दी गई पूर्व स्वीकृति से, आवास बोर्ड, हरियाणा (वासगृह का आबंटन, प्रबन्धन तथा विक्रय) विनियम, 1972 को संशोधित करने के लिए निम्नलिखित विनियम बनाते हैं, अर्थात्:-

1 (1) ये विनियम आवास बोर्ड हरियाणा (वासगृह का आबंटन, प्रबन्धन तथा विक्रय) संशोधन विनियम, 2019 कहे जा सकते हैं।

(2) ये राजपत्र में इनके प्रकाशन की तिथि से लागू होंगे।

2 आवास बोर्ड हरियाणा (वासगृह का आबंटन, प्रबन्धन तथा विक्रय) विनियम, 1972 (जिसे, इसमें, इसके बाद, उक्त विनियम कहा गया है) में विनियम 12 के खण्ड रखा जाएगा, अर्थात्:-

विनियमन 12- प्रारंभिक भुगतान की राशि का रिफंड

यदि आवेदक बोर्ड द्वारा घर की पेशकश की तारीख तक अपना आवेदन वापस लेता है, तो पंजीकरण के समय आवेदन के साथ जमा राशि की 50 प्रतिशत राशि जब्त कर ली जाएगी व शेष राशि बिना किसी ब्याज के वापिस की जाएगी।

विवेन्द्र सिंह यादव,
सचिव, आवासन बोर्ड हरियाणा,
पंचकुला।

HARYANA GOVERNMENT
HOUSING BOARD HARYANA

Notification

The 14th January, 2019

No. HBH/CRO(PM)/A-I/2019/211.— In exercise of the powers conferred by Section 74 of the Haryana Housing Act, 1971 (20 of 1971), the Secretary, Housing Board Haryana with the previous sanction of State Government conveyed *vide* their memo No. 2/5/2016-2 hg Dated 09.03.2017 hereby makes the following regulations, to amend the Housing Board Haryana (Allotment, Management and Sale of Tenements) Regulations, 1972, namely:-

1. (1) These regulation may be called the **Housing Board Haryana (Allotment, Management and sale of Tenements) Amendment Regulations, 2019.**

(2) These shall come into force on the date of their publication in the Official Gazette.

2. In the Housing Board Haryana (Allotment, Management and Sale of Tenements) Regulations, 1972 (hereinafter called the said regulations), in **Regulation 12**, the following amendment has been made, namely:-

Clause 12 Refund of amount of initial payment:

"If the applicant withdraws his application till the date of offer of house by the Board, 50% of the amount deposited with application at the time of registration shall be forfeited to the Board and balance refunded to him without any interest."

VIRENDER SINGH YADAV,
Secretary, Housing Board Haryana,
Panchkula.