

Particulars Of Organisation its Functions -Town & Country Planning Department

The Department of Town and Country Planning, Haryana is responsible to regulate the development and also to check the haphazard development in and around towns in accordance with the provisions of following statutes:-

1. The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.
2. The Haryana Development and Regulation of Urban Areas Act, 1975.
3. The Punjab New (Capital) Periphery Control Act, 1952.

In order to involve the private sector in the process of urban development, the Department grants licences to the private colonizers for development of Residential, Commercial, Industrial and IT Park/Cyber Park Colonies in accordance with the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and rules framed thereunder.

I. Classification of State into zones:-

These licences are granted to the owners having clear title of land in their favour. For the purpose of granting licences the Department has divided the State into different zones according to their development potential . Following is the classification of towns into different potential zones:-

| Sr. No. | Classification | Name of the towns |
|----------------|-----------------------|--|
| 1. | Hyper | Urban Area in and around Gurgaon town including the Urban Areas declared by the Government for Gurgaon- Manesar Urban complex |
| 2. | High Potential Zone | Faridabad- Ballabgarh Complex, Panchkula, Kalka, Pinjore Gual Pahari-Balola Bandhwari Complex in Gurgaon District, Sonapat-Kundli Urban Complex, Panipat. |
| 3. | Medium Potential Zone | Karnal, Kurukshetra, Ambala City, Ambala Cantt, Yamuna Nagar, Bahadurgarh, Jagadhari, Hisar, Rohtak, Ganaur , Palwal, Hodal, Rewari, Dharuhera-Bawal and Oil Refinery Panipat. |
| 4. | Low Potential Zone | All the other urban areas in the State. |

II. Minimum Area Parameters:-

For development of licenced colonies in the State, the Government has approved the minimum area parameters for making application for grant of licence in accordance with the location of the colony in a particular zone. Following are the parameters:-

| Zone | Residential Plotted | Residential Group Housing | Commercial | Cyber City | Cyber Park |
|---------------------------|----------------------------|----------------------------------|---------------------------------|-------------------|-------------------|
| Hyper/High Potential Zone | 100 | 10 | 8000 sq. mtrs to 16000 sq. mtrs | 50 acres | 5 to 15 acres |
| Medium Potential Zone | 50 | 5 | -do- | -do- | -do- |
| Low Potential Zone | 25 | 5 | 4000 sq. mtrs to 8000 sq. mtrs | -do- | -do- |

III. Application for grant of Licence:-

The colonizers has been defined in the Act i.e. an individual , company or association, body of individuals whether incorporated or not, owing land for converting it into a colony and to whom a licence has been granted under this Act. In accordance with the above definition following kind of applications are being considered:-

1. The 'company' having ownership of land in accordance with the above parameters.
2. Individual having ownership of land in accordance with the above parameters.
3. Group of persons i.e. body of individual may also pool together their land falling in the compact block in accordance with above minimum area parameter and may apply for grant of licence after executing a collaboration agreement with a reputed builder having sound financial capability to develop the colony.

IV. Conformity to the Land Use Plan:-

The land applied for licence should be in conformity with the land use plan and the permissible uses as defined in the zoning regulations of the Development Plan published/approved for the controlled area under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 or the Punjab New (Capital) Periphery Control Act, 1952(for periphery area of Panchkula only).

V. Release of Land from Acquisition:-

1. The land should be free from all encumbrances including the proceedings under the Land Acquisition Act, 1894. In case the ownership of the land is prior to notification of under section 4 of the Land Acquisition Act, the application can be considered for grant of licence on merits of each case provided Government grants concurrence and decides to release the land.
2. The colonizers should have sound capacity to develop the colony and needs to submit proof of his financial capacity along with the application.

VI. Parameters for Grant of Licence:-

The different parameters for each category of colony are detailed below:-

Residential Plotted Colony:-

- a) The plotable area/saleable area in a plotted colony cannot exceed more than 55% of the area of the colony (inclusive of 4% commercial area for need of the residents of the colony) and remaining area is to be utilized for planning of roads, community buildings like schools, hospitals , utility buildings/sites and open spaces.
- b) The colonizer is required to provide for community building sites in accordance with the norms approved for the purpose. These norms are population based and are arrived at by taking into account the designated densities as envisaged in the Development Plan proposals. The minimum width of the road is 12 mtrs.
- c) 20% of the plots are to be reserved for EWS , housing with a minimum plot size of 50 sq. mtrs.
- d) 25% of the total plots are to be allotted under the category of 'No Profits No Loss' plots (NPNL) i.e. at the rate prescribed by the Director. The size of these plots ranges between 125 sq. mtrs to 225 sq. mtrs.
- e) The population to be achieved in the colony cannot exceed beyond the designated densities in the Development Plan.

Group Housing:-

- a) The Group Housing site is governed in accordance with the zoning regulations approved by the Director.
- b) The ground coverage in the group housing project as 35% of the site area and the floor area ratio (FAR) is 175.
- c) The maximum habitable height in a group housing complex is 60 mtrs .

- d) The group housing project should not exceed 20% of the sector area.
- e) The community facilities are to be provided in accordance with the norms approved by the Department and are based on the population to be achieved as per proposed density of the group housing complexes which ranges from 100 to 400 persons per acre.
- f) To provide convenient shopping within the group housing complex 0.5% of the site area can be utilized towards convenient shopping, these shopping is single storey with a maximum height of 4 mtrs.
- g) 15% of the total number of flats are reserved for EWS and 10% of the main dwelling units is required for service apartments i.e. for domestic help.
- h) The minimum two level basement for parking and services with a compulsory provision of one car space for every flat of the group housing complexes (except EWS).
- i) Area requirement for EWS and service apartment is 200 sq.ft. and 140 sq.ft. respectively.
- j) It is also mandatory to provide 15% organized green space in a group housing complex.

Commercial:-

The zoning regulations of development plans have been amended to allow private sector to undertake development of maximum 50% of the designated commercial areas in the development plans by way of licences. The parameters for licence in residential colonies are as below:-

- a) The commercial colonies are also granted licences for sites falling along the peripheral/sector road in the designated residential sector of the Development Plan.
- b) The area under licenced colony in a residential sector cannot exceed 3.5% of the sector area subject to minimum and maximum prescribed area limits.
- c) The location of the site should be along a sector peripheral road within a provision of service road.
- d) The ground coverage allowed in commercial project is 40% and the floor area ration is 150 or 175 as opted by a colonizer.
- e) Maximum Height of the habitable area is 60 mtrs.
- f) Three level basement is permitted for providing parking and services. No storage is allowed in the basement.
- g) The parking norms are one car space for every 75 sq. mtrs covered area.

Cyber City/Cyber Park:-

- a) The location of the site should be on a sector peripheral road in residential or industrial sector in the Development Plan. In case of residential sectors the permissible area for IT Park/ Cyber Park will not exceed 5% of the sector area.
- b) The permissible ground coverage is 40% and FAR is 250.
- c) In case of cyber cities 10% of the area of the site can be utilized for Group Housing and 4% of the area for commercial use.
- d) In case of Cyber Parks only 4% of the area can be utilized towards commercial uses. No group housing is permissible.
- e) The parking requirement is one car space for every 40 sq. mtrs area achieved.
- f) Three level basement is permissible for parking and service. No storage is to be allowed.
- g) In the area designated for IT activities, no other use is permissible. In case of violation, the colonizer will be required to pay the fee and charges on commercial rates for the area where violation are being committed.
- h) In case of Cyber City, the colonizer is required to complete at least 30% of the IT area within 5 years of the grant of licence and in case of Cyber Park within three years of grant of licence.

VII. Fees and Charges:-

1. The colonizer is required to pay [scrutiny fees](#) along with its application for grant of licence. The scrutiny fees is levied at the rate of Rs. 10/- per sq. mtrs for the gross area of the colony and in case of Group Housing, Commercial and IT, the scrutiny fees is for the proposed FAR.
2. The colonizer is required to pay the [licence fee](#) and [conversion charges](#) as prescribed by the Government.
3. The colonizer is also required to pay [Infrastructure Development Charges](#) as per rates prescribed in

the Schedule in Rules 1976.
 4. The colonizer is also required to pay the EDC as a proportionate cost of development of the town level infrastructure for a town as decided by the development agency, in this case Haryana Urban Development Authority.

| Rate of External Development Charges(EDC) for the year 2010. | | | | | |
|---|---------------------|----------------------------|----------------------|---|-----------|
| (In Rs Lakhs per acre) | | | | | |
| Sr. No. | Name of Town | Residential Plotted | Group Housing | Commercial | IT |
| 1 | Gurgaon | 68.72 | 274.88 | 320.69 (For 175 FAR) 274.88 (For 150 FAR) | 229.06 |
| 2 | Sonepat | 45.48 | 181.89 | 181.89 | 151.57 |
| 3 | Faridabad | | | | |
| 4 | Rohtak | 56.63 | 226.51 | 271.81 (For 175 FAR) 226.51 (For 150 FAR) | 188.76 |

VIII. Grant of Change of Land Use Permission

The department grants change of land use permission for residential/ industrial/commercial/institutional/farm house/recreational use under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and its Rules, 1965.

The applicant desiring to seek permission for change of land use for residential/ industrial/ commercial/ institutional/ farm house/ recreational use is required to submit his application on prescribed form CLU-I to Director, as provide under rule 26-A along with following:-

1. Scrutiny fee @ Rs. 10/- per sq. meters for uses other than industrial/recreational projects and Rs.2/- per sq. meters for industrial & recreational use.
2. Copy of deeds showing the title of the applicant
3. A survey plan of the land on a scale of 1 to 40 feet showing the existing means of access to the said land for the nearest public road and building and their nature falling within 100 yards of the said land.
4. Shajra Plan.
5. Land Utilization Plan.
6. Potability of water certificate from recognized water-testing laboratory (for farmhouse).
7. Project report
8. SSI certificate/registration certificate with Industries Deptt (for Industries)
9. Deputy Commissioner's recommendation certificate (for petrol pump and institutional applications)

As provided under rule 26-B, no application under rule-26-A shall be considered to be valid until a plan and a copy of deed required by rule 26-A has been furnished to the satisfaction of the Director. In case of failure of such compliance, the application together with the plan and copy of deed shall be return to the applicant for resubmission in accordance with these rules.

As provided under rule 26-C (1) if, after scrutiny of the plan and other necessary enquiry, which the Director may deem fit, he is satisfied that the application is fit for the grant of permission, he shall before granting permission, call upon the applicant to full fill the conditions laid down in rule-D within a period of thirty days from the date of notice given to him under a registered cover.

If the applicant fails to fulfill these conditions within the period specified in sub-rule (1), the permission shall be refused.

As provided under rule-26-E (1), if the applicant has fulfilled all the conditions laid down in rule 26-D to the satisfaction of the Director, the Director shall grant the permission.

As provided under rule 26-F, the permission granted under rule-26-E shall remain valid for a period of two years from the date of order during which period all works for putting the said land to the permitted use shall be completed; provided that the permission may be renewed up to a further period of one year if the Director is satisfied that the delay in execution of works was for reasons beyond the control of the applicant.

Flow of application: -

The applicant submits the CLU application form in the field office alongwith the required scrutiny fee (Rs 10 per sq. mtr for uses other than recreational /industrial use & Rs 2 per sq. mtr for industrial /recreational use). After examination of the case, field office forwards the CLU application alongwith report to circle office, which ultimately sent to the Directorate.

Policies: -

1. Change of Land Use applications are considered/approved as per the provisions of zoning regulations. However, Government can relax the zoning regulations as per the provisions of Section 7(A) of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, which is reproduced below: -

[7A. Power of relaxation. – The Government may, in public interest, relax any restrictions or conditions in so far as they relate to land use prescribed in the controlled area in exceptional circumstances.]

2. The change of land use application are considered in conformity with the zoning regulations and disposed off at the level of Director, Town & Country Planning, where the development plans are published. However, where the development plans are not published decision on the CLU application is taken at the level of the Government. It is pertinent to mention here that the grant of change of land use permission of petrol-pumps are referred to the Government for approval.

3. Government has taken a decision for not allowing the industrial units in the agriculture zone of Hyper/High Potential Zone. However, the SSI-units upto 2 acres are allowed in agriculture zone of High Potential Zone falling in Industrially Backward Block.

4. In Medium Potential Zone industries are allowed on roads other than Scheduled Road and National Highway, which are non polluting/RIS/SSI upto 2 acres. The NOC from Pollution Control Board is required for the industries to be located in Agriculture Zone. The industries registration certificate is also required. Minimum 30 feet wide rasta is required for locating the industries in Agriculture Zone.

5. The Government has approved a policy for Mega tourism and recreational projects in the controlled areas with the following parameters: -

1. The minimum area of the project will be 300 acres.
2. The residential component in the project will be upto 20% and the commercial component will be 10% of the project area.
3. The fee and charges for residential and commercial component will be payable as per the prescribed rates.

6. No commercial Change of Land Use permissions for small commercial activities for Departmental Store, Cyber Café, Banquet Hall etc.

7. For setting up of institutional activity and petrol-pump the applicant needs to genuineness certificate from the concerned Deputy Commissioner. 9. The minimum area norm for considering the building plans and the completion of the project of the industrial building is as below: -

- i. Upto 1 acre = 25% of Permissible Covered Area
- ii. Above 1 acre upto 5 acre = 20% of Permissible Covered Area

- iii. Above 5 acres & upto 10 acres = 15% of Permissible Covered Area
 iv. Above 10 acres = 10% of Permissible Covered Area

8. The Dhaba is allowed along National Highway in Agriculture Zone with minimum area of 2000 sq. mtrs. alongwith FAR of 40% and ground coverage also as 40%. The height is restricted upto 17 feet and the parking facility is 1 PCU for 50 sq. mtrs. covered area. The charges for grant of Change of Land Use permission are as applicable to commercial. The access permission is required from NHAI, however, if the said site is located along the service road then NOC for access permission is not required.

9. Small Motel/Restaurant are allowed in Agriculture Zone along National Highway from 1 acre to 3 acre with FAR on 100%. However, Government has recently approved the policy for the following activities: -

| Permissible Zone | Agriculture Zone along National Highway with provision of Service Road and Scheduled Roads |
|-------------------------|---|
| Area | I) Restaurant: minimum 2000 sq. mtrs. and maximum 1 acre. II) Motel without banquet facilities: minimum 1 acre and maximum 3 acres. III) Motel with banquet facilities: minimum 2.5 acres and maximum 5 acres. IV) 5-star hotel minimum area: 4 acres and maximum 15 acres. V) Resort: minimum 4 acres and maximum 10 acres. VI) Amusement Park/Theme Park: minimum 2.5 acres maximum 10 acres with FAR of 50%. |
| Commercial component | 15% |
| Ground coverage Maximum | 30% |
| FAR | 150% for the activity mentioned at Sr. No.(i) to (v) whereas the FAR for Amusement Park will be 50%. It is pertinent to mention here that department grants 150% to 175% FAR for the commercial use in the Urbanizable Zone. |
| Access permission | The access permission is required from NHAI if the site is located on National Highway, whereas if the site is located on scheduled road then the permission is required from XEN, PWD B & R. |
| Scrutiny fee | Rs.10/- sq. mtrs. |
| Conversion charges | Commercial charges for the activity mentioned at Sr.No.(i) to (v) and Recreational charges for activity mentioned at (vi). However, the commercial component of Amusement Park will be charged at commercial rates. |

12. The Mobile Towers are allowed in all the zones except public utility. However, cellular Operators are advised to avoid residential area. Every cellular Operator has to submit structural stability certificate from reputed institute, regarding steel structure and foundation. Maximum height of the tower from the ground level is not allowed above 60-metre and the applicant needs to submit clearance from Statutory Advisory Committee for Frequency Allocation (SACFA), Ministry of Communication and Information Technology, Government of India. The companies need to submit indemnity bond indemnifying DTCP against any loss of life/property in the event of mishap. The permission for setting up of communication tower is co-terminus with the period of lease agreement.

13. The independent petrol-pumps along National Highway require minimum area 2500 sq. mtrs. and maximum area should not be more than 3000 sq. mtrs. The petrol-pumps with facilities like repairs/service shop, ATM should be minimum area 1 acre and maximum area 1.5 acre. The minimum area required for petrol-pump alongwith scheduled roads and other roads is 1000 sq. mtrs. and maximum area is 2500 sq. mtrs. For petrol-pumps on scheduled roads and other roads with facilities like repairs, ATM and small eating place, minimum area is 3000 sq. mtrs. and maximum area is 1 acre. For sitting parameters on National Highway, NHAI is enforcing agencies and access permission in this regard is taken from NHAI. For sitting the petrol-pump on all roads other than National Highway, IRC: 12—1983 is followed.

14. For giving Change of Land Use permission for residential use in residential sector following points are considered: -

- i. The site should be an isolated/residual pocket which otherwise cannot be beneficially used by HUDA independently upon its acquisition.
- ii. The site should be adjustable in the approved layout plan of the licensed colony to ensure its integration.
- iii. The maximum area to be considered for CLU permission for a residential house not to exceed 1000 sq. yds. Thus is equivalent of maximum two kanal plots being planned in licensed colonies as well as urban estates. However, if the site beyond two kanal is still unusual then the area to be considered for CLU will be decided on merits.
- iv. In case the services have been laid by the colonizer and are functional, then the colonizer will be bound to give these services to the site being considered for grant of permission. In case the services are not laid in the surrounding areas, then the owner shall make arrangement as prescribed in the rules, however, this arrangement can continue only till the time the services becomes functional in the area.
- v. The site should not be part of colony where action has been initiated by the field office as per the provision of Act No.8 of 1975.
- vi. The minimum approach to the site should be through the roads planned for the licensed colonies. In cases where such approach is not available, the width of the access should be minimum 30 ft. wide.

15. Solar Water Heating System is made compulsory in :

- i. Institutional building (including schools having hostels).
- ii. Dispensary, Health Centre, Hospitals, Nursing Homes sites.
- iii. Hotel, Motels & Restaurants.
- iv. Banquet Halls and Marriage Places.
- v. Club and Community Centre.
- vi. Old Age Homes.

No conversion charges are levied on the Renewal Energy Project located in Agriculture Zone of the Controlled Area.

16. Farmhouses and IT units are allowed in conforming zones and as per policy mentioned in the Zoning Regulations of the Development Plan.

17. Composition fee of Rs.2,00,000/- is levied on the applicant, who has running petrol-pump unauthorisedly .

18. 50% conversion charges are levied on the Food Processing units located in Industrially Backward.

A Statement of the Categories of documents that are held by it or under its control

- (a) Act / Rules notified in the official gazette,
- (b) Development plan and its write up notified in the official gazette;
- (c) Various controlled areas notified by the State Govt.;
- (d) Urban Areas notified under section 7 (a) of the Act No. 8 of 1975;
- (e) Licences granted under Act No. 8 of 1975;
- (f) Layout plan/ zoning plan of the licenced areas;
- (g) CLU cases permitted under Act No. 41 of 1963;
- (h) Zoning plans approved for the CLU cases;

The particulars of any arrangement that exists for consultation with or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

All amendments in the Act/Rules and all the development plans notified by the department are first notified in the draft form for inviting objections / suggestions of the general public. Only after the objections / suggestions are considered then a final notification is published.

A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice and as to whether meetings of those boards, councils, committees and bodies are open to the public, or the minutes of such meetings are accessible for public;

- (a) State Level Committee for the publication of development plans,
- (b) District Level Committee for the publication of development plans – two members are from general public who participate in the discussion on development plan,
- (c) Monitoring cell for monitoring the cases of un-authorized construction,
- (d) Building plan approval Committee under the Chairmanship of Chief Town Planner, Haryana;
- (e) District Level Committee under the Chairmanship of District Town Planner, a committee under the Chairmanship of Senior Town Planner, for building between 2 to 5 acres,
- (f) Empowered Committee Garden Estate Colony, Gurgaon.

No meeting except at (b) above are open to public.

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| The manner of execution of subsidy programmes, including the amounts allocated and the detail of beneficiaries of such programmes: | There is no subsidy programmes of the department |
| Particulars of recipients of concessions, permits or authorities granted by it. | There is no any policy & scheme of the department for the grant of financial concession permits or authorities. |