

From

The Commissioner and Secretary to Government of Haryana,
Urban Local Bodies Department

To

1. The Commissioners in Municipal Corporations in the State.
2. The District Municipal Commissioners in the State.
3. The Executive Officers in Municipal Councils in the State.
4. The Secretary in Municipal Committee in the State.

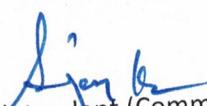
Memo no. 9/95/2023-UCII

dated: 05-12-2023

Subject: The Haryana Municipal Urban Built-plan Reform Policy, 2023 (Residential to Non-Residential Conversion Policy).

I have been directed to inform that the Governor of Haryana is pleased to issue the subject cited policy as directions under section 250 of the Haryana Municipal Act, 1973 and section 398 of the Haryana Municipal Corporation Act, 1994, for implementation. The copy of the policy is enclosed. It is requested to take immediate necessary action under the said policy.

DA: As above.

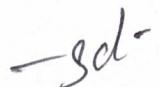

Superintendent (Committee-II)

for Commissioner and Secretary to Government of Haryana,
Urban Local Bodies Department, Haryana, Panchkula. M

Endst no. 9/95/2023-UCII

dated 05-12-2023

A copy of the above is forwarded to the Secretary, Council of Ministers, Haryana in reference to UO no. 9/151/2023-2Cabinet, dated 11.10.2023 on the subject cited matter, with the request to consider these directions as implementation of the decision of the Council of Ministers.


Superintendent (Committee-II)

for Commissioner and Secretary to Government of Haryana,
Urban Local Bodies Department, Haryana, Panchkula.

Haryana Government
Urban Local Bodies Department

The Governor of Haryana by exercising powers conferred under section 250 of the Haryana Municipal Act, 1973 and section 398 of the Haryana Municipal Corporation Act, 1994 is pleased to issue "the Haryana Municipal Urban Built-Plan Reform Policy, 2023."

I. Introduction/ background:

- (1). Various planned schemes have been implemented to achieve systematic and planned urban development in municipal areas from time to time through different statutes namely Model Town Schemes, Rehabilitation Schemes, Town Planning Schemes, Improvement Trust Schemes etc. Over the time, these schemes were handed over to concerned municipalities for management and maintenance.
- (2). With the passage of time the owners of the plots/ construction in these schemes changed the use of plot from residential to non-residential use which was not permitted as per the scheme.
- (3). Considering changing needs and demands of the people, it is necessary to regulate such conversions by prescribing norms and methodology for conversion from residential to non-residential use.
- (4). This policy shall not only allow owners to convert the use of plot from Residential to Commercial, but also help ULBs to manage and regulate the conversion with upgradation of infrastructure while generating revenue from such conversion.

II. Objective:

To grant permission and to regularize conversion of residential plots to commercial use in planned schemes falling within the core areas in municipal limits, where the schemes have been implemented 50 years ago.

III. Definitions:

- (1). "Act" means the Haryana Municipal Act, 1973 and the Haryana Municipal Corporation Act, 1994.
- (2). "Commercial activities" means shop, showroom, clinic, restaurant, cafeteria, bank branch, convenience store, consultancy offices for non-nuisance activities like architect/ doctors/ advocate and activities defined by the Govt. from time to time.
- (3). "Competent Authority" means the Commissioner in case of Municipal Corporation, District Municipal Commissioner in case of Municipal Council/ Committee.
- (4). "Core Area" means the core area defined in section 2(7B) of the Haryana Municipal Act, 1973 and section 2(4B) of the Haryana Municipal Corporation Act, 1994.
- (5). "Planned Scheme" means Model Town, Rehabilitation Scheme, Improvement Trust Scheme, Town Planning Scheme and any other planned scheme developed at least 50 years prior to the date of this notification managed by the municipality.

IV. Legal provisions:

- (1). The policy has been prepared in reference to building-scheme permitted to draw under section 250 of the Haryana Municipal Act, 1973 and section 398 of the Haryana Municipal Corporation Act, 1994, for improving planning, potential and uses of the existing built area.
- (2). Therefore, all permission granted under this policy shall be available in public domain for scrutiny/ information of general public. Further, the digitized plans as stated under this policy shall also be available to the general public.

V. Applicability:

- (1). The policy is applicable to all plots including lawfully sub-divided plots in all planned schemes falling within core area(s) in municipal limits, except areas/ sectors developed by Haryana Shehri

Vikas Pradhikaran (HSVP), Housing Board (Haryana), Haryana State Industrial Infrastructure Development Corporation (HSIIDC) and licenses granted by Town and Country Planning Department (Haryana).

VI. Parameters:

- (1). The parameters like Floor Area Ratio (FAR/ FSI), Ground Coverage and height of the plot shall remain the same as permitted in the scheme for the residential plot. Only the use shall be allowed to be changed.
- (2). The building line of the original scheme shall remain applicable and the conversion shall be done accordingly.
- (3). The Fees/ Charges:

Sr. no.	Fees/ charges	For fresh permission for commercial component	For regularization of existing commercial component
1.	Application Scrutiny Fees (Non-refundable)	Rs. 10 per square meter	Rs. 10 per square meter
2.	Conversion Charges	As per the notification of TCP Department for conversion charges	
3.	Development Charges	5% of commercial collector rate(per square meter)	5% of commercial collector rate (per square meter)
4	Composition fees	-	Rs. 160 per square meter on converted area only.

Note:

- i. The scrutiny fees shall be charged on total covered area of the plot
- ii. The development charges and conversion charges are applicable as per the permitted commercial component.
- (4). The parking norms specified in the Haryana Building Code, 2017 and its subsequent amendments shall be applicable on the commercial or residential or both components of the plot. The applicant shall make arrangement within the plot to accommodate the required parking.
- (5). The applicant shall remove the front boundary wall upto the extent of building line and allow its public use by giving an undertaking. The municipality shall utilize the said portion of the plot for laying/ enhancing service/ infrastructure or parking or widening of road.

VII. Application procedure:

- (1). The applicant shall submit an application to the concerned municipality through an online portal (to be developed by ULB Dept.) along with the followings:
 - a. Scrutiny fees.
 - b. Documents:

Sr. no.	Fresh application for commercial component	Regularization of existing commercial component
1.	Building plan showing the proposed commercial component – All floor plans, 2 sections, 2 elevations	As built drawing showing the existing commercial component - All floor plans, 2 sections and 2 elevations
2.	Site plan showing the plot and width of the approach road along with dimensions.	
3.	Property ID documents.	
4.	An undertaking that he/ she allows the municipality to utilize its property falling between the boundary of the plot and building line, for public infrastructure, free of cost.	

- (2). The municipality shall decide the application within 45 days of its receiving.

- (3). The municipality shall issue a public notice to the neighboring plots by pasting the notice on their properties, for seeking objections/ suggestions, if any pertaining to the application, within 15 days of pasting the notice:
 - a. In case, no objections/ suggestions is received within the given time, then it will be deemed that no one has objection in converting the use of applied plot to non-residential purpose.
 - b. The objections/ suggestions received in response to the public notice shall be decided by the municipality within the period of 15 days from completion period stated in the public notice.
- (4). The application received shall be considered, only if it confirms to the FAR and Ground coverage of original plot/ scheme, the commercial component stated in this policy, original building line of the scheme and no objections from the neighboring plots.
- (5). In case the application is found eligible under the policy, the municipality shall issue demand notice to the applicant.
- (6). The applicant shall comply with the demand notice within 60 days, failing which the demand notice shall be deemed to be withdrawn and the applicant shall be required to apply fresh application with scrutiny fees.
- (7). In case of rejection, the applicant shall be informed to restore the commercial component to its original status or face legal action as per the law/ policy, within a period of 60 days from the date of rejection.
- (8). All the permissions granted shall be uploaded on the portal for public scrutiny.

VIII. Responsibility of municipality:

- (1). The municipality shall get the layout of the planned scheme digitized on GIS platform and verify the same through ground truthing.
- (2). These GIS maps shall have:
 - a. Right of Way of road,
 - b. Plot showing numbers,
 - c. Dimension of plots,
 - d. Building line and setbacks,
- (3). The municipality shall submit all these digitized plans to the Department.

IX. Enforcement Mechanism:

- (1). The municipality shall conduct survey of all such planned scheme and identify all illegal commercial conversions. The survey shall be properly mapped with the information of RoW of road and plots with illegal conversions.
- (2). The municipality shall issue notice under the applicable Municipal Act to the applicant informing that its commercial conversion is illegal and hence he either has to restore to its original or apply for regularization under this policy, within 30 days of the notice, failing which necessary legal action will be taken against the illegal conversion upto the extent of sealing or demolition.
- (3). In case, the property owner didn't apply under the policy or his application under the policy got rejected, then the municipality shall take followings action as per the applicable provisions of the Municipal Act:
 - a. Restoration of the building/ plot to its original status under the applicable Municipal Act.
 - b. Demolition of the building for bringing it in conformity with the applicable building parameters like FAR, ground coverage, etc.
 - c. Cancellation of license or permission, if any, issued by the municipality for running the business on the property
 - d. The penal charges shall be levied from the property owner who is doing illegal activity as nuisance activity, as per the followings:
 - i. No penal charges shall be levied for the period of 6 months from the date of notification of this policy.

- ii. In case, the property owner has not applied under this policy, then penal charges @ Rs. 10 per sq. mtr. per day shall be levied for the period initiated after 6 months from the date of this policy till decision taken on the matter i.e. either restoration of plot to original use or demolition of the illegal construction.
- iii. In case, the property owner applied under this policy, and its application gets rejected, then penal charges @ Rs. 01 per sq. mtr. per day shall be levied for the period to be initiated from the date on which his application was rejected till decision taken on the matter i.e. either restoration of plot to original use or demolition of the illegal construction.
- iv. These penal charges are non-refundable/ non-adjustable and shall be recovered at the time of issuance of No Due Certificate (NDC).

Application - Form-A

To,

The Commissioner/ Executive Officer/ Secretary,
Municipal Corporation/ Council/ Committee.

Subject: Application for conversion of the property to non-residential use.

I would like to apply for conversion of my property to non-residential use, under the provisions of the Haryana Municipal Urban Built-Plan Reform Policy, 2023. The details of the property are submitted as under:

1. Name of the municipality:
2. Name of the applicant/ owner:
3. Correspondence address of the applicant:
4. Phone no:
5. Address of the plot/ property in question:
 - a. Plot no.:
 - b. Plot area (In sq. mtrs.):
 - c. Property ID:
 - d. Name of the Scheme along with its number (if any): (Model Town/ Improvement Trust Scheme/ Town Planning Scheme/ Any other scheme):
6. Width of the approach road from where the plot has original access (in meters):
7. Copy of building plans:
 - a. Site plan (Scale 1:200)
 - b. All floor plans (Scale 1:100):
 - c. 2 sections (Scale 1:100):
 - d. 2 elevations (Scale 1:100):
8. Ownership documents (Sale deed/ Registry/ Allotment Letter):

Date:

Signature of the applicant

Letter of Intent - Form B

From

The Commissioner/ Executive Officer/ Secretary,
Municipal Corporation/ Council/ Committee:

To

Sh. <Applicant>
<Correspondence address of the applicant>

1. It is hereby informed that your application dated for allowing conversion of your plot no..... in <Address of the property>, having access from meters wide road, has been examined in reference to the provision of the Haryana Municipal Urban Built-Plan Reform Policy, 2023 notified on and found in order.
2. This office intent to grant you permission for converting your property to non-residential use upto the extent of <100% or 50%>, subject to compliance of the followings:
 - a. Deposit Fees/ charges:
 - i. Conversion charges:
 - ii. Development charges:
 - iii. Composition fees (in case of regularization only):
 - b. You have to demolish the construction which is beyond the original FAR and ground coverage of the property.
 - c. An undertaking to allow the municipality to use your plot area falling within setbacks for lying/ enhancing service/ infrastructure or parking or widening of road.
3. It is also requested to comply with the above within 30 days of issuance of this letter, failing which this LoI stands withdrawn.

Date:

Signature of the Competent Authority

Approval Letter - Form C

From

The Commissioner/ Executive Officer/ Secretary,
Municipal Corporation/ Council/ Committee:

To

Sh. <Applicant>
<Correspondence address of the applicant>

1. It is hereby informed that your application dated for allowing conversion of your plot no..... in <Address of the property>, having access from meters wide road, has been examined in reference to the provision of the Haryana Municipal Urban Built-Plan Reform Policy, 2023 notified on and found in order.
2. In compliance of the LOI dated issued by this office, the office has received fees/ charges and undertaking.
3. Therefore, it is hereby informed that you are hereby permitted to convert <100% or 50%> your property to non-residential use.
4. This letter shall be valid subject to the followings:
 - a. Parking shall be provided within the premises of the property, as per the provision of the Haryana Building Code, 2017.
 - b. FAR and Ground coverage of the plot shall remain same, as permitted in the original scheme and in no case, FAR and ground coverage stated in the HBC, 2017 for commercial use shall be permitted.

Date:

Signature of the Competent Authority

Rejection Letter - Form D

From

The Commissioner/ Executive Officer/ Secretary,
Municipal Corporation/ Council/ Committee:

To

Sh. <Applicant>
<Correspondence address of the applicant>

1. It is hereby informed that your application dated for allowing conversion of your plot no..... in <Address of the property>, having access from meters wide road, has been examined in reference to the provision of the Haryana Municipal Urban Built-Plan Reform Policy, 2023 notified on and not found in order.
2. Therefore, your application is hereby rejected due to the followings:
 - a. The width of approach road to the property is less than 12 meters.
 - b. The building constructed is not as per the original FAR and Ground coverage of the plot and the construction is non-compoundable.
3. It is requested to comply with the above within 30 days, failing which:
 - a. You shall be liable for pay penalty @ Rs. 10 per sq. mtrs. per day for illegal non-residential use of the property, upto the date of its restoration.

Date:

Signature of the Competent Authority