

**Andhra Pradesh Housing Board (Allotment, Management
and Sale of HIG, MIG, LIG and EWS Houses or Flats)
Regulations, 1997**

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**Andhra Pradesh Housing Board (Allotment, Management
and Sale of HIG, MIG, LIG and EWS Houses or Flats)
Regulations, 1997**

In exercise of the powers conferred by Section 71 of Andhra

Pradesh Housing Board Act, 1956 (Act XLVI of 1956) the Andhra Pradesh Housing Board, with the previous sanction of the Government hereby makes the following regulation:--

1. . :-

(i) These regulations may be called the Andhra Pradesh Housing Board (Allotment, Management and Sale of HIG, MIG, LIG and EWS Houses or Flats) Regulations, 1997.

(ii) They shall come into force at once.

2. . :-

(i) These regulations shall apply to the allotment and sale of houses and flats constructed by the Andhra Pradesh Housing Board under HIG, MIG, LIG and EWS housing schemes and to those housing schemes entrusted by the Government on such terms and conditions as the Government and the Board may agree.

(ii) No Housing Scheme shall be taken up, unless the land on which the houses are proposed to be constructed is conveyed to the Andhra Pradesh Housing Board.

3. Definitions :-

In these regulations unless the context otherwise requires:--

(a) "Act means the Andhra Pradesh Housing Board Act, 1956 (Act XLVI of 1956).

(b) "Allottee" means the person to whom a house or flat is allotted under these regulations and includes his legal heirs.

(c) "Allotment" means allotment of a house or a flat under these regulations.

(d). Applicant" means a person who has applied for allotment of house under these regulations.

(e) {"Costing and Project Management Committee" means a Committee constituted from time to time for fixing the estimated cost price or sale price or the final cost of the House or Flat or Plot as the case may be as required under Regulation 5(i) read with Regulation 23 and Regulation 34.} (Subs. by G.O.Ms.No. 38 Housing dt. 22-4-2000)

(f) "Family" means a family of the allottee consisting of husband, wife, ,minor children and dependent parents.

(g) "Flat" means a portion of a building along with proportionate notional undivided share of land on which the flat is constructed which is delineated as dwelling unit.

(h) "From" means Application Form for allotment under these regulations prescribed by the Vice-Chairman and Housing Commissioner.

(i) "Government" means the Government of Andhra Pradesh.

(j) "House" means a dwelling unit whether detached or part of a building under these regulations and includes a flat.

(k) "Hire Purchase Deposit" means a deposit to be paid by the applicant at the time of submission of application for allotment of a house or flat etc., bearing no interest, to the adjusted in subsequent payments.

(l) "Hire Purchase System" means the system in which a participant take steps to secure rights in a property under any scheme referred to in Regulation 2 by payment of hire purchase deposit and also a specified number of equated instalments or the, entire amount due to be paid, as the case may be during which he remains to be a tenant on terms and conditions subject to which a house is allotted under these regulations.

(m) "Income" means the aggregate income regularly derived by the applicant at the time of application.

(n) "Instalment" means monthly or bimonthly or quarterly or half-yearly or annual instalments as payable by the allottee spread over upto 10 years in respect of HIG, MIG and upto 15 years in respect of LIG, EWS houses or flats.

(o) "Scheme" means 'Housing Scheme' referred to in Regulation 2.

(p) Words used in these regulation but not defined shall have the same meaning as assigned to them in Andhra Pradesh Housing Board Act, 1956.

4. . :-

The Board may subject to the provisions of these regulations allot houses to persons who agree to purchase on outright sale or on hire purchase system in the manner provided in these regulations.

5. . :-

(i) The Board for the purpose of allotment of houses shall issue a notification published in one English paper and two other Telugu Papers, prescribing such terms and conditions as may be fixed by the Vice-Chairman and Housing Commissioner which includes the estimated cost price of the house, plinth area, plot area, locality in which scheme is proposed or constructed, Earnest Money Deposit payable, last date for receipt of application, percentage of reservation, category of houses and their percentages, under outright sale or hire-purchase etc., as may be deem fit by the Vice-Chairman and Housing Commissioner.

(ii) The last date for submission of application for serving defence personnel shall be 15 days later than the date fixed for the general public.

6. . :-

(i) The applicant should submit the application along with certificates as specified in the Application Form.

(ii) Every applicant should deposit 15% Earnest Money Deposit through Demand Draft drawn in favour of Andhra Pradesh Housing Board on any scheduled bank along with the application and the said Earnest Money Deposit shall be adjusted towards the cost of the house.

7. . :-

(i) If the information furnished by the applicant is found to be false at any time, the allotment shall be cancelled and the entire amount paid by the allottee shall be forfeited and the house shall become the property of the A.P. Housing Board.

(ii) Lots shall be drawn in the manner specified in Regulation 16 keeping in view the reservations within 3 months from the last date of receipt of applications.

(iii) After drawal of lots, further losts shall be drawn to an extent of 25% as waiting list.

(iv) In case the Housing Board could not conduct lots within three months from the last date of receipt of applications, it shall pay simple interest fixed by the scheduled banks for Savings Account from time to time, till the allotment of house or withdrawal or cancellation of scheme.

(v) The applicants who are successful in the lots under out-right sale category should pay 85% of the balance amount within three months from the date of intimation by the Housing Board.

(vi) In case, of allotment under hire-purchase category, the allottee should pay 15% within three months and another 10% within six months, from the date of intimation, excluding Earnest Money Deposit of 15% paid by the applicant. The balance 60% of the cost of the house shall be payable by the allottee in equated instalments as fixed by the Housing Board in respect of the houses allotted under this category.

(vii) In case the allottee, after allotment of house fails to pay further amount as demanded by the Housing Board, Earnest Money Deposit shall be refunded duly forfeiting 50% of the amount paid by the applicant or 15% of the cost of notified house whichever is less.

8. . :-

(i) If any applicant applies for more than one category, i.e., out-right sale or hire-purchase category and got allotment in both the categories, shall surrender voluntarily the hire-purchase category of house within one month from the date of lots. In case of failure to surrender the house within one month from the date of lots, the entire amount paid by the applicant in both the categories shall be forfeited duly cancelling the allotment.

(ii) No application shall be accepted by the Housing Board after expiry of the due date specified in the notification.

9. . :-

On receipt of the application the Executive Engineer (Housing), shall enter each application in a Register maintained for the purpose in the order in which each application is received and shall pass receipt to the applicant in token of having received the application.

10. . :-

The applications received against a particular notification shall not be transferred to any other scheme and all the unsuccessful applicants of that notification should take back their Earnest Money Deposit.

11. . :-

The following principles shall be observed, while making the allotment of houses by drawal of lots among the eligible applicants for a particular category of house in any particular locality.

(i) 60% of the houses be earmarked for outright sale and 40% of houses be earmarked for hire-purchase in respect of Urban and Urban Agglomeration Areas in the State of Andhra Pradesh and

(ii) 40% of the houses be earmarked for out-right sale and 60% of houses be earmarked for hire-purchase in respect of other than Urban and Urban Agglomeration Areas in the State of Andhra Pradesh.

Provided that if there is no response to out-right sale category, the balance houses in that category shall be converted and allotted under hire-purchase category.

12. . :-

(i) 3% of the house offered for sale either by hire purchase or out-right sale shall be reserved for Defence personnel in the following order of priority in respect of High Income Group, Middle Income Group and 2% in respect of Lower Income Group and Economically Weaker Section.

(a) Widows or other dependents of Defence and Border Security Force Personnel who have been killed in action;

(b) Disabled defence and Boarder Security Force Personnel who are invalidate and out of service;

(c) Gallantry Award winners of the Defence and Boarder Security Forces;

(d) Ex-defence and Ex-Boarder Security Force Personnel; and

(e) Serving Defence and Boarder Security Force Personnel.

(ii) 22 per cent of the houses offered for sale either by hire purchase or out-right sale shall be reserved for allotment by lots among Scheduled Castes and Scheduled Tribes in ratio 16:6;

(iii) 3 per cent of the houses offered for sale either by hire-purchase or out-right sale shall be reserved for Member of Legislative Assembly, Members of Parliament of Andhra Pradesh and allotted by drawals of lots in respect of High Income Group, Middle Income Group houses.

(iv) 10 per cent of the houses offered for sale either by hire-purchases or out-right sale shall be reserved for allotment by drawal of lots among State Government Servants, and such of the retired Government Servants who have retired on or after 1-4-1976 including Employees of Quasi Government, Local Bodies and other Public Institutions under the control of the Government.

(v) 9 per cent of the houses offered for sale either by hire-purchase or by out-right sale shall be reserved for allotment by drawal of lots, to the applicants belonging to Backward Classes in respect of Middle Income Group, and 11% in respect of Low Income Group and Economically Weaker Section houses.

(vi) One per cent of the houses offered for sale either on hire-purchase or on out-right sale shall be reserved for each of the following categories of applicants - (1) Physically handicapped and (2) Freedom fighters.

(vii) The remaining 51 per cent shall be allotted among the remaining applicants, and

(viii) In all above allotments 30 per cent shall be reserved for women.

13. . :-

Houses constructed under the scheme shall be allotted only to those applicants who are eligible under the scheme. Where there are no sufficient number of applicants for given category, the balance houses under the said category so reserved shall be converted and allotted to general category.

14. . :-

The Executive Engineer shall first scrutinise and list out the eligible applicants from the total number of the applications received and registered before the specified date.

15. . :-

The Executive Engineer shall forward all the applications so scrutinised to the Secretary, Andhra Pradesh Housing Board within one week from the last date of receipt of applications for final scrutiny. The Secretary shall within one week scrutinise and confirm the eligible and ineligible applications. The list of eligible applicants shall be displayed in the Notice Board which shall not be earlier than 15 days after publishing the list of ineligible applicants on the Notice Board.

16. . :-

(i) A notice specifying the date, time venue of the drawal of lots shall be intimated to all the eligible applicants 10 days before the drawal of lots either individually or through notification published in daily news papers, as the case may be.

(ii) Lots shall be drawn separately for houses earmarked for outright sale and on hire purchase system in the presence of applicants who are present.

(iii) The Vice-Chairman and Housing Commissioner shall have powers to permit mutual exchange of houses under the same category of house in that particular scheme on the request made by the allottees.

17. . :-

(i) Lots shall be drawn in respect of reserved quota first and the applications remaining after drawal of lots shall be added to the general pool and then the lots drawn for the general pool.

(ii) Houses set apart for reserved quota as referred to above, and which remain surplus after allotment shall be added to the general pool.

18. . :-

The lists of successful applicants including waiting list shall be displayed on the Notice Board of the Executive Engineer concerned.

19. . :-

The following principles shall be observed in selecting the applicants for allotments. No application shall be considered if the applicant:

(i) Owns a house any where in the Urban areas and Urban Agglomerations in the State of Andhra Pradesh either in his or her name or in the name of his or her husband or wife, as the case may be, or in the name of his or her minor children.

(ii) The income ceiling limits does not fall within the income ceiling limits fixed by the HUDCO or as the case maybe by the Vice-Chairman and Housing Commissioner from time to time for the different categories of High Income Group, Middle Income Group, Lower Income Group and Economically Weaker Section Schemes.

20. . :-

After the allotment of house or flat is finalised, the Vice-Chairman and Housing Commissioner or any Officer authorised by him in that behalf shall issue an allotment letter in the prescribed form subject to such terms and conditions as may be specified therein.

21. . :-

On receipt of allotment letter, the allottee shall within the period specified in the letter, comply with the requirements as mentioned therein. In case the allottee seeks cancellations or refuses the allotment, the Earnest Money Deposit shall be forfeited as specified in regulation 7(vii). In case of unsuccessful or applicants in the waiting list, the Earnest Money Deposit shall be refunded in full.

22. . :-

(i) The Housing Board shall complete the construction of houses in a particular scheme as per the design and notify the date of completion either individually or through press or both that the houses are ready for occupation and the allottee shall enter into an agreement for sale with the Housing Board on or before a specified date, from which date the liability or payment of instalment commences.

(ii) The allottee should execute the agreement for sale within one month from the date of notice to the effect that the house is completed and ready for occupation, and on failure to execute the agreement within prescribed time the allotment shall be cancelled and the entire amount paid by the allottee shall be forfeited.

(iii) The balance equated instalments worked out on the diminishing value, includes interest. On delayed payments of instalment one and half times over and above normal rate of interest shall be payable by the allottee. If the allottee pays instalments in advance equivalent to two annual instalments, the same shall be adjusted against the outstanding principal amount and the instalments will be rescheduled on the balance outstanding principal. This provision also applies to the houses already allotted prior to these regulations.

(iv) The allottee shall pay all rates, taxes, cesses or other charges payable to the Government or Local authority as demanded by them from the date of notification specified in sub-clause (1).

(v) The allottee shall continue as tenant of Andhra Pradesh Housing Board till such time the house is conveyed through a registered sale

deed.

(vi) The allottee shall not make any additions or alterations or sublet, transfer, mortgage, etc., of house or flat without the permission of the Andhra Pradesh Housing Board.

(vii) If there is any contravention by the allottee of any of the terms expressed or implied under these regulations or application, or agreement for sale, it shall be lawful to the Andhra Pradesh Housing Board to evict the allottee or as the case may be, the occupant of house duly cancelling the allotment or resume the house, and forfeit the entire amount paid by the allottee.

(viii) The allottee shall abide by the regulations in force or modified from time to time.

(ix) The Government Servants whether Central or State who have been allotted a house are permitted to mortgage the said house in favour of Central Government, State Government, Life Insurance Corporation or any Government recognised loan advancing institution, as the case may be, with the permission of the Vice-Chairman and Housing Commissioner. In such an event the Board shall have the first charge on the said house or flat.

23. . :-

The tentative cost price or sale price of the house shall comprise of --

(i) The market value of land as fixed by the Costing and Project Management Committee, probable cost of development charges, such as external and internal amenities, formation of roads, dust proof surfacing, open spaces, parks and play grounds, places for community use, water supply, drainage, electricity, etc.

(ii) The cost of civil works.

(iii) Supervision charges on construction at such rates as the Vice-Chairman and Housing Commissioner, fixed from time to time, and

(iv) Interest at such rate and for such period, as may be fixed by Vice-Chairman and Housing Commissioner.

24. . :-

{(i) The Costing and Project Management Committee is empowered to fix the tentative cost price or sale price of the house or flat or plot, as the case may be, as prescribed in Regulation 23 before

issue of initial notification under Regulation 5(i) and also to fix the final cost of the house, flat or Plot, as the case may be, taking into consideration the estimated cost price notified under Regulation 5(i), any claim petition filed by the owner of the land in Land Acquisition Cases, the amount involved in Arbitration if there be any or any other claim in connection with the scheme, to be collected from the allottees to enable the Executive Engineer to register the property in favour of the allottees.} (Subs. by G.O.Ms.No.39 Housing, dt. 22-4-2000)

(ii) The final cost of the house shall be fixed within six months after the date notified in Clause (1) of Regulation 22 by the Costing and Project Management Committee duly taking into account of actual costs incurred under various items of project.

(iii) On getting approval of final cost from the Costing and Project Management Committee, revised instalments shall be fixed to the allottees.

25. . :-

The responsibility for the maintenance and keeping in good condition of independent house shall rest with the allottee from the date of agreement for sale with the Housing Board. In case of flats, the allottee should form a Committee or an association for the maintenance of Flats in good condition. In case if any flats are vacant in a block, the Board will also join as a member with the Committee or the Association till such time that all the flats are disposed off by allotment.

26. . :-

The maintenance of external water supply and drainage will be done by the Board upto a maximum period of six months from the date of allotment. Thereafter, it is responsibility of the local authority to maintain these amenities and on failure the allottees should form an Association and take over the maintenance. The Board shall hand over open spaces reserved for Park and Play Grounds to the concerned local authority within six months from the date specified under Clause (i) of regulation 22.

27. . :-

(i) On payment of sale price as finally fixed, the house shall be transferred in the name of the allottee by executing a "Conveyance Deed" at his cost.

(ii) The allottee shall submit nomination in the prescribed form in favour of his or her family member. In case of death in harness the house or flat shall be transferred in favour of the nominee. However, the allottee is at liberty to change the nomination during his life time.

28. . :-

(i) In case there is no response to the first notification issued inviting applications for allotment of houses, the Vice-Chairman and Housing Commissioner shall allot those houses on the request made by the general public on first-cum-first served basis dispensing with the drawal of lots in respect of houses constructed in the State in places other than the twin cities of Hyderabad and Secunderabad.

(ii) In case there is no response for two notifications issued for a second time for allotment of houses in twin cities of Hyderabad and Secunderabad, the Vice-Chairman and Housing Commissioner shall allot those houses on first-cum-first served basis dispensing with drawal of lots.

(iii) In respect of vacant houses subsequent to cancellation of allotment in default of payment of instalments or dues and for any other reason, a fresh notification shall be issued for such vacant houses available in twin cities of Hyderabad and Secunderabad and for the rest of the areas the houses shall be allotted on first-cum-first served basis.

29. . :-

The cost of application for allotment of house or flat and agreement for sale shall be payable by the allottee as per the rates fixed by the Vice-Chairman and Housing Commissioner from time to time.

30. . :-

The other terms and conditions not specifically mentioned herein; but contained in the application and in the agreement for sale which are not in derogation to the law of transfer of property in force may be read as part and parcel of these regulations.

31. . :-

The Andhra Pradesh Housing Board (Allotment, Management and Sale of Middle Income Group Houses) Regulations, 1975, the Andhra Pradesh Housing Board (Allotment, Management and Sale of Low Income Group Houses) Regulations, 1975, the Andhra Pradesh Housing Board (Allotment, Management and Sale of

Economically Weaker Section Houses) Regulations, 1975 and the Andhra Pradesh Housing Board (allotment, Management and sale of High Income Group Houses) Regulations, 1977 are hereby repealed. If there is any inconsistency or repugnancy between the present regulations and the previous regulations mentioned above, the decision of the Vice-Chairman and Housing Commissioner shall be final and binding on the applicant or allottee, as the case may be.

32. . :-

In all matters which are not specifically provided for in these regulations the decision and the action of the Vice-Chairman and Housing Commissioner is final and binding.