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**BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF  
BUILDINGS UNDER SELF-FINANCING HOUSING SCHEME)  
RULES, 1982**

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18. Revision

**BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF  
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In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) the Government of Karnataka hereby makes the following rules, namely:-

**1. Title and commencement :-**

(1) These rules may be called the Bangalore Development Authority (Allotment of Buildings under self-financing housing scheme) Rules, 1982.

(2) They shall come into force at once.

## **2. Definitions :-**

In these rules, unless the context otherwise requires.

(a)"Act" means the Bangalore Development Authority Act, 1976;

(b)"Allottee" means the person to whom a building is allotted under these rules;

(c)"Building" includes a flat;

(d)"Form" means a Form appended to these rules;

(e)"Physically handicapped person" means a person who.

(i) suffers from total absence of sight or whose visual acuity does not exceed 3/60 or 10/200 (snellen) in the better eye with correcting lenses; or

(ii) in whom the sense of hearing is fully non-functional for the ordinary purpose of life; or

(iii) who has physical defect or deformity which causes inadequate interference to impede normal functioning of the bones, muscles and joints and who has been certified to that effect by the Surgeon of the concerned faculty in the Victoria Hospital, Bangalore, or in the Minto Eye Hospital, Bangalore, as the case may be.

## **3. Offer of buildings for allotment :-**

(1) Whenever the authority proposes to construct buildings in pursuance of any scheme, it may, subject to the general or specific orders of the Government, offer all or any of the buildings for allotment to persons eligible for allotment of buildings under these rules.

(2) The offer shall be published in at least two important local news papers and shall specify the Extensions/Layouts wherein the proposed houses are to be constructed, the number proposed to be built under each category namely, High Income Group, Middle Income Group and Low-Income Group, the approximate cost of each house (which would be subject to escalation), the initial deposit required to be made and any other particulars which the authority may wish to specify.

## **4. Eligibility :-**

- (i) The applicant must be a citizen of India and should have attained the age of majority and must be domiciled in Karnataka for a period of not less than ten years;
- (ii) The applicant must not own any building or house or site in the Bangalore Metropolitan areas either in his name or in the name of his spouse or in the name of his minor children;
- (iii) The applicant must have registered his name under Rule 5.

## **5. Registration :-**

- (i) The persons who desire to apply for allotment of the houses under the Self-financing Housing Scheme should get their names registered in the office of the authority in the prescribed form (Form I) which will be available in the Office of the authority on payment of Rs. 10 which will not be refunded;
- (ii) The registration fee for, various categories of persons is as follows.
  - (a) For Higher Income Group (whose annual income is more than Rs. 35,000) = Rs. 5,000
  - (b) For Middle Income Group (whose annual income is more than Rs. 15,000 but not more than Rs. 35,000) = Rs. 1,000
  - (c) For Lower Income Group (whose annual income is above Rs. 5,000 but not more than Rs. 15,000) = Rs. 200
- [(iii) An applicant may, if he has not been allotted a building, claim refund of the registration fee which would be refunded to him after deducting 10% towards service charges.]

## **6. Application for allotment :-**

- (i) A person who desires the allotment of building under the scheme shall send to the authority along with the initial deposit specified by the authority from time to time in this regard within the stipulated time. The application may be presented in person or sent by registered post with acknowledgement due addressed to the Commissioner, Bangalore Development Authority, Bangalore. Every application shall be accompanied by a receipt, draft or challan evidencing deposit of the initial deposit and a certificate from a Competent Authority showing that the applicant is domiciled in Karnataka for a period of not less than ten years prior to the date of application.

(ii) The application should be signed only by the person to be registered under the scheme;

(iii) The application shall be attested by a Magistrate of the First Class or an Officer empowered to administer the Oath or affirmation.

## **7. Mode of allotment :-**

(i) 50% of the buildings in each category shall be allotted by draw of lots in respect of each class of persons from the registered applicants according to the principles specified in Rule 8. In respect of the allotment of the remaining 50% of the buildings, the Bangalore Development Authority (Allotment of sites) Rules, 1982, shall mutatis mutandis apply;

(ii) The date, time and place of draw shall be published in at least two important local newspapers;

(iii) The cost of the building indicated in the offer shall be tentative and subject to escalation;

(iv) No preference for blocks or floors or pockets shall be entertained. Mutual exchange of building among allottees within the same category would, however, be permissible with the prior approval of the authority;

(v) The authority reserves the right to withdraw or add to the number of buildings notified for allotment;

(vi) Physically handicapped persons will have preference for allotment of the lowest floor in the buildings to be allotted.

## **8. Principles for allotment :-**

The building shall be allotted among the different classes of persons as indicated below.

(a) \Wandering tribes/nomadic tribes, denotified tribes /semi-nomadic tribes \2%

(b) \Scheduled Tribes \3%

(c) \Scheduled Castes \13%

(d) \Ex-servicemen or members of the 8% families of deceased servicemen

(e) \Persons domiciled in the State of Karnataka but serving in the

Armed Forces of the Union outside the State of Karnataka \1%

(f) State Government Servants \12%

(g) \Servants of the Central Government and Public Sector undertakings and Statutory bodies owned or controlled by the State Government or Central Government 10%

(h) \Physically handicapped persons 2%

(i) \General Public \49%

Explanation.

(1) If, at the time of making an allotment, sufficient number of applications from persons belonging to category (a) are not received, then the remaining buildings reserved for that category shall be transferred to category (b); and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining buildings reserved for these categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received, then the remaining buildings reserved for these categories shall be transferred to category (i).

(2) At the time of making an allotment, if sufficient number of applications from persons belonging to category (e) are not received, then notwithstanding anything contained in these rules, the remaining building reserved for that category shall be treated as stray buildings and allotted only to the said persons belonging to the said category.

## **9. Mode of Payment :-**

(i) The applicant shall pay 25% of the notified cost of building excluding the amount paid as registration fee, as initial deposit at the time of filing the application;

(ii) The allottee shall pay, out of the balance (a) 25% of the cost of the building within 90 days from the date of allotment and another 25% within 90 days thereafter; and (b) the last instalment of 25% together with any amount payable on account of escalation before executing the Lease-cum-Sale Agreement;

(iii) The demand-cum-allotment order issued will indicate the prescribed date by which the payments will be required to be made as per the above schedule except the last instalment. It will be

obligatory on the part of the allottee to make the payment within the due dates indicated therein. In the event of default, the allocation of the building under the scheme will be cancelled without any prior intimation.

#### **10. Conditions of allotment :-**

(i) After the payments under the above sub-rules are made, the authority shall call upon the allottee to execute Lease-cum-Sale agreement in Form III and thereafter after the same shall be got registered by the allottee. If the agreement is not executed within 45 days after the authority has intimated the allottee to execute such agreement, the allotment of the building shall be cancelled and the amounts paid by the allottee towards the allotment of the building, shall after deducting the initial deposit be refunded to him;

(ii) Until the building is conveyed to the allottee, the amount paid by the allottee for the allotment of the building shall be held by the authority as Security Deposit for the due performance of the terms and conditions of the allotment and the Lease-cum-Sale agreement entered into between the authority and the allottee;

(iii) The building allotted under these rules shall be deemed to have been leased to the allottee until the lease is determined or the building is conveyed to the allottee under these rules. The allottee shall, during the period of lease pay a rent/lease amount at the rate specified by the authority from time to time.

#### **11. Delivery of possession, Issue of sale deed :-**

(i) The allottee shall be entitled to the delivery of possession only after the construction of the building, the observation of all formalities, payment of all dues and the furnishing or execution of all documents as required in the allotment-cum- demand letter;

(ii) The property will be delivered on 'as-is-where-is basis'. The authority will not entertain request for any additions, alterations or any complaints regarding the cost of the building, its design, the quality of material used and workmanship;

(iii)

(a) On the expiry of a period of ten years from the date of lease deed and if the allotment has not been cancelled and the lease has not been determined in accordance with these rules or the terms of

the agreement, the authority shall by notice call upon the allottee to get the sale deed of the building executed at his own cost within the time specified in such notice;

(b) If the allottee fails to get the sale deed executed within the time so specified, the authority shall itself execute the same and recover the cost and other charges if any incidental thereto from the allottee as if the said amounts are due to the authority from him.

**12. Misuse, additions, alterations, etc. :-**

(i) The building shall not be used for any purpose other than that of residence. The allottee shall not be entitled to sub-divide the dwelling unit or amalgamate it with any other dwelling unit or to make any structural additions, alterations without the prior written permission of the authority;

(ii) In case of violation of the above conditions, the allotment shall be liable to be cancelled and the amount deposited may be forfeited.

**13. Death of applicant, allottee :-**

If the applicant dies before the allotment, his legal heirs would at their option be entitled to refund of the deposit or allotment of the building.

**14. Voluntary surrender :-**

An allottee may at any time after allotment, surrender the allotment of building made to him to the authority. On such surrender, the allottee is entitled to refund of all amounts except the registration fee paid by him to the authority in respect of the said allotment.

**15. . :-**

(i) The authority shall reserve the right to make reasonable modifications in the approved plan of the building depending upon the exigencies;

(ii) If the applicant wishes to correspond with the authority he shall invariably quote the registration number in this regard;

(iii) The unsuccessful applicants will be eligible for consideration for allotment of buildings in similar future schemes of the authority provided the initial deposit of 25% made is not withdrawn by

them;

(iv) The decision of the authority is final in all matters pertaining to this scheme.

**16. Misrepresentation or suppression of facts :-**

If the applicant furnishes false information or suppresses any material fact, the application for allotment shall be rejected and any allotment if made cancelled summarily. Rejection or cancellation under these circumstances, will render the applicant ineligible for allotment in future also. All the amounts paid by such applicant shall be forfeited. The applicant will also be liable for criminal prosecution.

**17. Restrictions, additions and alterations on sales of buildings.(1) Notwithstanding anything contained in these rules, and the bye-laws or orders governing allotment of the buildings by the authority, the authority may at the request of the allottee of building, execute a deed of conveyance subject to the following. :-**

(a) The purchaser shall not alienate the building within a period of 10 years from the date of allotment except.

(i) by way of mortgage in favour of the Government of India, the Government of Karnataka, Life Insurance Corporation of India, Corporate bodies like Bangalore Development Authority, Karnataka Electricity Board, Karnataka Housing Board, Bangalore Water Supply and Sewerage board and the like, Housing Co-operative Societies or Banks to secure loans advanced by such Governments or bodies for the purchase of the building;

(b) In the event of the purchaser committing breach of any of the above conditions, the authority may at any time, after giving the purchaser reasonable notice, resume the building free from all encumbrance and the amounts will be forfeited. All transactions entered into in contravention of the conditions specified above shall be null and void ab initio. Notwithstanding anything contained in sub-rule (1), where an allottee has alienated the Building in contravention of clause (a) of sub-rule (1), the Authority may on an application of the transferee of such Building and subject to payment by such transferee an amount equal to twenty-five per cent of the value of the Building determined at the rates specified by the State Government from time to time for the purpose of Registration order for regularisation of sub-alienation and may also



convey title to such transferee.] <sup>1</sup> [(2) Notwithstanding anything contained in these rules, where the allottee makes an Application to the Authority seeking permission to sell the building during the lease period of ten years on the ground that for reasons beyond his control he is unable to reside in the City of Bangalore or that by reason of his insolvency or impecuniosity, it is necessary for him to sell the building allotted, the authority may permit him to sell such building subject to his paying to the authority an amount equivalent to fifteen per cent of the allotted value of the building.]

1. Sub-rule (2) substituted by GSR 41, dated 30-7-1999, w.e.f. 5-8-1999

### **18. Revision :-**

(i) The Government may suo motu or otherwise call for the record of any decision order or proceeding of the authority under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding;

(ii) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.