

Haryana Development And Regulation Of Urban Areas Act, 1975

8 of 1975

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APPENDIX 1 :- Appendix 1

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An Act to regulate the use of land in order to prevent ill-planned and haphazard urbanization in or around towns in the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Twenty-fifth Year of the Republic of India as follows:-- 1. Received the assent of the Governor of Haryana on the 30th January, 1975 and was published in the Haryana Gazette, (Extra), Legislative Supplement, Part I, dated January 30, 1975/Magha 10, 1896.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Haryana Development and Regulation of Urban Areas Act, 1975.

(2) It shall apply to all urban areas in the State of Haryana.

(3) It shall be deemed to have come into force on the 16th day of November, 1971, except section 10 which shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires,--

(a) "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation in any manner whatsoever, wholly or in part, intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements;

1[(aa) "agriculture" includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard;]

(b) "building" means any shop, house, hut, out-house, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatsoever, and includes a wall;

2[(c) "colony" means an area of land divided or proposed to be divided into plots or flats for residential, commercial, industrial, cyber city or cyber park purposes or for the construction of flats in the form of group housing or for the construction of integrated commercial complexes, but an area of land divided or proposed to be divided-

(i) for the purpose of agriculture; or

(ii) as a result of family partition, inheritance, succession or partition of joint holding not with the motive of earning profit; or

(iii) in furtherance of any scheme sanctioned under any other law; or

(iv) by the owner of a factory for setting up of a housing colony for the labourers or the employees working in the factory; provided there is no profit motive; or

(v) when it does not exceed one thousand square metres or such less area as may be decided from time to time in an urban area to be notified by Government for the purposes of this sub-clause, shall not be a colony;]

(d) "colonizer" means an individual, company or association or body of individuals, whether incorporated or not, owning 3[***] land for converting it into a colony and to whom a licence has been granted under this Act;

4[(dd) "cyber city" means self contained intelligent city with high quality of infrastructure, attractive surrounding and high speed communication access to be developed for nucleating the Information Technology concept germination of medium and large software companies and Information Technology enabled services, where in no manufacturing units shall be permitted;

(ddd) "cyber park" means an area developed exclusively for locating software development activities and Information Technology Enabled Services, wherein no manufacturing of any kind (including assembling activities) shall be permitted;]

(e) "development works" mean internal and external development works;

5[(f) "Director" means the Director, Town and Country Planning, Haryana, and includes a person for the time being appointed by the Government, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Director under this Act and the rules made thereunder;]

(g) "external development works" include water supply, sewerage, drains, necessary provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and any other work which the Director may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area;

(gg) "flat" means a part of any property, intended to be used for residential purposes, including one or more rooms with enclosed spaces located on one or more floors, with direct exit to a public street or road or to a common area leading to such streets or roads and includes any garage or room whether or not adjacent to the building in which such flat is located provided by the

coloniser/owner of such property for use by the owner of such flat for parking any vehicle or for residence of any person employed in such flat, as the case may be;]

(h) "Government" means the Government of the State of Haryana;

4[(hh) "group housing" means a building designed and developed in the form of flats for residential purpose or any ancillary or appurtenant building including community facilities, public amenities and public utility as may be prescribed;

6{(hha) "infrastructure development charges" include the cost of development of major infrastructure projects;}

(hhh) "integrated commercial complex" means building containing apartments sharing common services and facilities and having their undivided share in the land and meant to be used for office or for practising of any profession or for carrying on any occupation, trade, business or such other type of independent use as may be prescribed;]

(i) "internal development works" mean-

(i) metalling of roads and paving of footpaths;

(ii) turfing and plantation with trees of open spaces;

(iii) street lighting;

(iv) adequate and wholesome water supply;

(v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and

(vi) any other work that the Director may think necessary in the interest of proper development of a colony;

7[(j) "local authority" means a Municipal Committee or Municipal Council or Municipal Corporation;]

6{(jj) "major infrastructure projects" include national/state highways, transport, major water supply scheme and power facilities etc.;}

(k) "owner" includes a person in whose favour a lease of land in an urban area for a period of not less than ninety-nine years, has been granted;

(l) "person" includes an association or body of individuals whether incorporated or not;

2[(m) "plot/flat holder" means a person in whose favour a plot/flat in a colony has been transferred or agreed to be transferred by the coloniser;]

(n) "prescribed" means prescribed by rules made under this Act;
8[***]

4[(nn) "property dealer" means any person/agent who runs the business of purchase or sale of plots, flats or apartments in

integrated commercial complex or issues advertisement for sale thereof on behalf of owners; and]

(o) "urban area" means any area of land within the limits of a municipal area or notified area of the Faridabad Complex or situate within five kilometres of the limits thereof, or any other area where, in the opinion of the Government, there is a potential for building activities and the Government by means of a notification declares.

1. Inserted by Haryana Act No. 11 of 1989
2. Substituted by Haryana Act No. 11 of 2003.
3. The words "or acquiring or agreeing to own or acquire, whether by purchase or otherwise," omitted by Haryana Act No. 11 of 2003.
4. Inserted by Haryana Act No. 11 of 2003.
5. Substituted by Haryana Act No. 5 of 2004.
6. Inserted by Haryana Act No. 5 of 2007.
7. Substituted by Haryana Act No. 17 of 1996.
8. The word and omitted by Haryana Act No. 11 of 2003.

3. Application For Licence :-

1[(1) Any owner desiring to convert his land into a colony shall, unless exempted under section 9, make an application to the Director, for the grant of a licence to develop a colony in the prescribed form and pay for it such fee and conversion charges as may be prescribed. The application shall be accompanied by an income-tax clearance certificate:

Provided that if the conversion charges have already been paid under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), no such charges shall be payable under this section.]

(2) On receipt of the application under sub-section (1), the Director shall, among other things, enquire into the following matters, namely:-

- (a) title to the land;
- (b) extent and situation of the land;
- (c) capacity to develop a colony;
- (d) the layout of a colony;
- (e) plan regarding the development works to be executed in a colony; and
- (f) conformity of the development schemes of the colony land to those of the neighbouring areas.

(3) After the enquiry under sub-section (2), the Director, by an order in writing, shall--

(a) grant a licence in the prescribed form, after the applicant has furnished to the Director a bank guarantee equal to twenty-five per centum of the 2[estimated cost of development works in case of area of land divided or proposed to be divided into plots or flats for residential, commercial or industrial purposes and a bank guarantee equal to thirty-seven and a half per centum of the estimated cost of development works in case of the cyber city or cyber park purposes] as certified by the director and has undertaken -

(i) to enter into an agreement in the prescribed form for carrying out and completion of development works in accordance with the license granted;

3[(ii) to pay proportionate development charges if the external development works as defined in clause (g) of section 2 are to be carried out by the Government or any other local authority. The proportion in which and the time within which, such payment is to be made, shall be determined by the Director;]

(iii) the responsibility for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be;

(iv) to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, or to transfer to the Government at any time, if so desired by the Government, free of cost the land set apart for schools, hospitals, community centres and community buildings, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may deem fit;

(v) to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony, and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the license granted 4[;]

5[(vi)to fulfil such terms and conditions as may be specified by the Director at the time of grant of licence through bilateral agreement as may be prescribed:]

Provided that the Director, having regard to the amenities which exist or are proposed to be provided in the locality, is of the opinion

that it is not necessary or possible to provide one or more such amenities, may exempt the license from providing such amenities either wholly or in part;

(b) refuse to grant a licence, by means of a speaking order, after affording the applicant an opportunity of being heard.

(4) The license so granted shall be valid for a period of two years, and will be renewable from time to time for a period of one year, on payment of prescribed fee 6[:]

7[Provided that in the licensed colony permitted as a special project by the Government, the license shall be valid for a maximum period of five years and shall be renewable for a period of as decided by the Government.]

(5) A separate license shall be required for each colony.

1. Substituted by Haryana Act No. 11 of 2003.

2. Substituted for the words estimated cost of development works by Haryana Act No. 11 of 2003.

3. Substituted by Haryana Act No. 11 of 2003.

4. Substituted for sign ":" by Haryana Act No. 15 of 2006.

5. Added by Haryana Act No. 15 of 2006.

6. Substituted for the sign, "." by Haryana Act No. 11 of 2003.

7. Added by Haryana Act No. 11 of 2003.

3A. Establishment Of Fund :-

1[(1) Any colonizer to whom a license has been given under this Act shall deposit as 2{infrastructure development charges} a sum 3{at such rate as may be prescribed by the Government from time to time, per square metre of the gross area and of the covered area of all the floors in case of flats proposed to be developed by him into a colony} in two equal instalments. The first instalment shall be deposited within 60 days from the date of the grant of the license and the second instalment to be deposited within six months from the date of grant of the license.

(2) The Haryana Urban Development Authority 4{local authorities, firms, undertakings of Government and other authorities involved in land development} shall also be liable to deposit the 5{infrastructure development charges} and shall be deemed to be 6{colonizers} for this purpose only. The date of first inviting applications for sale of plots in any colony by it shall be deemed to be the date of granting of license under this Act for the purpose of deposit of 5{infrastructure development charges}.

(3) The 5{infrastructure development charges} shall be deposited by the colonizer with such officer or person as may be appointed by the Government in this behalf.

(4) The colonizer shall in turn be entitled to pass on the 5{infrastructure development charges} paid by him to the plot holder.

(5) The amount of 5{infrastructure development charges} if not paid within the prescribed period shall be recoverable as arrears of land revenue.

8{(6) The amount of infrastructure development charges so deposited by the colonizer shall constitute a fund called the Fund for development of major infrastructure projects in the State of Haryana (hereinafter referred to as the Fund).

(7) The Fund shall be administered by a High Powered Committee as may be

constituted by the State Government for this purpose.

(8) The amount of infrastructure development charges deposited by the colonizers, loans and grants from the Central/State Government, or the local authority, or loans and grants from national/international financial institutions and any other money from such source as the State Government may decide, shall be credited to the Fund.

(9) The Fund shall be utilized for the development of major infrastructure projects in the State of Haryana. The Fund may also be utilized to meet the cost of administering the Fund.}

(10) The Government shall publish annually in the Official Gazette the report of the activities financed from the fund and the statement of accounts.]

1. Inserted by Haryana Amending Act No. 15 of 1984.

2. Substituted for "service charges" by Haryana Act No. 5 of 2007.

3. Substituted by Haryana Act No. 17 of 1996.

4. Inserted by Haryana Act No. 17 of 1996.

5. Substituted for "service charges" by Haryana Act No. 5 of 2007.

6. Substituted for the words "a colonizer" by Haryana Act No. 17 of 1996.

8. Substituted for sub-sections (6), (7), (8) and (9) by Haryana Act No. 5 of 2007.

3B. Erection Or Re-Erection Of Buildings In A Licensed Colony :-

1[No person shall erect or re-erect buildings in a colony save in accordance with the approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director.]

1. Added by Haryana Act No. 11 of 2003 dated 3-4-2003.

4. Maintenance Of Registers :-

The Director shall maintain such registers as may be prescribed showing sufficient particulars of all cases in which license is granted or refused by him and the said registers shall be available for inspection without charges by all interested persons and such persons shall be entitled to have extract therefrom.

5. Cost Of Development Works :-

(1) The colonizer shall 1[deposit thirty percentum] of the amount realised, from time to time, by him, from the plot-holders within a period of ten days of its realisation in a separate account to be maintained in a scheduled bank. This amount shall only be utilised by him towards meeting the cost of internal development works in the colony. After the internal development works of the colony have been completed to the satisfaction of the Director, the coloniser shall be at liberty to withdraw the balance amount. The 2[remaining seventy percentum] of the said amount shall be deemed to have been retained by the coloniser, inter-alia, to meet the cost of land and external development works.

(2) The colonizer shall maintain accounts of the amount kept in the

scheduled bank, in such manner as may be prescribed 3[:]

4[Provided that where the license under section 3 is granted for setting up a colony for cyber city or cyber park purposes, the provisions of sub-sections (1) and (2) shall not be applicable.]

1. Substituted for the words deposit fifty percentum by Haryana Act No. 11 of 2003 dated 3-4-2003

2. Substituted for the words remaining fifty percentum by Haryana Act No. 11 of 2003 dated 3-4-2003.

3. Sign "." substituted by Haryana Act No. 11 of 2003.

4. Added by Haryana Act No. 11 of 2003.

6. Auditing Of Accounts :-

(1) The Director, or any other officer authorised by him in this behalf, shall be competent to inspect the accounts maintained by the colonizer who shall produce before him all the relevant records required for this purpose.

(2) The colonizer shall get his accounts audited, after the close of every financial year, by a chartered accountant and shall produce a statement of accounts, duly certified and signed by such chartered accountant, in the manner prescribed.

7. Prohibition To Advertise And Transfer Plots :-

Save as provided in section 9, 1[no person including a property dealer shall],--

(i) without obtaining a license under section 3, transfer or agree to transfer in any manner plots in a colony or make an advertisement or receive any amount in respect thereof;

(ii) erect or re-erect any building in any colony in respect of which a license under section 3 has not been granted.

2[(iii) erect or re-erect any building other than for purposes of agriculture on the land sub-divided for agriculture as defined in clause (aa) of section 2 of this Act.]

1. Substituted for the words no person shall by Haryana Act No. 11 of 2003.

2. Inserted by Haryana Act No.11 of 1989

7A. Registration Of Certain Documents :-

1[Notwithstanding anything contained in any other law for the time being in force, where any document is required to be registered under the provisions of section 17 of the Indian Registration Act, 1908, purporting to transfer by way of sale or lease any vacant land having an area of less than one hectare in an urban area as may

be notified specifically by the Government from time to time for the purposes of this section, no Registration Officer appointed under the above said Act shall register any such document unless the transferor produces before such Registration Officer a no objection certificate issued by the Director or an officer authorised by him in writing in this behalf, to the effect that the said transfer does not contravene any of the provisions of this Act and its rules and such no objection certificate shall be issued within ninety days of the date of receipt of the application for the same:

Provided that -

(a) if the area of vacant land, which is proposed to be transferred does not exceed one thousand square meters, the above said no objection certificate shall be issued within thirty days of the date of receipt of application by the Director, where--

(i) the land is situated in a colony for which a license has been issued under section 3 of this Act, or

(ii) the transfer proposed is as a result of family partition, inheritance, succession or partition of joint holdings not with the motive of earning profit, or

(iii) the transfer is in furtherance of any scheme sanctioned under any law;

(b) if the above said application for grant of no objection certificate submitted to the Director or an officer authorised by him in writing in this behalf is not disposed off through an order in writing within the prescribed periods of ninety days or thirty days as described in this section, the no objection certificate shall be deemed to have been granted;

(c) all applications for grant of no objection certificates shall be accompanied by the following documents:--

(i) title of land,

(ii) draft copy of registration deed,

(iii) an affidavit to the effect that the site is covered under this section, if the area of the land does not exceed one thousand square meters.]

1. Inserted by Haryana Act No.11 of 1989

8. Cancellation Of License :-

(1) A license granted under this Act, shall be liable to be cancelled by the Director if the colonizer contravenes any of the conditions of the license or the provisions of the Act or the rules made thereunder; provided that before such cancellation the colonizer shall be given an opportunity of being heard.

1[(2) After cancellation of the licence, the Director may himself, carry out or cause to be carried out, the development works in the colony and recover such charges as the Director may have to incur on the said development works from the colonizer and the plot-holders in the manner prescribed as arrears of land revenue.

(3) The liability of the colonizer for payment of such charges shall not exceed the amount the colonizer has actually recovered from the plot-holders less the amount actually spent on such development works, and that of the plot holders shall not exceed the amount which they would have to pay to the colonizer towards the expenses of the said development works under the terms of the agreement of sale or transfer entered into between them:

Provided that the Director may, recover from the plot-holders with their consent, an amount in excess of what may be admissible

under the aforesaid terms of agreement of sale or transfer.

(4) Notwithstanding anything contained in this Act, after the colony has been fully developed under sub-section (2), the Director may, with a view to enabling the colonizer, to transfer the possession of and the title to the land to the plot-holders within a specified time, authorise the colonizer by an order, to receive the balance amount, if any, due from the plot-holders, after adjustment of the amount which may have been recovered by the Director towards the cost of the development works and also transfer the possession of or the title to the land to the plot-holders within aforesaid time. If the colonizer fails to do so, the Director shall on behalf of the colonizer transfer the possession of and the title to the land to the plot-holders on receipt of the amount which was due from them.

(5) After meeting the expenses on development works under sub-section (2), the balance amount shall be payable to the colonizer.]

1. Inserted by Haryana Act No. 30 of 1986.

9. Exemption From Obtaining Licence In Certain Cases :-

(1) The Director shall grant exemption to a person from obtaining the license if he is satisfied that--

(a) the land -

(i) had been divided into plots and more than twenty per centum of the plots according to layout plan had been sold or agreed to be sold prior to the 16th day of November, 1971;

(ii) is in a compact block; and

(iii) is not situated within the controlled area; or

(b) (i) the land does not exceed 4,000 square metres and is situated within the limits of a municipal area, a notified area or the Faridabad complex;

(ii) the amenities similar to the one existing in the locality exist or such person undertakes to provide such amenities; and

(iii) the size of the plots divided or proposed to be divided is in conformity with the general layout of the plots in the locality:

Provided that the Director may, by an order in writing giving reasons, refuse to grant the exemption if he, after hearing the applicant, is of the opinion that the application has been made with a view to evade the provisions of this Act.

(2) The application for obtaining exemption shall be in such form and manner as may be prescribed.

(3) If, within a period of three months of the date when an application under sub-section (2) has been made to the Director,

no order in writing has been passed by the Director, the exemption shall be deemed to have been granted.

Explanation.-- The expression "controlled area" shall have the meaning assigned to it in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1[1963, and the Faridabad Complex (Regulation and Development) Act, 1971].

1. Substituted for the figure "1963" by Haryana Act No. 9 of 1977

10. Penalties :-

1[(1) Any person who contravenes any of the provisions of this Act or the rules made thereunder or any of the conditions of a licence granted under section 3 shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine:

Provided that where any of the provisions of section 9 are contravened the punishment of imprisonment shall not exceed six months.

2{(2) Without prejudice to the provisions of sub-section (1), the Director or any other officer authorised in writing by him in this behalf, may, by notice, served by post and if a person avoids service, or is not available for service of notice, or refuses to accept service, then by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed, call upon any person who has committed a breach of the provisions referred to in the said sub-section to stop further construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed and if such person fails to show cause to the satisfaction of the Director or such authorised officer within a period of seven days, the Director or any such authorised officer may pass an order requiring him to restore such land or building to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, within a further period of seven days.

(3) If the order made under sub-section (2) is not carried out within the specified period, the Director, or any other officer authorised in writing by him in this behalf may, himself at the

expiry of the specified period, take such measures, as may appear necessary to give effect to the order and the cost of such measure shall, if effect to the order and the cost of such measure shall, if not paid on demand being made to him, be recoverable from such persons as arrears of land revenue:

Provided that even before the expiry of the period mentioned in the order under sub-section (2), if the Director or such authorised officer is satisfied that instead of stopping the construction, the person continues with the contravention, the Director or such authorised officer authorised may himself take such measures, as may appear necessary, to give effect to the order and the cost of such measures shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue.}]

1. Substituted by Haryana Act No. 11 of 1989.
2. Substituted by Haryana Act No. 11 of 2003.

11. Prosecution :-

1[No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorised in writing by him in this behalf.

1. Sections 11, 11-A & 11-B were substituted by Haryana Act No. 11 of 1989

11A. Duty Of Police Officers :-

It shall be the duty of every police officer-

- (i) to communicate without delay to the Director or any other officer authorised in writing by him in this behalf, any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder; and
- (ii) to assist the Director or any other officer authorised in writing by him in this behalf, in the lawful exercise of any power vested in the Director or any other officer authorised in writing by him in this behalf under this Act or any rule or regulation made thereunder.

11B. Power To Arrest :-

(1) A police officer not below the rank of sub-inspector, shall arrest any person who commits in his view any offence against this Act or any rule made thereunder, if the name and address of such person, be unknown to him and if such person, on demand declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay, be produced before the Magistrate authorised to try the offence for which the arrest has been made and no person, so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned Magistrate.]

12. Offences By Companies :-

(1) Where an offence under this Act has been committed by a company, the company as well as every person in charge of, or responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that, the commission of the offence is attributable to any neglect on the part of, a director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be proceeded against and punished accordingly.

Explanation.-- For the purposes of this section -

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

13. Composition Of Offences :-

(1) The Director may, either before or after the institution of the proceedings for prosecution, compound any offence punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be released and no further proceedings shall be taken against him in respect of the offence compounded.

14. Indemnity :-

No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

15. Bar Of Jurisdiction Of Civil Court :-

No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

16. Effect Of Other Laws :-

Notwithstanding anything contained in this Act, any permission already granted to set up a colony under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, and the rules made thereunder, shall remain valid and be governed by the terms and conditions contained therein. No person shall be required to obtain a licence if he had obtained permission under the said Act and the same still subsists.

17. Restrictions In Controlled Area :-

Any person who has sold or transferred or has agreed to sell or transfer any plot for any purpose in a colony, in an area in which the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, was applicable, and has not obtained permission as required by the said Act, but has realised any money before the commencement of this Act from the plot-holders, shall obtain a licence under the provisions of this Act within a period of three months from the date of publication of this Act in the Official Gazette of the State or such further period as may be allowed by the Director.

18. Savings :-

Nothing in this Act shall affect the power of the Government, improvement trusts, Housing Board, Haryana, or 1[any local authority or other authority constituted under any law for the time being in force by the State Government for carrying out development of urban areas] to develop land or impose restrictions upon the use and development of any area under any other law for the time being in force 2[but such power except the power exercisable by the Government, shall be exercised on payment of such sum as may be decided by the Government from time to time].

1. Substituted for the words "or any local authority" by Haryana Act No. 9 of 1977

2. Added by Haryana Act No, 17 of 1996.

19. Appeal :-

1[Any person aggrieved by any order of the Director or any officer appointed by the Government, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Director may, within a period of thirty days of the date of communication of the order to him, prefer an appeal to the Secretary to Government, Haryana, Town and Country Planning Department, in such form and manner as may be prescribed:

Provided that the appeal may be entertained after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.]

1. Substituted by Haryana Act No. 5 of 2004.

20. Revision :-

The Government may call for the record of any case pending before, or disposed of by, any subordinate authority, for the purpose of satisfying itself as to the legality or propriety of any proceedings or of any order made therein and may pass such order in relation thereto as it may think fit.

21. Review :-

The Director may, either of his own motion or on an application of any party interested, review, and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office:

Provided that--

(a) when the Director proposed to review any order passed by his predecessor in office, he shall first obtain the sanction of the Government;

(b) no application for review of an order shall be entertained unless it is made within a period of ninety days from the date of passing of the order, or unless the applicant satisfies the Director that he had sufficient cause for not making the application within that period;

(c) no order shall be modified or reversed unless the parties concerned have been afforded a reasonable opportunity of being heard;

(d) no order against which an appeal has been preferred shall be

reviewed.

22. Delegation :-

The Government may, by notification, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions as may be specified therein, be exercisable also by an officer subordinate to it.

23. Power To Exempt :-

If the Government is of the opinion that the operation of any of the provisions of this Act causes undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by a general or special order, exempt any class of persons or areas from all or any of the provisions of this Act.

24. Power To Make Rules :-

1[(1) The Government may, by notification in the Official Gazette, subject to the condition of previous publication, make rules for carrying out the purposes of this Act and may give them prospective or retrospective effect.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) fee, form and manner of making an application for obtaining licence under sub-section (1) of section 3;
- (b) form of licence agreement under sub-section (3) of section 3;
- (c) fee for grant or renewal of licence under sub-section (4) of section 3;
- (d) form of registers to be maintained under section 4;
- (e) form of accounts to be maintained under sub-section (2) of section 5;
- (f) manner of getting the accounts audited under sub-section (2) of section 6;
- (g) manner in which preference is to be given to the plot-holders under sub-section (3) of section 8;
- (h) form and manner of making application under sub-section (2) of section 9 2[;]

3[(i) any other matter in connection with preparation, submission and approval of plans.]

1[(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.]

1. Substituted by Haryana Act No. 15 of 2006.

2. Substituted for the sign "." by Haryana Act No. 11 of 2003.

3. Added by Haryana Act No. 11 of 2003.

25. Repeal :-

The Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971 (Haryana Act 39 of 1971), is hereby repealed.

APPENDIX 1

Appendix 1

THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS (AMENDMENT AND VALIDATION) ACT, 2005

(Haryana Act No. 15 of 2006)

Received the assent of the Governor of Haryana on the 12th January, 2006, and was Published in Haryana Government Gazette (Extra.), Legislative Supplement, Part I, dated March 20, 2006 (PHGN. 29, 1927 SAKA).

AN ACT further to amend and validate the Haryana Development and Regulation of Urban Areas Act, 1975.

Be it enacted by the Legislature of the State of Haryana in the Fifty-sixth Year of the Republic of India as follows :--

1. Short title. -

This Act may be called the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2005.

2. Amendment of section 3 of Haryana Act 8 of 1975. -

In clause (a) of sub-section (3) of section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter called the principal Act),--

(i) in sub-clause (v), for the sign ":" existing at the end, the sign ";" shall be substituted;

(ii) after sub-clause (v), the following sub-clause shall be added, namely:--

"(vi) to fulfil such terms and conditions as may be specified by the Director at the time of grant of licence through bilateral.