

Housing Board (Borrowing of Loans) Rules, 1973

The Housing Board (Borrowing of Loans) Rules, 1973

Published vide Haryana Government Notification No. G.S.R. 24/A.A. 20/71/S. 73/73, dated 15th February, 1973

hl272

No. G.S.R. 24/A.A. 20/71/S. 73/73. - In exercise of the powers conferred by sub-section (1) of section 73 of the Haryana Housing Board Act, 1971; and all other powers enabling him in this behalf and with reference to Haryana Government Housing Department, notification No. G.S.R. 13/H.A.20/71/S.73/73, dated the 24th January, 1973, the Governor of Haryana hereby makes the following rules, namely:-

1. **Short title.**- These rules may be called the Housing Board (Borrowing of Loans) Rules, 1973.
2. **Definitions.**- In these rules, unless the context otherwise requires -

(a) "Act" means the Haryana Housing Board Act, 1971;

(b) "Board" means the Housing Board, Haryana;

(c) "Form" means a form appended to these rules;

(d) "Fund" means the Housing Board Fund;

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

(f) "Loan" means a sum of money obtained on returnable basis by issue of debentures or otherwise.

3. **Powers.**- (1) In order to carry out the purposes of the Act the Board may borrow money from the Government or such other agencies as are approved by the Government.

(2) The Board shall not borrow any sum in excess of the limit determined by the Government from time to time.

4. Where the repayment of the loans borrowed by the Board are to be guaranteed by the Government, the loans shall be obtained at such rate of interest and on such terms and conditions as may be approved by the Government.

5. **Issue of debentures.**- (1) The Board may, with the previous sanction of the Government,

borrow money by issuing debentures.

(2) The total amount of debentures, to be issued, issue price, form of debenture, and the date of maturity shall be determined by the Board, from time to time with the prior approval of the Government.

(3) The rate of interest shall be such as may be fixed from time to time by the Government.

(4) A sinking fund shall be constituted for redemption of the debentures.

6. **Debentures to be negotiable.**- The debentures shall be negotiable by endorsement and delivery.

7. **Reservation of debentures.**- The Board may, with the sanction of the Government, reserve the debenture bonds for issuing to any particular bank or banker.

8. The Board may fix the brokerage, subject to the previous sanction of the Government, from time to time, which shall be paid to banks, brokers and authorised agents, on their applications and also on application received through them bearing their seal; provided the total subscription received from them is not less than such as may be determined by the Board.

9. **Underwriting Commission.**- The Board may, subject to previous sanction of Government, determine underwriting commission which shall be paid to bank and bankers who invest a sum not less than the minimum amount that may be fixed by the Board.

10. **Applications.**- Applications for the issue of debentures shall be made to the Board in Form No. 1.

11. **Subscription.**- (1) Subscription to the debentures may be made by cheques or demand drafts drawn in favour of the Chairman of the Board. In respect of cheques drawn on banks other than State Bank of India, Chandigarh Branch, commission and collection charges, as may be fixed by the Board, shall be paid. The debentures shall be issued only after the subscription are fully realised.

(2) If the subscription exceed the total amount of the debentures to be issued, partial allotment may be made and the balance of sum received with the application shall be refunded as soon as possible. No interest shall be paid on the amount so refunded. The Board may reserve the right to retain the subscriptions received up to ten per centum in excess of the sum floated.

12. **Value of debentures.**- (1) The debentures may be issued in denominations of Rs. 100/-, Rs. 500/-, Rs. 1,000/-, Rs. 5,000/-, Rs. 10,000/-, Rs. 25,000/-, Rs. 50,000/- and Rs. 1,00,000/-.

(2) Each debenture shall be signed by the Chairman and one other member authorised by the Board.

13. **Condition of issue of replacement of debentures.-** (1) The interest on the debentures shall be paid half-yearly. The interest is subject to the payment of income-tax.

(2) The debentures shall be redeemable at par on the dates noted therein and the holder shall have no claim upon the Board for the interest accruing after the expiry of term.

(3) The debentures, which by reason of damage sustained, have become unfit for circulation, shall be replaced at the request of the holder on surrendering the damaged or defaced debentures; provided that the essential marks for genuineness and identity, such as, the number, the amount, the rate of interest, the date and signature of the Chairman and the member of the Board are still intact and recognisable. Fresh debentures shall also be issued to replace lost or destroyed debentures when in the opinion of the Board the fact of loss or destruction is proved beyond doubt. When such proof is not produced or when in case of damage the essential marks on the debenture are lost and no longer recognisable, or when the debenture has been lost or has been mislaid, a new debenture may be issued only after the debenture which is alleged to be missing or unrecognizable has been advertised by the claimant as lost or mislaid, in the manner specified by the Board and is not claimed by any other person.

(4) The debenture shall be re-issued for the same amount under the same number with the addition of the word "Renewed". A fee of one rupee shall be charged for every renewed debenture thus issued.

14. **Statement.-** The Board shall furnish [to the State Government]a yearly statement of the loans borrowed and debentures issued, the payment of which in part of full is outstanding against the Board in Forms II and III respectively.

15. **Direction by Government.-** Whenever it is considered expedient by the Government, directions shall be issued to the Board prescribing the manner in which the repayment of the sum borrowed and the interest accrued thereon shall be made, whether or not the repayment of the loan has become due.

16. **Charge.-** The loan and the interest accrued thereon which has become due, shall be a charge on the Board's fund.

17. **Default.-** The default made by the Board in repayment of the loan and interest accrued thereon shall be regarded as default within the meaning of section 72 of the Act.

Form I

Form of Application

(See Rule 10)

Housing Board Haryana Chandigarh

Application for debentures _____ per cent.

year 19 19

To

The Chairman,

Housing Board, Haryana,

Chandigarh.

Dear Sir,

Issued of 19 _____ 19 _____ Year's debentures _____ Interest at _____ per cent Issue price
_____ Rs. _____.

I/We hereby apply for debentures of the face value of Rs. _____ of the above issue. Debentures of the denominations noted below may kindly be issued for the amount.

Denomination	No of debentures	Amount
Rs.		
100	--	--
500	--	--
1,000	--	--
5,000	--	--
10,000	--	--
25,000	--	--
50,000	--	--
1,00000	--	--

I/We send herewith/have paid a deposit of Rs. _____ Rupees _____) only through _____ for the debentures applied for.

I/We undertake to accept the same or debenture for any lesser amount. The interest may be made payable at :-

1. _____ (Name of the Banks)
2. _____
3. The Chairman's Office, Chandigarh.

Note. - Strike the portions not required.

Name/Names in full _____

In Block letters _____

Address in full _____

Yours faithfully,

Signature.

Notes. - (1) The name in which the debentures are required should be mentioned in block letters. If the debentures are to be held in joint names the order in which the names are to be written, should be given. In case of an institution, the debentures shall be issued in the name of the Institution, itself.

(2) Specific mention should be made of the Bank or Office and place where the interest on debentures is to be drawn.

Form II

(See Rule 14)

Housing Board Haryana Chandigarh

Statement for the period ending 31st March, 19 _____..

No. of instalments paid
together with total
amount and interest paid so
far

Serial	*Description of the loan	Total sum obtained	From whom obtained	Date on which obtained	No.	Principal	Interest	Outstanding	Remarks
--------	--------------------------	--------------------	--------------------	------------------------	-----	-----------	----------	-------------	---------

*Description should include the period within which it is to be repaid together the rate of interest (e.g. "twelve year loan at the rate of 7½ per cent per annum").

Form III

(See Rule 14)

Housing Board Haryana, Chandigarh

Statement showing the position of Debentures issued by The Housing Board Haryana, for the period ending 31st March, 19_____

S.No.	Description of debentures	Total amount secured	Date of maturity	Interest paid so far	Total deposits in sinking fund	Rema rks
-------	------------------------------	----------------------------	---------------------	----------------------------	--------------------------------------	-------------

The Description should include the year of issue and the year of maturity together with rate of interest payable (e.g. "1972-1990" at 7½ per cent per annum).