

Plot Allotment - Rules- The 10th March,2000

Sample Allotment letter: Agro Mall plot

No.1074-Agri.S (2)-2000/4444 –In Exercise of the powers conferred by sub –section (1) and clause (vi) of sub-section (2) of section 43 read with section 18 of the Punjab Agricultural Produce Marketing Act, 1961 (Act 23 of 1961), and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the sale and transfer of immovable property of the Haryana State Agricultural Marketing Board and Market Committee, namely:-

1. (1) These rules may be called the Haryana State Agricultural Marketing Board (Sale of Immovable property) Rules, 2000.
(2) They shall come into force on the date of their publication in the Official Gazette.
(3)They shall apply to the Haryana State Agricultural Marketing Board and all the Market Committees In the State of Haryana.
2. (1) In these rules the context otherwise requires:-
 - a) "Act" means the Punjab Agricultural Produce Markets Act 1961 (Act 23 of 1961).
 - (b) "Category (ii) licensee i.e. Kacha Arthiyas shall be strictly prohibited to do the business of sale and purchase of agricultural produce in booths because there is no space in front of the booths to display the agricultural produce. In booths, only the business of fertilizer, seeds, pesticides, Karyana-general store, tea shop, spare parts, hardware, electrical works etc. can only be carried out. The trade of meat shop, wine shop, atta chakki, processing unit and other trade termed as offensive and dangerous under Section 128 of the Haryana Municipal Act, 1973 (Act 24 of 1973), shall be prohibited. In violation of the above, the shop/booth alongwith amount deposited shall be resumed."
 - (c) "Immovable property" means shop plot ,booth plot or other commercial sites owned by the Board or a Market Committee.
 - (d) "open auction means auction of immovable property without any reservation for any category or class of person.
 - (e) "reserve price" means reserve price determined by the Chief Administrator of the board in respect of specific immovable property developed and owned by the Board or Market Committee.
 - (f) "From "means a from appended to these rules.
 - (g) "section" means section of the Act.

(2) The words and expressions used in these rules but not defined ,shall have the same meaning as assigned to them respectively in the Punjab Agricultural Produce Act,1961.

As per provision of Rule 3(1) of Rules, 2000, all immovable properties in the Market developed by the Board or Market Committees shall be disposed of by way of allotment/ transfer/open auction in accordance with the provisions of these rules. The shop plots will be allotted to the old licensees of category(ii) i.e. (Katcha Arhityas) of old market which is to be de-notified, resulting in displacement of such licensed dealers of category (ii), on free hold basis, for conducting the business of sale and purchase of agricultural produce in the new markets, on the following terms and conditions, namely,

(i) in the markets where some auctions have already been held, the allotment shall be made on the basis of the average price of the last auction.

(ii) in the markets where no auction has so far been held or where the last auction was conducted five years prior to the date of present allotment/ transfer/ auction, the price of the plot shall be fixed at thirty five per cent above the reserve. The reserve price shall be worked out as per formula approved by the Board vide its resolution date the 1st June, 1987 or any other formula to be approved by the Board from time to time

(iii) only those category (ii) licensees shall be eligible for allotment of plots who had valid license of two years on the date of first auction, in the case of mandis where some auctions have already been held. In the case of already developed mandis where no auctions have so far been held, the licensee should have valid license of category (ii) for at least five years as on 1st January, 2000. In the case of mandis to be developed in future, the licensee should have at least two years licence of category (ii) on the date of issuance of notification under section 4 of the Land Acquisition Act, 1894 (Act of 1894), or the date of transfer of land to the Market Committee, if the land is obtained otherwise, as the case may be Only those category(ii) Licenses shall be eligible for allotment of plots who had valid license of four years on the date fixed for inviting applications for draw of lots.

(iv) Such licensees must have paid market fee of at least Rs. 5000/- annually for the last two years. Provided that in the case of a category (ii) licensee who does not pay market fee himself, his annual turnover during the last two years should be at least rupees two lakh fifty thousand

(v) the license of such category (ii) licensee should not have been revoked for a period of two months at a time for violation of any of the provisions of the Act or any rules made there-under, or non-payment of market fee etc.

(vi) the category (ii) licensee must have an independent premises, either own or rented, in the old mandi to be de-notified. In case there are more than one licensee in the same premises, the oldest firm or the one which is agreed upon in writing by all the firms occupying the same premises, shall be eligible

(vii) if the eligible licensee of category (ii) had already purchased a plot in open auction, either in his own name or in the name of the licensee firm, he shall not be allotted a plot on preferential basis as above.

(viii) an allottee of a shop plot under these rules shall not be permitted to use the premises for any purpose other than the marketing of notified agricultural produce. In case of misuse of his premises, the allotment shall be cancelled and 10% of the value of the plot, interest and other dues payable, shall be forfeited and as such an allottee shall be debarred from allotment of any other site under these rules.

(ix) transfer of title of shop plot, so allotted, shall not be permitted before a period of five years from the date of allotment of such plot except under special circumstances and with the prior approval of the Chief Administrator of the Board and on payment of such fee as may be prescribed by the Board from time to time.

(x) the allottee shall construct the building as per the approved design within a period of two years from the date of offer of possession of the plot, which may be extended further by the concerned Market Committee upto a maximum period of three years on payment of extension fee @ Rs.10,000/-, Rs. 15,000/- and Rs. 20,000/- for the first, second and third year of extension, respectively. In the event of failure to do so, the plot shall be resumed by the Market Committee. In the event of such resumption, the Market Committee shall deduct 10% of the price of the plot and 15% interest on balance overdue installments and interest.

(xi) the allottee of shop/booth plots, whether by preferential allotment or through open auction, shall also pay the additional expenses such as enhanced land compensation within sixty days from the date of such demand by the Market Committee. In case of default, penal interest @

twenty-one percent per annum will be charged. The recovery of enhanced compensation shall be as per the formula approved by the Board.

(xii) In case the number of available shop plots is less than the number of eligible applicants, the allotment shall be made to the eligible licensees in their order of seniority, which shall be determined on the basis of their period of license of category (ii). The allotment of serial number of plots will be decided through draw of lots amongst the eligible allottees.

(2) All booth plots, the balance shop plots and any other commercial site shall be disposed of through open auction. However, a site (including shop plot, booth plot or any other plot), subject to availability may be allotted at thirty-five percent above the reserve price to the following:-

(i) post office, telephone exchange, water works.

(ii) public sector undertakings, government agencies and cooperative marketing societies of Haryana State Cooperative Supply and Marketing Federation Limited, dealing in agricultural produce or inputs.

(iii) nationalized/cooperative banks.

(iv) dharamshala/community center in an area upto one thousand square meters to be set up by the registered association of the traders residing in the mandi and

(v) to any Government Department for any public utility services with the approval of the Government.

(3.) Where no denotification of the old mandi is involved, all the shops plots shall be sold through open auction, except allotment to identified public utilities as per sub rule (2) of this rule.

(4.) (1) In case of sale by allotment, the intending eligible licensee of category (ii) shall make an application in form A to the Executive Officer-Cum-Secretary of the concerned Market Committee within Thirty days of the notice of inviting such applications

(2) The eligibility of licensees of category (ii) for the allotment of shop plot shall be determined by the Allotment Committee comprising the concerned Executive Officer –Cum-Secretary and the District Marketing Enforcement Officer under the Chairmanship of the Chairman / Administrator of the Market Committee.

(3) After scrutiny of the application received under sub-rule (1) of this rule by the allotment Committee, the eligible applicant shall be issued a letter of intent requiring him to pay twenty-five percent of the allotment price within one month in the form of a demand draft in favour of the Market Committee concerned.

(4) After the price referred in Sub-rule (3) of this rule has been paid, the Executive Officer-Cum-Secretary, Market Committee shall submit the case to the Chief Administrator of the Board for seeking approval under section 18 supported with a resolution of the Market Committee. After the approval is accorded by the Chief Administrator of the Board, the Executive Officer – cum-Secretary, Market Committee will issue the allotment letter to the eligible applicant /licensee of category(ii).

(5) The balance seventy-five percent of the price of plot may either be deposited without interest within thirty days from the date of issue of allotment letter or in six half yearly installments, with fifteen percent interest, or at such rate of interest as may be specified by the Board from time to time. The first such installment shall fall due after six months from the date of allotment letter. However, interest on installments shall accrue from the date of offer of possession.

(6) In case of failure of the allottee to deposit the installment in time penal interest at the rate of four percent per annum to be compounded half yearly shall be charged in addition to the normal interest. In case of default of two successive installments, the plot and the building, if constructed, shall be resumed by the Market Committee after giving an opportunity of being heard to the concerned allottee.

(7) A part from the resumption referred to in sub-rule(6) of this rule, an amount equivalent to ten percent of the total cost of the plot shall be forfeited, along with interest and other dues, if any, payable by the allottee from the amount already deposited by him.

5. The possession of the plot shall be offered to the allottee by the Executive Officer –cum-Secretary, Market Committee within thirty days from the date of issue of allotment letter. If minimum basic facilities i.e. roads, water supply, sewerage, and electrification are existing and if the said basic facilities are not existing, then after providing the said basic facilities.

5- A Surrender of plot. - If any plot holder wishes to surrender the plot the Market Committee shall accept the surrender of plot and will refund the deposited amount after deducting 10% of the cost of the plot and due payable interest. For the purpose of calculation of interest the date of application of surrender shall be deemed to be the date of surrender.

5-B Category (ii) licensee i.e. Kacha Arhitya shall be strictly prohibited to do the business of sale and purchase of agricultural produce in booths because there is no space in front of the booths to display the agricultural produce. In booths, only the business of fertilizer, seeds, pesticides, Karyana-general store, tea shop, spare parts, hardware, electrical works etc, can only be carried out. The trade of meat shop, wire shop, atta chakki, processing unit and other trade termed as offensive and dangerous under Section 128 of the Haryana Municipal Act, 1973(Act 24 of 1973), shall be prohibited. In violation of the above, the shop/booth alongwith amount deposited shall be resumed.

6. In case of sale of plot by allotment or by open auction, as the case may be, the allottee shall execute the deed of conveyance in the form prescribed by the Board, after making payment of full price of the plot.

7. (1) Any person, Except minor, may participate in open auction In case he desires to bid on behalf of any other person, he will have to produce a valid power of attorney.

(2) The intending bidders shall be required to deposit earnest money of Rs. 25000/- in respect of booth and Rs. 50,000/- for shop plot before participating in the auction on the spot with the Market Committee concerned. Anyone intending to bid for more than one category will be required to deposit the earnest money separately for each category before the auction.

(3) The successful bidder shall pay twenty five percent of the bid cost on the spot. The remaining seventy five percent bid cost can either be paid in lump-sum without interest with in thirty days of issue of allotment letter or in installment as provided in sub rule (5) of rule (4).

(4) If the successful bidder fails to deposit twenty five percent of the bid cost, his earnest money shall be forfeited.

(5) The Auction Committee shall have the right to reject any bid on the spot or withdraw any plot from auction.

8. The allottee shall bear and pay all expenses in respect of execution and registration of the deed of conveyance including the stamp duty and registration fee payable thereof.

9 . The order terms and conditions governing allotment, transfer and auction of all types of immovable properties shall be as determined by the Board from time to time.

10. No fragmentation of any plot, or building constructed thereon, shall be permitted.

11. (i) An Appeal against an order of the Market Committee or auction committee of the Market Committee under these rules shall be preferred to the Chief Administrator of the Board, either by the appellant or through his agent, within thirty days of the order appealed against.

(ii) The memorandum of appeal shall be signed by the appellant or his agent and shall be affixed with a court fee of rupees fifty.

(iii) The order passed by the Chief Administrator of the Board or by the officer of the Board authorized by him in this behalf, shall be final and binding.

(12) The Haryana State Agricultural Marketing Board (Sale of immovable Property) Rules,1997, are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules