

Subject : Proceedings of the Review Meeting held on 25.03.09, at Inderdhanush Auditorium, HUDA Sector-5, Panchkula under the chairmanship of the Chief Administrator, HUDA.

The list of participants is attached at Annexure 'A'.

At the outset, the Chairman welcomed all the participants. The monthly returns were discussed & following decisions were taken:

Review of Monthly Return in Format M-1 to M-11

M-1- Removal of encroachments

- i) It was observed in the meeting that no encroachment without court stay has been removed by the Estate Officers during the last four months. It shows that no sincere efforts have been made by the Estate Officers in this regard which was viewed seriously.
- ii) Regarding encroachments where there is a court stay, it was desired by the Chairman that all the Administrators should review the court cases within three months and send a special report in each and every case to the Head Office.
- iii) Enforcement Officer(H.Q.) pointed out certain discrepancy in the report of Estate Officer-II, HUDA, Gurgaon. It was intimated that the figure of encroachment under court stay in this regard was given 266.70 acres upto the month of January, 2009 but in the month of February,2009, this figure has been intimated as 686.10 acres. Similarly, the figure of encroachment without court stay has been increased from 22.50 acres to 101.50 acres from the month of January, 2009 to February, 2009. Sh. Ram Kumar, AEO O/o EO-II, HUDA, Gurgaon could not explain the figures. Chairman, observed that Sh. Ram Kumar, AEO O/O EO-II, HUDA, Gurgaon had attended the meeting totally unprepared and ordered to convey the displeasure to him under intimation to EO-II, Gurgaon in this regard.
- iv) Similarly it was observed that Estate Officer, HUDA, Panchkula had also given the incorrect figures of encroachments as the encroachments pointed out by Sh. Parmanand, Complainant had not been included in the report.
- v) It was also pointed out by the Chairman that in spite of orders of FCTCP, the encroachments in Village Nanhera (Ambala) has not been removed since last five months. This was viewed seriously.

- vi) The satellite imagery has not been got sent by any of the Administrators/ Estate Officers in respect of encroachments of an area of more than one acre whether under court stay or without court stay and no report has been received in this regard from the field offices. They were ordered to send the same within one month or explain reasons for not doing so.
- vii) Administrator, Rohtak, Hisar and Estate Officer, HUDA, Jagadhri informed that proposals have been sent to the Head Office for regularization of encroachments without court stay which are thickly populated areas but no action has been taken by the Head Office. Chairman desired that fresh proposals may be sent in this regard after conducting a fresh survey of the area with full justification. Such proposals must reach Head Office within a period of two months.
- viii) Keeping in view the discrepancies noted in the returns filed by the field officers, Chairman directed that henceforth all the returns shall be signed by the Zonal Administrators/Estate Officers without which no report will be accepted.

M-2- Closing of commercial activities in residential houses during the month of February, 2009

- i) Strong observations were conveyed by the Chairman in respect of figures sent by Estate Officer, Faridabad because the total number of constructed houses depicted in Column No.4 are the same as intimated in the month of January, 2009. It shows that the figures has been supplied without application of mind as considerable number of occupation certificates must have been issued during the month of January, 2009.

Similar was the situation with regard to figures provided in respect of grant of non-nuisance consultancy permissions as in the last report of 4-5 months same figures are being depicted. Moreover reports in respect of Urban Estate Palwal, Hathin and Roz-Ka-meo have not been supplied by Estate Officer, Faridabad. Chairman desired that the Estate Officer, Faridabad being a new incumbent should look into this and there should be no discrepancies in future. Estate Officer, Faridabad assured that the mistake will not be repeated in future.

- ii) The information in respect of Urban Estate, Dharuhera, Narnaul and Kosli have not been submitted by the Administrator, HUDA, Gurgaon for which Chairman directed to the Administrator, Gurgaon & EO-Rewari to take necessary action in future.
- iii) Estate Officer, HUDA, Sirsa has not sent the report in respect of Mandi Township Dabwali, Ellenabad and Kalanwali. E.O., Sirsa was directed to be careful in future in this regard.
- iv) Chairman directed that action may be taken against the allottees who are running illegal non-nuisance professional consultancy services. Notices may be served and efforts may be made to resume such residential premises. Any lapse in this regard will be viewed seriously and action will be taken against the defaulting officials/officers.
- v) Chairman directed that Enforcement Officer(HQ) should evolve a format in respect of permission granted/rejected under non-nuisance professional consultancy services policy within next two days and E-mail it to all the filed offices for submission of monthly report in this regard.

M3 to M-7:

The following general observations about the prescribed returns were made by the Chairman:

- i. That due care is not being given by Estate officers and Administrators in compiling information under various prescribed Proforma and the information supplied is not authentic.
- ii. That the returns are not being sent in time and normally the same are received after 15th of every month whereas the same must reach HQs by 7th of every month. Chairman directed that Administrators should monitor the progress and ensure that the returns are sent to HQs within prescribed time limits.
- iii. That while conveying the objections/observations by various Estate Officers, the time limits for removal of the objections/observations by the allottees are not mentioned and the cases are kept pending for considerably long time. It was decided that specific time period must be mentioned in all the communications to be made to the allottees for complying with the objections/observations of the Estate Officers. In case the objections/observations are not removed within the prescribed time period, the applications of the applicant should be rejected.

- iv. In the next meeting, every proforma should depict Urban Estates oldest and latest dates of pendency and highest and lowest number of pending cases should be highlighted in order to compare the performances of various Estate Offices.

Specific decisions taken regarding various returns are as under:-

M-3:

- i) It was observed that the details in the proforma are not correctly filled up and do not give true pictures of pendency of grant of transfer permissions of residential plots. Displeasure to EO, Rewari for not giving last 3 dates may be conveyed.
- ii) The Proforma shall be revised particularly with regard to column 'f' pertaining to objections communicated. Same should be communicated by the Head Quarters.

M-3 A: In the last meeting, it was decided that Administrators will hold regular meetings and dispose off all pending transfer applications of industrial plots. However, it was observed that Administrators are not convening the meetings regularly. It was decided that Administrators may convene atleast two meetings till 30.04.09 and dispose off all the pending applications. It was also observed that the information supplied by E.O HUDA Bahadurgarh and Panipat do not seem to be authentic as there are number of pending applications of transfer of plots. Administrator HUDA, Rohtak was directed to depute a special team to visit the offices of E.O Bahadurgarh and Panipat to ascertain the authenticity of the information.

M-4: Chairman observed that the allottees in general are harassed a lot in granting transfer permissions by various Estate Offices. Administrators were requested to periodically monitor the progress of various Estate Offices and efforts should be made to grant such permissions within the prescribed time limits specified in the Citizen Charter of HUDA.

M-5: Chairman observed that the issuance of No Dues Certificate is one of the simplest job but Estate Offices take lot of time in conveying the dues to an allottee. Dues of the allottees be conveyed maximum within one week from the date of application.

M-6 & M-7: Chairman desired that Zonal Administrators should personally monitor the disposal of these applications so as to ensure minimal pendency.

M-8 to M-11

M-8:

- i) Chairman observed that the performance of Rohtak, Jind, Panipat and Gurgaon Estate Offices was not satisfactory. There was a high pendency of 906 cases in EO- I Gurgaon. EO-II Gurgaon's Statement was received late i.e. on 31.3.2008 for which explanation of SDE Survey be called.
- ii) Administrator Rohtak was directed to bring improvement in the working of Estate Office, Panipat as the present situation regarding grant of occupation certificate is very bad.
- iii) All Administrators and Estate Officers were again directed to either grant occupation certificate or reject the same, if these do not fulfill the conditions as per rules. But it should not be kept pending in the office. In rejected cases, action for demolition of unauthorized construction be taken wherever required under Section 55 of the HUDA Act.
- iv) Efforts made in the case of Faridabad was appreciated where the number of 'balance pending' cases had been brought down considerably.
- v) It was also desired that instead of using the word 'fresh' in the 'opening' and 'balance pending' columns, the phrase "fresh cases without objections" be used. The Proforma be recirculated accordingly. It is once again clarified that the 'balance pending' figures must carry forward to the next month's statement as 'opening balance'.
- vi) In the case of self certification, Senior Architect may issue the DO letter to all the Zonal Administrators regarding action to be taken against the Architects who are submitting the wrong certificates.
- vii) Chairman observed that the overall figures of all the Urban Estates show a high number of pending cases of occupation certificates. He directed the Administrators to visit the various Estate Offices once in a month and review the cases of occupation certificate to bring down pendency and send a report to Chief Administrator HUDA through e-mail.

M-9: Pendency in case of EO-I Gurgaon (906) was very high. Chief Administrator directed that a new Proforma be devised in which columns be added for pendency of more than one, two and five years. In cases, where it is found that pendency under the col. 'more than five years' continues for more than six months, charge

sheet under Rule- 7 of the concerned officer shall be forwarded to the Chief Secretary.

M-10: The Chairman desired that pendency above three months is not at all desirable in cases of sanction of Building Plans and the offices showing such figures in the statements need to improve their working. Hisar zone was specifically pointed out.

The oldest cases were reported from Bhattu (2007) and Bhiwani (06-07). Concerned Administrators may take appropriate action to improve the working of the said offices.

M-11: The Chairman desired that building plans which have been pending for more than one year be reviewed by Administrators. He desired that no case should be reported to be pending for more than one year by 30th April 2009.

Item No.2

Legal Return L-1 to L-7

- i) The Chairman directed that the Administrators/Estate Officers must check the e-mail daily and HUDA website twice a week in order to streamline the functioning of legal matters and further to submit the list (L-1 to L-7) properly reconciled within the time frame otherwise Review Meeting will be held on 11th of every month as the proper returns are not being received within the time frame.
- ii) The Chairman was also not satisfied with the L-2 report as the same was not correct because numbers of cases are pending where written statements have so far not been filed whereas in the report NIL has been shown which is factually incorrect. Chairman directed all the Estate Officers to give the certificate that the report is true and correct.
- iii) It was pointed out that L-3 of the all the Estate Officers is not true and not as per the prescribed Performa. The report in L-3 Performa has to be given after 1.04.08 but the same was not done by any of the Estate Officers. In L-3 performa, the cases decided against HUDA since 1.04.08 should have been mentioned but none of the Estate Officers had given the report. It seems that the said Performa was not properly dealt with and wrong report was sent to the HQ. Similarly, the figures shown in L-2 and L-4 do not match with each other and was having different figures which were again factually in correct.

- iv) The Chairman desired that the returns must be submitted by the Administrators, Estate Officer in the Prescribed Formats within the time prescribed therein on regular basis without any fail.
- v) The Chairman also expressed his displeasure with the Urban Estate-Gurgaon as the number was on the increasing side. It was also stressed that whenever a request for stay is made to the conductive Advocate in the pending matters, the entire relevant record, specially the order of the Executing Court for personal appearance, bailable warrants etc. should be referred to the engaged Advocate for moving the Civil Misc. Application and sufficient time should be given to the engaged Advocate for drafting the application etc.
- vi) The Chairman, in particular, pointed out that while submitting reply a specific plea regarding GPA holder purchasing the property in the garb of GPA should be taken and similarly the judgment hosted on the website of HUDA should be mentioned in the preliminary objections in the concerned courts as now we are having numerous law points settled in favour of HUDA which are hosted on the website.

Item No.3

Information under RTI

The Chairman desired that the officers who are summoned by the State Information Commission for personal appearance in RTI matters must submit a report of the same to Head Quarters in the Establishment Branch failing which no TA/DA will be given to the officer. Direction may be issued by CCF to Senior Accounts Officer/Accountants accordingly.

Item No.4 & 5

Construction of 9”B’Wall.

Chairman observed that complete details have not been supplied by the Zonal Administrators/Estate Officers regarding taking over of possession and construction of 9”B’Wall by the allottees of those sectors/areas where possession has already been handed over. Chairman desired that Zonal Administrators should personally review the progress in this regard and send an action taken report alongwith latest progress to HQ’s within one month (By 24.04.09)

Miscellaneous:

The Chairman desired that a seminar/sensitization programme may be conducted for the Administrators/Estate Officers who have recently joined in HUDA and also for the middle level staff like SDEs/JEs regarding the process to be followed and the points to be kept in mind while taking decision on occupation certificates, building plans etc. In this regard, Senior Town Planner Sh.V.K.Goyal was directed to coordinate the same.

Oustees' Policy

Administrator, Panchkula gave a detailed presentation regarding the oustees' policy made applicable in HUDA and thereafter revised from time to time. The presentation was given in the meeting wherein Advocates who are defending the oustees' claim were specially invited. The presentation was made in order to sensitize the Advocates as well as Estate Officers/Administrators in respect of oustees' policy. Various case laws in respect of judgement of various courts regarding oustees' policy were discussed. Views were exchanged by the Advocates and Estate Officers and clarification was given on the spot in respect of points raised in the meeting. The Advocates were of the opinion that such type of sensitization programme keep the Advocate understand the missing links which are sometimes not clarified from the written reply. It was decided to hold such interactive sessions in future also.

The meeting ended with a vote of thanks to the Chair.