

## HARYANA SHEHRI VIKAS PRADHIKARAN

From

The Chief Administrator,  
Haryana Shehri Vikas Pradhikaran,  
Panchkula.

To

All the Zonal Administrators, HSVP.  
All the Estate Officers, HSVP.

Memo No. A-I-VB-2024/ 2/6/55

Dated. 6/8/24

**Subject: - Policy relating to exchange of plots.**

This is in partial modification of the HSVP policies dated 18.02.2013 and supersession of HSVP policies dated 15.11.2021 and 24.11.2023 on the subject cited above.

2. HSVP issued policies regarding exchange of plots in lieu of originally allotted plots from time to time. Policy dated 18.02.2013 on the same subject provided for allotment of alternate plots in certain circumstances which was later on modified vide policy dated 15.11.2021. In the policy dated 15.11.2021 for exchange of plots, it was decided that the request for allotment of alternative plots can only be considered on online portal from "original allottees" only. Another policy dated 24.11.2022 was framed wherein the allotment of alternate plot was further subjected to conditions and it was decided that to refund the amount deposited with 9% interest p.a. in all such where HSVP could not offer possession of plot due to release of subject land, stay order granted by competent court of law, forest area, plot falling under HT line, omitted plot or quashing of acquisition proceedings u/s 24(2) of LARR Act, 2013 etc. All cases related to exchange of plots of the period prior to 15.11.2021 shall be dealt as per this policy.

1. Thereafter, various allottees have filed CWPs challenging the HSVP policies in this regard. In **CWP No 23796 of 2023**, the petitioner Manju Goel has sought directions to respondents for allotment of alternate plot in lieu of the original plot no 449, Sector 1, Part-I, Narnaul (Rewari). The said CWP has been disposed of by the Hon'ble High Court vide order dated 19.01.2024 with following observations:-

*"In response, learned counsel for the respondent-HSVP, in reference to our order dated 08.11.2023, submits that the matter as regards allotment of alternate sites/plots in similar circumstances, is under active consideration of the highest authority. And even a considerable ground is already covered. It is urged that it would be expedient if the petition is disposed of, at this stage, to enable the competent authority to deal with concerns/grievances of the petitioner and pass necessary orders, in accordance with law. Rather, the Court is assured that before any such orders are passed, the petitioner would also be heard*

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*and the matter shall be finally decided within two months from today. Learned counsel for the petitioner is in agreement with the course suggested by the learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by him. The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties. Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law."*

2. Similarly, there are many CWPs which have been disposed of with directions to the competent authority to decide the claim of the allottee and a number of petitions involving the same issue are pending adjudication before the Hon'ble High Court.
3. In order to reduce litigation pertaining to allotment of alternate plots, there is a need to come up with a comprehensive policy and to modify the HSVP policy regarding exchange of plots. The following shall be terms and conditions of the policy:-

### **B) Applicability of policy:-**

(v) Only an allottee/ re-allottee will be considered for allotment of alternative plot in lieu of allotted plot. No GPA/ WILL/ SPA holder shall be considered for allotment of alternative plot under this policy.

Provided that where the original allottee has executed GPA/ WILL/ SPA as provided in HSVP instructions dated 20.03.2012 (Suraj Lamps's case) then said GPA/WILL/SPA holder shall be eligible to apply for allotment of alternative plot in lieu of original plot. Provided further that where a plot has been inherited and transferred on account of death of the original allottee, then a person inheriting or transferring the plot in his name on account of said transfer will also be eligible to apply for allotment of alternative plot.

(vi) A GPA/WILL/SPA holder other than clause (i) above shall however, be entitled to the following:

2. He can wait for decision of the litigation or removal of the dispute.
3. He can apply for refund of the entire deposited amount, in which case, such amount will be refunded with interest @ 9 % per annum. In the eventuality of acceptance by him of entire deposited amount with interest, plot shall become the property of HSVP liable to be disposed of as per policy.

(vii) The re-allottee who has duly obtained the prior permission for the transfer of plot from HSVP shall be entitled for allotment of alternative plot in lieu of the disputed plot. Transfer permission is an estoppel in real sense.

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(viii) No person will be eligible to apply for allotment of alternative plot where the plot i.e. original or alternative plot allotted to him is free from any litigation or dispute of any nature whatsoever and the possession of the plot stands offered by HSVP.

### B) Conditions under which allotment of alternative plot shall be considered:-

a) - Where HSVP could not deliver the possession of plots due to litigation pending in the court by the original land owners/ plot falls on un-acquired land/ released land/ PLPA-forest area/ Omitted/ HT wire.

b) - Where the plot is not actually available on the ground as per layout plan.

c) - Where dimension of the plot are not uniform and it is not feasible to regularize the shape of the plot as of a regular sized plot provided that:

- 1) The dimension of front/rear/of the two sides of the plots differ atleast by 20%.
- 2) The actual area of the plot is increased or decreased more than 20% of the allotted area.

### C. Terms and Conditions of allotment of alternative plot:-

1. The alternative plot should be given in the same sector out of the balance available vacant plots. In case un-allotted plots of required category/size are not available in the same sector, then plots shall be carved out in any unplanned pocket or plots shall be carved out by re-planning of available unsold plots of smaller/bigger sizes and category, if found technically feasible. The alternative plots so carved out shall be allotted on the same terms and condition on which original plot was allotted only if the allottee/ re-allottee has deposited cost of plot and nothing is due against the cost of plot.

2. In case, the allottee/ re-allottee has not deposited full payment towards the cost of the plot, the allotment of alternate plot shall be made by charging current reserve price propionate as applicable for that financial year. **For example:-** "A" is allottee of plot No 15, Sector 23, Gurugram and the allotment letter was issued on 01.01.2001 @ Rs 1,00,000/-. The allottee/ re-allottee deposited initial 25% of the amount as per conditions of allotment letter but did not deposit remaining 75% of amount and possession of the plot could not be offered by HSVP on account of litigation/ PLPA/HT line passing over the plot/ un-acquired land/ released land etc. After initial deposit of 25% amount, the allottee was required to

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deposit 75% amount in 6 half yearly installments. But only deposited the 25% amount despite lapse of schedule of payment. "A" applies for allotment of alternate plot in lieu of his original plot. He will be provided an opportunity to deposit the remaining 75% amount proportionate to the current reserve price of the plot.

3. In case it is not possible to make available the plot of same size and category within the sector by adopting measures as aforesaid in **C (1)** above, the allottee/ re-allottee can seek refund by invoking clause **4- a (ii)** explained above.
4. The allottee/ re-allottee may be offered an alternative plot in the adjoining sectors out of the available plots of the category or by carving out additional plots in the vacant pockets of land. If that is not possible, then an alternative plot may be offered to him in the next sector to be floated.
5. The specific plot number of alternative plot to be allotted in lieu of disputed plot shall be determined by draw of lots.
6. The plot size, category of the plot will not be changed in any case. However, in case of P, GP and SP plots the alternative plot of P, GP and SP category shall be considered if available and in case such plots are not available then ordinary plot will be considered for allotment and additional amount of special category plots charged shall be refunded.
7. In case the allottee accepts allotment of alternative plot and the original plot of the allottee becomes available, after finalization of litigation or after the removal of encroachment, the same shall be allotted by HUDA through auction or on the updated price of that sector.
8. Where the allotment letter includes the condition that no alternative plot will be allotted, such an allottee would be debarred from claiming allotment of alternative plot.
9. The plots disposed of by HSVP through e-auction shall not be covered under this policy.
10. The case of allotment of alternate plot shall also be considered where the original plot was under litigation and alternate plot was allotted in lieu thereof. However, HSVP could not offer possession of alternate plot also, the said case can be considered for original plot in case the original plot has become free from all encumbrances. In case where original plot stands omitted and thereafter, alternative plot allotted to allottee/re-allottee shall become original plot and can be considered for restoration subject to other terms and conditions of this policy.
11. In case the claim of the allottee / re-allottee is based on the ground of encroachment over the allottee plot i.e. jhuggis/standing tree/pole, said

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case shall not be covered under this policy. Efforts shall be made by the Estate Officers concerned to remove the encroachment.

### D. Power to sanction allotment of alternative plot.

1. The Chief Administrator, HSVP shall be Competent Authority to allot alternative plot in the same sector.
2. In case of allotment of alternative plots in sectors other than the sector in which original plot was allotted, approval of Chairman HSVP shall be required.
3. Draw of lots of eligible allottees shall be held through online mode at the level of Administrator, HSVP, HQ.

This has been issued with the approval of Hon'ble C.M.-cum- Chairman HSVP. Ex post facto approval of the Pradhikaran shall be obtained in the next meeting.

Administrator (HQ)  
For Chief Administrator,  
HSVP, Panchkula.

Endst. No. A-I-UB-2024/ 216/56

Dated: 6/8/24

A copy of the above is forwarded to the following information and necessary action:-

1. The Legal Remembrancer, HSVP, Panchkula.
2. The Chief Engineer, HSVP, Panchkula.
3. The Chief Town Planner HSVP, Panchkula.
4. The Chief Controller of Finance, HSVP, Panchkula.
5. The Chief Architect, HSVP, Panchkula.
6. The CITO, HSVP, Panchkula for hosting on HSVP website.

Administrator (HQ)  
For Chief Administrator,  
HSVP, Panchkula.