

**Subject : Proceedings of the meeting regarding Court Cases held at 9.30 AM on 08.04.2008 at Inderdhanush Auditorium, Sector-5, Panchkula under the Chairmanship of Chief Administrator, HUDA.**

At the outset, Chairman welcomed the officers and advocates.

Following decisions were taken regarding **court cases** after detailed discussions :-

- i. It was ordered that primary responsibility to defend court cases/file appeals will be of the concerned Estate Officer. The ADA and Dy. Supdts. posted in the Estate Offices will be incharge of all cases under the supervision of the Estate Officer. Drafts of replies appeals in DCDRF and SCDRC will be approved by concerned Estate Officer. Copy of the grounds of appeal filed in SCDRC shall sent to the Legal Cell (HQ) within three days from the date of filing mentioning the next date & its status for record.
- ii. It was also directed that all the Advocates will prepare lists of dates and events at the time of filing of appeals / written statements before the Civil Courts, DCDRF, SCDRC and NCDRC.
- iii. All the important judgements pronounced by various courts in favour of HUDA shall be hosted on HUDA Website i.e. [www.huda.nic.in](http://www.huda.nic.in) by the Nodal Officer, Sh. Dharmesh Sharma, ADA. In his absence, Sh.Rajesh Makkar will be the Nodal Officer.
- iv. All the Administrators, Estate Officers, DDAs, ADAs and Advocates on penal of HUDA should visit the website of HUDA regularly and ensure that the important judgements decided in favour of HUDA on law points should be mentioned in the reply / grounds of appeal.
- v. All the Zonal Administrators have not carefully gone through the instructions issued vide memo No.3179 dated 28.05.07 (hosted on the web site also) the information in the formats enclosed with the said circular has not been sent so far for which displeasure was shown and they were directed to send the information in the formats in future and strictly follow the instructions as these instructions are not been followed in letter and spirit.
- vi. In the cases, where delay has been caused in filing appeal, detailed affidavit for condonation of delay must be filed by the Estate Officer giving full facts. The Estate Officer shall explain the delay on the basis of day to day movement of the file. Original plot file will be sent to the Advocate at the time of filing the written statement / appeal and Estate Office shall keep the photostat copy

- of the plot file. Before the file is sent to the lawyer, an Index of the file will be prepared and it will be page-marked. After the appeal/written statement is filed, original plot file will be taken back from the lawyer and will be kept in the record of HUDA and photocopy of the plot file shall be delivered to the counsel at the time of taking back the original plot file for the purpose of defending the case.
- vii. The Zonal Administrators and Dy. Distt. Attorneys posted in their offices shall be responsible for monitoring of the all court cases in their jurisdiction and they will ensure that the appeals and written statements are filed within time. They will also check the dairies of the Law Officers, Dy. Supdts and dealing Assistants regarding court cases.
  - viii. At the time of filing appeals before SCDRC, all the Estate Officers and ADAs of Estate Offices shall ensure that the requisite draft under second proviso of section-15 of C.P. Act is prepared in correct name and payable at correct place. If the appeal is to be filed before SCRDC, Haryana, Panchkula, the draft be prepared in the name of Secretary, SCDRC, Haryana, Panchkula payable at Panchkula and if the appeal is to be filed before SCDRC (UT), Chandigarh the draft should be prepared in the name of Secretary, SCDRC, (UT), Chandigarh payable at Chandigarh. For drafts in wrong name, Estate Officer and ADA shall be personally held responsible.
  - ix. The record of a court case should be kept on plot file and no separate file be maintained in the concerned Legal Cell in the field. On receipt of any communication from any Court, the same shall be marked to the dealing Assistant through ADA and Dy. Supdt. However, the para-wise comments shall be prepared by dealing Assistant and same shall be approved by Dy. Supdt. & ADA. The written statement shall be got prepared by the ADA from the counsel engaged.
  - x. If there is no Law officer in any Estate Office, the Estate Officers concerned will engage with the approval of Zonal Administrator any counsel as retainer for daily Legal work and they may fix the fee to be paid to them, keeping in view the volume of work subject to maximum of Rs.5000/- p.m. except in case of Gurgaon, Faridabad & Panchkula where the maximum ceiling will be Rs.10000/- p.m.

**Subject : Proceedings of the review meeting of officers held on 08.04.2008 at 11.00 AM at Inderdhanush Auditorium, Sector-5, Panchkula under the Chairmanship of Chief Administrator, HUDA.**

The list of participants is attached at Annexure 'A'

After review of Court cases, Advocates, Deputy Superintendents & Law Officers of Estate/Administrators' offices and HQs left the meeting and the regular agenda items were taken up with the remaining officers as under :-

### **1. Computerisation**

The status of the Computerisation was reviewed Estate Office wise. Chairman impressed upon the need that each Estate Officer shall take the complete ownership for the implementation of the project and take every step for its successful implementation.

- (i) IT Wing was directed to send a copy of the RFP and Agreement for digitisation project to the Administrators and Estate Officers through e-mail.
- (ii) The Chairman conveyed his displeasure regarding lack of information from Bhiwani and Rewari Estate Offices.
- (iii) SM(IT) informed that at some places, LAN cabling has not been got done properly. He advised that each Estate Officer and concerned S.E. may ensure proper electrical and LAN cabling in respective Estate Offices and in the offices of Executive Engineers in each Division and in circle offices.
- (iv) Zonal Administrators were requested to review progress of computerization on atleast weekly basis.

### **2. Review of updation and authentication of Statistical Booklet of HUDA.**

All the Administrators/Estate Officers were asked to send complete information regarding residential/industrial/commercial and infrastructure sites alongwith their size immediately, as on 31.03.2008. All the Administrators were also asked to furnish a certificate by 30.04.08 for their complete zone that the statistical data of each urban estate under their jurisdiction ending 31.03.08 available at HUDA web site is correct and the entire land mentioned therein is in possession of HUDA.

**3. Review of appeal cases under section-17(5) of HUDA Act.**

- (i) The Administrator, Faridabad was directed to dispose off the two appeals dated 14.02.2002 and 06.09.2000 at the earliest possible. Similarly Administrator, Panchkula was directed to give notice and decide the appeal dated 28.10.1996 which has been stated to have been adjourned Sine-die on 06.10.1998.
- (ii) All the Administrators were directed to disclose of all the pending appeals as on 31.03.08 by 30.06.08 positively. It was once again reiterated by the Chairman that the Zonal Administrators have been vested with quasi judicial powers while deciding appeals under Section 17(5) where they are obliged to give a finding whether the orders passed by the Estate Officer are legally tenable, in accordance with Rules & Regulations or not. Only when they arrive at a conclusion that irregularities/illegalities were committed by the Estate Officers then they can set aside the orders of the Estate Officer but they do not have the discretionary powers to give any relief to an allottee beyond HUDA policy once they have come to the conclusion that the orders of the Estate Officers were correct.

**4. Review of resumption of plots in cases where 15 years have elapsed.**

The Chairman took a serious note of the non compliance of the directions issued by Head Office / higher authorities, seeking certain information, from time to time.

- (i) A note of CTCP had been circulated amongst all Estate Officers in January-2008, wherein it had been desired to submit information of those resumed plots, where after resumption, HUDA has taken over the possession of resumed property and is in a position to re-dispose off the same. However, none of the Estate Officer has given the above information so far, inspite of lapse of 3 months.

Chairman cautioned all the officers that the awaited information should be sent immediately and such lapses in future shall not be tolerated.

- (ii) It was also observed that some of the Estate Officers have not initiated resumption proceeding against the allottees who have
  - (a) failed to get the building plans approved by 30.06.07 and

- (b) who although got the building plan approved but failed to apply for occupation certificate by 31.12.2007. The Estate Officers, HUDA I&II Gurgaon although participated in the meeting, but did not have any figures, pertaining to sectors within their jurisdiction. The Chairman directed that his displeasure may be conveyed to both the EOs in writing.
- (iii) It was also decided that a clear statement on the prescribed format, shall be prepared by them and sent to HQs immediately.
- 4. It was also decided that all the Estate Officers shall finalize the proceedings U/S 17 of HUDA Act, 1977 already initiated against the violators within the stipulated period/ time limit, but at the maximum before the next review meeting.

**5. Review of plots in respect of which possession has not been handed over.**

- (i) The Engineering Cell / Chief Engineer HUDA shall look into the matter at personal level and ensure that on going development works are completed expeditiously and in case the executing agency fails to complete the work within the stipulated period, the Engineer-in-Charge shall be directly responsible for any financial loss to HUDA due to non-offering of possession within stipulated time limit.
- (ii) Chief Town Planner, HUDA shall carry out an extensive exercise so as to ensure that all the pending demarcation plans/ zoning plans, if any are finalized at the earliest. In case where there is inordinate delay, a status report shall be submitted by him, giving therein the names of the officers responsible for the same.
- (iii) All the zonal Administrators / Estate Officers shall also look into all the cases wherein it shall not be possible to hand over the possession in near future either due to litigation /stay / encroachment (not possible to remove immediately) and thereafter, a proposal for allotment of alternative plots shall be submitted to HQs within next 30 days.

**6. Status regarding application for transfer of ownership of plots.**

The Chairman took it every seriously that in spite of regular discussions and decisions taken in the last review meetings that "Transfer permissions should be decided within the time limit as given in the 'Citizen Charters', there seems to be no improvement. Huge pendency

still persists, but a couple of Estate Offices. After discussions, following decisions were taken:-

- (i) A show cause notice be conveyed to the Estate Officer where huge pendency still persists as to why the concerned Estate Officer and Dy. Superintendent be not charge sheeted (except Estate Officer, Panchkula).
- (ii) Estate Officer, Panchkula shall take some drastic steps to clear the pendency within next 7 days, as the post of Estate Officer, Panchkula was lying vacant for a considerable period during last 3 months.
- (iii) It was also decided that in case of request received from GPA, registered other than at Chandigarh, Delhi and Haryana, original allottee should be asked to make them-selves present at the time of transfer.
- (iv) Wherein the request has been lying pending due to observance of certain formalities / documentation, lacking on the part of transferor or transferee, a final show cause notice may be given, that in case of failure on their part to complete the formalities/ documentation within 15 days the request shall be rejected.

## **7. Removal of Encroachment**

- (i) Chairman had shown his anguish as not even an inch of encroachment has been removed during the last 3 months i.e. (01.01.2008 to 31.03.2008). During the discussions, all the Estate Officers admitted that they did not take any step/ action to remove the encroachment during this period, due to their preoccupation to meet the targets, as the current financial year was coming to an end. The Chairman did not find this plea convincing one. It was observed that such attitude of Estate Officers, who are real custodian of the HUDA property, was not at all desirable.

After discussions, it was decided that all the Estate Officers shall take effective efforts to remove the encroachments and take preventive steps so that no new encroachment comes up.

- (ii) It was also ordered by the Chairman that concerned Estate Officers shall get the satellite imagery done of all the encroachments existing in their respective urban estates and send prints of the same to head office with encroached areas duly marked as desired in Review Meeting held on 16.11.2007 minutes of which were circulated vide letter No.Dy.ESA. HUDA-2007/41164 dated 26.11.07.

## **8. Review of Development Works**

- C.E., HUDA apprised that the over all expenditure of Engineering Wing is Rs.669.36crores for the year 2007-08 against the budget of Rs.620.00 crores.
- (i) Chairman was not satisfied with the progress and directed that the EDC works against which a lot of money is lying unused such as Sonepat should be taken up immediately.
  - (ii) C.E., HUDA requested to fill up the posts lying vacant in the Engineering Cell so that financial achievement of budget for the year 2008-09, which is proposed to be Rs.875.00 crores, be achieved. Chairman directed the Administrators to review the budget proposal for the year 2008-09 and they should send the proposals if any to provide infrastructures as per public demand.
  - (iii) Complaint centres in various Urban Estates should be setup and land line connection be provided in these complaint centres and uploaded on the HUDA web site.

## **9. Review of Sanction of Building plans**

- (i) Senior Architect HUDA apprised that Opening balance of E.O. Gurgaon-I, E.O. Gurgaon-II, Rewari, Hisar, M.T. Adampur, Sirsa, Bhiwani, Hansi, MT.Bhatu, MT Ratia, Rohtak and Panipat did not tally with the 'balance pending' column of reports for Nov.-Dec.-2007.
- (ii) Three oldest pending applications were repeated in case of E.O-I Gurgaon (3 cases ), E.O.-II Gurgaon (3 cases ), Fatehabad (1 case), MT Adampur (1 case) and Bhiwani (3 cases ).
- (iii) Wrong formats are being used by E.O. Rewari, all E.Os of Hisar and Rohtak zone.
- (iv) E.O.Faridabad had not sent the consolidated information for months of January, February and March-2008. He had sent separate information for each month, which was not required. Similarly, E.Os Gurgaon had not sent the information in consolidated form.

Chairman desired that above mistakes be rectified in the next statement positively. He further desired that Administrators must take action to resolve the old cases being shown in the statements.

Cases dated as far back as 2002, 2004, 2005, 2006 being shown as pending are unacceptable and Administrators must take the issue seriously to sort out such cases. Similarly, cases shown as pending due to dues and misuse were most unsatisfactory. These cases should have been rejected under the rules. Similar situation could be seen in cases of Hisar zone, Gurgaon zone, Faridabad zone, Panchkula zone and Panipat in Rohtak zone. It was desired that processing of these cases be speeded up so that these are not reflected in the next review.

#### **10. Grant of Occupation Certificates**

- (i) Opening balance of E.O.-I Gurgaon, E.O.-II Gurgaon, Hisar, M.T Tohana, Sirsa, MT Ratia Rohtak and Panipat does not tally with balance pending column of reports for Nov. & Dec.-2007.
- (ii) Three oldest pending applications were repeated in case of Sirsa (3 cases), Jind (3 cases), Bhiwani (3 cases) Kurukshetra (1 case) and Karnal (2 cases).
- (iii) Wrong formats are being used by all E.Os of Hisar & Rohtak zone.
- (iv) E.O. Faridabad had not sent the consolidated information for months of January, February and March-2008. He had sent separate information for each month. E.Os Gurgaon had also not sent the information in consolidated form.
- (v) Statements of March were received on 4<sup>th</sup> and 7<sup>th</sup> April-2008. This delay in sending information makes it impossible to process the case in time at the HQ. Responsibility of the officials causing delay in sending reports be fixed by Administrators and HQ be informed of the same before the next meeting.
- (vi) Reflection of old cases dating as far back as 2001, 2002, 2003 were viewed very very seriously by Chairman and it was again instructed that these be processed and sorted out by Administrators. He reiterated that Estate Officers who now had the power of compounding cases must compound those which are compoundable under the rules and take action against those which are non compoundable. Action will be taken against the Estate offices where it is found that no action to remove violations has been taken within the six months period given for removal of violations under the rules. It was desired that these old cases should not be reflected in the review list in future and that these cases would be sorted out by the Administrators before the next meeting.



## **11. Review of disposal under RTI Act.**

The Chairman directed all the officers to take the applications under the RTI Act seriously and ensure that these are disposed off within the prescribed time limit. The Chairman desired that information sought by the applicants should be given priority and old applications should be disposed off at the earliest.

- (i) The Zonal Administrators who were designated as Ist Appellate Authority under the RTI Act should also take care of the problems of the general public relating to the RTI Act. As Appellate Authority, they should pass speaking and well reasoned orders.
- (ii) Pendency of first appeals with the Appellate Authorities of HUDA will also be reviewed in the next meeting. To resolve the above problem, the following format may be followed in future.

Balance as on _____	Applications received during the month of _____08	Information supplied	Balance as on _____	Date of oldest application pending	Appeals pending with 1st Appellate Authorities alongwith date of oldest appeal pending.	Remarks
1	2	3	4	5	6	7

- (iii) EO-I & EO-II Gurgaon had not mentioned the date of oldest applications lying pending with them. Chairman show his displeasure for this.

## **12. Review of disciplinary cases**

The Chairman took a serious view of the pendency of disciplinary cases for more than 3 years. He asked Zonal Administrator, Rohtak to ensure that the disciplinary proceedings pending with EO HUDA, Bahadurgarh for more than 5 years is disposed off by this month. He also asked Administrator, HUDA, Faridabad to dispose off the enquiry pending with him. The Administrator, HUDA, Faridabad informed that in fact the enquiry has been completed by his predecessor and he has requested him to send the report which he will try to procure at the earliest.

## **13. Review of Recoveries**

**(i) Compliance report of incorporation of new clause of interest of delayed payment of installment in the affidavit by transferee and re-allotment letter in transfer cases/new allotment cases.**

The compliance report of Rohtak and Sonapat has not been received. Administrator, Rohtak was directed to send the compliance report and ensure that the interest clause is added in the new allotment letters and re-allotment letters and the affidavit by the transferee as per the instructions issued by the Head Office.

**(ii) Status of non nuisance professional consultancy service charges:**

(a) There are 57 cases i.e. 45 cases in EO-I Gurgaon, one case in Karnal, 10 cases in Panchkula and one case under court stay in Ambala where misuse is running in the premises where notice under section 17 of HUDA Act have been issued. These cases might have been finalized as all the Estate Offices have filed an affidavit in this regard in the Hon'ble Punjab & Haryana High Court. The latest report in this regard may be sent.

(b) Rs. 23.50 lacs have been recovered out of the recoverable amount of Rs. 66.12 lacs. Chairman directed that the balance outstanding amount may be recovered within two months.

**(iii) Dues against petrol pumps:**

(a) It was observed that huge amount is recoverable on account of lease rent from the petrol pumps in the various Urban Estates despite the fact that instructions were given to all the Estate Offices to seal the petrol pump sites by 31.12.2007 where the dues have not been paid. Estate Officers were directed to take necessary action to recover the dues other wise petrol pump may be sealed.

(b) CCF to circulate the new performa to the Estate Officers in which the overdue recovery of rent of petrol pump sites should be clearly indicated.

**(iv) Development charges from released land:**

It was apprised by the CCF that out of Rs.148.96 crores only Rs. 15.13 crores have been recovered on account of development charges from released land leaving a balance of Rs.133.82 crores.

(i) EO-II, Gurgaon inquired whether the development charges are to be recovered from those cases where the party has deposited the EDC with Town & Country Planning Department. It was made

clear that in such cases the demand of development charges may not be raised.

- (ii) Chairman directed the Estate Officers while conveying the development charges to the parties should attach the calculation sheet showing the working of development charges. It was again emphasized that where the parties are not paying the development charges, steps may be taken to acquire the area and the case be referred to HQ through concerned Administrators with the intimation to the concerned party. Efforts may be made to recover the outstanding dues as early as possible.

#### **5. Recoveries:**

Over all recoveries for the year 2007-08 works out to 98.48% (Recovery of EO-II, Gurgaon has been taken upto Feb., 2008).

- (i) Chairman appreciated the Estate Officer, Rohtak where the recovery is more than 150% and also observed Estate Officers Ambala, Bhiwani, Jind and Sonipat as satisfactory where the recovery is more than 125%. The recovery of Estate Officers Gurgaon-I, Gurgaon-II and Hisar which is more than 100% was found to be good but in case of Estate Officers Bahadurgarh, Faridabad, Jagadhari, Karnal, Kaithal, Kurushetra, Panchkula, Panipat, Sirsa, where the recovery was less than 100%, it was rated as poor recovery.
- (ii) The recovery under the head enhanced compensation, development charges of released land and new sale commercial was found to be on the lower side.
- (iii) It was decided that 10% of the amount received in the auction of commercial sites may be booked under the head new sale commercial after auction and balance 15% may be booked under the head new sale commercial as and when it is received.

#### **Monitoring at the level of Administrators.**

- (i) Chief Administrator expressed his displeasure on the laxity shown by the Zonal Administrators. It was stressed that the development activities and co-ordination work should be closely monitored by the Zonal Administrators concerned. For this purpose, they should hold periodical meetings. All important issues like finalization of layout plans, demarcation plans, zoning plans, expenditure, review of court cases, development programmes, GLS/Mandi Township and unauthorized encroachments should be reviewed in these meetings.

- (ii) It was also desired that proper alphabetical sequence be followed while consolidating the reports at HQ and analyses be shown in the slide itself at the end of the table.

### **Inspection Reports**

- (i) It was decided in the last review meeting held on 24.01.08 that inspection of atleast one sector will be made by the Estate Officer concerned compulsory every fortnight in case of full time Estate Officers and in a month in case of Estate Officers who are holding additional charge alongwith the senior members of that sectors RWA.
- (ii) Chairman took it very seriously and displeasure conveyed to all the defaulter Estate Officers. It was also observed that no report received from the Estate Officers Rewari, Dharuhera, Narnaul, Bhiwani, Jind, Panipat, Bahadurgarh and Kaithal.
- (iii) It was also desired that not only to conduct the inspection but also to take up follow up action for the discrepancies noted in the maintenance.

The meeting ended with the votes of thanks to the Chair.

**Subject : Proceedings of the review meeting of Officers held on 08.04.2008 at Inderdhanush Auditorium, Sector-5, Panchkula under the Chairmanship of W/Chief Administrator, HUDA.**

Draft proceedings of the above meeting is placed below for approval please.

(R.R.Kapoor)  
Dy.ESA,  
HUDA, Panchkula.

Admn(HQ)