

From

Director,  
Urban Local Bodies, Haryana,  
Chandigarh.

To

1. All Divisional Commissioners in the State
2. All Commissioners, Municipal Corporations
3. All Deputy Commissioners in the State.
4. All Executive Officers / Secretaries,  
Municipal Councils / Committees.

Memo No. CTP/A3/2010/  
Dated

Subject: Policy for Registration / Transfer of Floor-wise Dwelling Units situated within the municipal limits.

---

It is intimated that as per the decisions taken in the meeting held under the Chairmanship of Hon'ble Chief Minister, Haryana on 11.11.2008 regarding registration of independent floors, the Department has issued notifications dated 23.07.2009 under the provisions of the Haryana Municipal Act, 1973 and the Haryana Municipal Corporation Act, 1994 for charging of 1% extra duty in addition to a normal stamp duty. For implementation of the above decision of the Government, the following guidelines for registration of independent floors within the area of Municipal Corporations / Councils / Committees have been formulated and got approved from the Government.

#### **1. APPLICABILITY OF FLOOR WISE REGISTRATION :**

The registration of independent floor shall be allowed in case of the residential buildings situated in approved residential Town Planning schemes, Improvement Trust Schemes or any other schemes approved / adopted by the State Government or regularized colonies and the existing buildings located inside the original limits of Municipal Corporation / Council / Committee. The registration of independent floors shall be allowed only in case of the buildings having access from at least 20 ft. wide street / road.

Explanation : Original limits means limits notified for the first time around a settlement under the Haryana Municipal Corporation Act, 1994 and Haryana Municipal Act, 1973.

#### **2. PARAMETERS FOR FLOOR WISE REGISTRATION OF BUILDINGS :**

i) Every building subject to the provisions of Haryana Municipal Corporation Act, 1994 / Haryana Municipal Act, 1973 / Haryana Improvement Trust Act, 2008 and Regulations / Rules / Bye-laws framed under these Acts can have a separate and

independent unit on each floor. Each such dwelling unit shall be designated as 'Independent Floor'. Each 'Independent Floor' shall be recognized as a distinct, identifiable property with a separate identification number, to which the owner shall have title alongwith proportionate rights in the declared common areas and common facilities, rights of access, easements and other ownership rights as well as the right to use, transfer or dispose off the property in accordance with the applicable law and rules.

ii) Owner of each 'Independent Floor' shall be entitled to separate utility connections such as water supply and electricity subject to building regulations / rules of Power Utilities.

iii) The basement, if any, allowed in a residential building shall not constitute a separate sub division/ floor. The basement shall form a part of the 'Independent Floor' at ground level. However, in case owners of different 'Independent Floors' in a building intend and agree to use basement as a common area for facilities such as parking or other plant and equipment required for different floors in the building, they may have undivided proportionate rights in the basement.

iv) No increase in maximum permissible FAR will be allowed. However, the owner shall have an option to distribute the maximum permissible coverage equally on all the floors.

v) No sub division of plot and vertical division of building shall be allowed.

vi) Disputes, if any, shall be limited to the agreement partners and the Department of Urban Local Bodies, Haryana or Municipal Corporation or Municipal Council / Committee, in whose jurisdiction the site falls, shall not be a party. No claim shall lie against the afore-mentioned authorities by any of the parties for non-construction.

### **3. ELIGIBILITY CRITERIA & OTHER CONDITIONS : -**

**3.1)** Only such owners shall be eligible to transfer the floor wise ownership of his/ her building:

a) Who has completed all the three floors as per approved building plans / building bye laws and obtained occupation certificate thereof from the competent authority,

OR

Who has got approved the building plans for all floors and submits a joint undertaking by the transferee/ transferors in the form of an affidavit that they mutually agree to complete construction of their respective floors, as per approved plan, within a reasonable specified period, can be allowed to transfer floor wise ownership rights. This agreed reasonable period shall be clearly mentioned in the re-allotment letter as well conveyance/ sale deed.

b) That there is no misuse of the site/ building.

c) That the owners of 'Independent Floors' in a building shall make adequate arrangement for parking of their vehicles within their premises and shall not misuse road/ public property for parking in any manner what so ever.

**3.2)** Any two 'Independent Floors' can be jointly allowed to be transferred provided the ownership of both the floors is being transferred to one person.

#### **4. PROCEDURE FOR TRANSFER OF OWNERSHIP OF FLOORS :**

**4.1)** The present owner shall make an application to the sub-registrar for transfer of the ownership of 'Independent Floor' under the transfer of property Act. The request shall be accompanied by the following information/ documents:

i) The area/ floor proposed to be transferred alongwith details of Common areas and common facilities duly defined on the prescribed format(s) and further shown and marked on the approved building plan.

ii) Original allotment letter or copy of registered sale-deed or Conveyance deed or any other proof of ownership.

iii) A copy of the approved building plan.

iv) A copy of the occupation certificate (in case of constructed building).

v) Photographs of existing building showing front, back and side elevations.

vi) Any other document prescribed by the Registrar/ Sub-Registrar for registration of such floors.

**4.2)** All the provisions of Haryana Municipal Corporation Act, 1994 / Haryana Municipal Act, 1973/ Improvement Trust Act, 2008 and Regulations / Rules / Bye-laws framed under these Acts, from time to time and covenants shall apply, as the case may be, pari passu, to such floors and to the owners thereof, as they did and would have, to the site of building and the owners thereof.

#### **5. COMMON AREA AND COMMON FACILITIES : -**

##### **5.1) Definition:**

*“Common Area and Common Facilities in relation to a residential building shall include the land covered by the building and all easements rights of access and other similar rights belonging to the land and the building. The common structures such as foundations, columns, beams, supports, main valves, common roofs, corridors, staircase, fire escapes, entrances and exist of the building. Such parking areas, passages, driveways, gardens, storage space, spaces for security, as per required or specified for common use. Installations of common services such as power, light, gas, water, heating, refrigeration, air conditioning, sewerage, elevators, tanks, pumps, ducts and such other common facilities as may be prescribed from time to time. All other parts of the building and land necessary for maintenance, safety and common use.”*

**5.2)** The common areas and common facilities shall remain un-divided and no owner or occupier of any 'Independent Floor' or any person shall be entitled to seek a partition or division of any part thereof. For the registration of such independent floors, in addition to the normal Stamp Duty, 1% extra Stamp Duty will be paid by the party desirous of registering the floor wise dwelling units through a separate challan, This 1% Stamp Duty will be paid by the treasury to the concerned Commissioner / Executive Officer / Secretary of Municipal Corporation / Municipal Council / Municipal Committee.

It is, therefore, requested that necessary action may be taken as per the above guidelines on the requests for transfer / registration of independent floors.

D.A. / As above.

District Town Planner  
For Director, Urban Local Bodies, Haryana,  
Chandigarh.

Endst. No. CTP/A3/2010/

Dated

A copy is forwarded to the Financial Commissioner & Principal Secretary to Govt. Haryana, Urban Local Bodies Department for information.

District Town Planner  
For Director, Urban Local Bodies, Haryana,  
Chandigarh.