

BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1984

CONTENTS

1. Title and commencement
2. Definitions
3. Offer of sites for allotment
4. Reservation of sites to economically weaker sections
5. Allotment of stray sites
6. Allotment of sites to institutions
7. Allottee to be Lessee
8. Registration
9. Application
10. Eligibility No person
11. Principles of selection of applicants for allotment of sites and reservation of sites
12. Value of the site
13. Conditions of allotment and sale of site
14. Restrictions, conditions on sales of sites
15. Voluntary surrender
16. Savings
17. Repeal

SCHEDULE 1 :- Schedule

BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1984

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976, (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, namely:-

1. Title and commencement :-

(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) Rules, 1984.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Bangalore Development Authority Act, 1976, (Karnataka Act 12 of 1976);

(b) "Allottee" means the person to whom a site is allotted under these rules;

(c) "Backward Tribes" means the Backward Tribes as notified by Government in G.O. No. DPAR 1 SBC 77 dated 4th March, 1977, as amended from time to time;

(d) "Economically Weaker Section", a person shall be considered to be belonging to the economically weaker section if

(i) his total annual income including that of any member of his family does not exceed rupees 6,000; and

(ii) he is a domicile of Karnataka for not less than 10 years. Provided, that such person shall have to produce certificates from the employer or the competent authority as the case may be;

(e) "Family" in relation to a person means such person, the wife or husband, as the case may be of such person, and the children, parents, sisters and brothers of such person, and wholly dependent on him;

(f) "Form" means a form appended to these rules;

(g) "Income" means the annual income of a person;

(h) "Physically handicapped person" means a person who

(i) suffers from total absence of sight or whose visual acuity does not exceed 3/60 or 10/200 (snellen) in the better eye with corrected lenses; or

(ii) in whom the sense of hearing is fully non-functional for the ordinary purpose of life; or

(iii) who has physical defect or deformity which causes adequate interference to impede normal functioning of the bones, muscles and joints and who has been certified to that effect by a Government doctor not below the rank of a District Surgeon;

(i) "Scheduled Castes" and "Scheduled Tribes" means the Scheduled castes and the Scheduled Tribes specified in respect of the State of Karnataka in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950 for the time being in force;

(j) "Stray sites" means a site which was once allotted but subsequently the allotment was either cancelled by the Authority or surrendered by the allottee or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

3. Offer of sites for allotment :-

(1) Whenever the Authority forms an extension or layout in pursuance of any scheme, the Authority may, subject to the general or special orders of the Government, offer any or all the sites in such extension or layout for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the last date for submission of applications and such other particulars, as the Commissioner may consider necessary, by affixing a notice to the Notice Board and the Office of the Authority and any other office as the Commissioner may decide from time to time and by publication in not less than three daily news papers published in the City of Bangalore in English and in Kannada, having a wide circulation in the city.

4. Reservation of sites to economically weaker sections :-

(1) The Authority may set apart 30% of the total number of sites in any area for allotment to persons belonging to economically weaker section at 50% of the value of the sites.

(2) Out of the sites set apart under sub-rule (1), the Authority shall allot not less than 15%, 3% and 2% of the sites to the persons belonging to Scheduled Castes, Scheduled Tribes and Backward Tribes respectively and the remaining sites to other persons belonging to economically weaker sections.

5. Allotment of stray sites :-

The Bangalore Development Authority shall dispose of stray sites in accordance with the guidelines issued by Government.

6. Allotment of sites to institutions :-

Notwithstanding anything contained in these rules, the Authority may on lease basis, allot sites other than sites reserved for civic amenities, public parks and play grounds to educational, religious or charitable institutions which are either societies registered under the Societies Registration Act, or Trusts for public purposes, on such rent or subject to such conditions as may be specified by the Authority:

Provided that the total area allotted to such institutions in each

layout shall not exceed five per cent of the total sital area.

7. Allottee to be Lessee :-

The site allotted under these rules, shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease, the allottee shall pay to the Authority before the commencement of each year, rent at the rate of rupees five per annum where the area of the site does not exceed two hundred square metres, rupees ten per annum where the area of the site exceeds two hundred square metres, but does not exceed five hundred square metres, and rupees twenty per annum where the area of the site exceeds five hundred square metres.

8. Registration :-

(1) Every applicant for a site shall register his name on payment of registration fees as specified in the table below. If an applicant withdraws the registration the Authority shall refund to such applicant the entire registration fee paid by him after deducting ten per cent of the registration fee towards service charges. The Registration shall be done in Form

TABLE

Area of the Site in Sq. Metres	Registration fee
(a) 350 and above	Rs. 2000
(b) 225 and above but below 350	Rs.500
(c) Below 225	Rs.100

(2) Registration made shall be valid for subsequent allotments unless the applicant has withdrawn the registration.

9. Application :-

(1) A person so registered as above has to apply in the prescribed Form II for allotment of a site along with the initial deposit of 12 1/2% of the notified cost of the site. The initial deposit shall be 5% in the case of persons applying for sites under the categories of Scheduled Castes Scheduled Tribes and Backward Tribes.

(2) The applications shall be presented in person or sent by registered post so as to reach the office of the Authority before the date and time fixed for the receipt of such applications. Applications received after the date and time fixed or which are defective and incorrect shall be rejected.

¹ [

(3) In a case where applications have already been made for allotment of sites in response to a Notification already issued by the Authority and where the applications are still pending without a decision as to their disposal and fresh applications have been called for, for allotment of further sites, the applicant who was already applied for allotment of a site and paid the initial deposit in response to the first Notification, need not pay once again the initial deposit. However, he should make application in response to the second Notification in Form-II (A) which is appended to these rules.]

1. Sub-rule (3) inserted by GSR 108, dated 30-4-1987.

10. Eligibility No person :-

(1) who is a minor.

¹[

(1-A) Who has been allotted a Site or House in any part of our State or Country at a subsidised price.]

(2) who is not a domicile of Karnataka for not less than ²[fifteen years] immediately prior to the date of registration; and

(3) who or any member of whose family owns a site or a house or has been allotted a site or a house by the Bangalore Development Authority or any other Authority within the Bangalore Metropolitan Area shall be eligible to apply for allotment of a site;

Provided that the requirement of ³[fifteen years] domicile may be relaxed;

(i) in the case of persons who are domiciled in the State of Karnataka but being in the armed forces of the Union and servicing outside the State of Karnataka;

(ii) in the case of persons who are domiciled in the State of Karnataka but have gone outside the State for ⁴ [employment or higher studies] and who bona-fide intend to reside in the Bangalore Metropolitan Area.

(iii) with the prior permission of Government, in the case of persons who have achieved outstanding distinction in the field of art, science, sports, or in any other field.

1. Clause (1-A) inserted by GSR 21, dated 18-1-1997.

2. Substituted for the words "ten years" by GSR 21, dated 18-1-1997.

3. Substituted for the words "ten years" by GSR 21, dated 18-1-1997.

4. Substituted for the words "employment, business, studies or training" by GSR 21, dated 18-1-1997.

11. Principles of selection of applicants for allotment of sites and reservation of sites :-

(1) The sites shall be allotted among the different categories as follows:

(a) \Backward Tribes-2%

(b) \Scheduled Tribes-3%

(c) \Scheduled Castes-13%

(d) \Members of the Armed forces of the Union, Ex-[10%]
\servicemen and members of the families of deceased \
\servicemen

(e) \State Government employees-10%

(f) \Employees of the Central Government and Public Sector \
\Undertakings and Statutory Bodies owned or controlled \
\by the State Government or the Central Government-8%

(g) \Physically Handicapped-2%

(h) \General Public-[47%]

(i) \To be allotted at the discretion of the Authority with \
\preference being given to persons who have outstanding \
\achievements in the Arts, Science or Sports or any other-5% \
\field

Explanation.

(i) If at the time of making an allotment sufficient number of applications from persons belonging to category (a) are not received then the remaining sites reserved for the category shall be transferred to category (b) and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining sites reserved for these categories shall be

transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received, then the remaining sites reserved for these categories shall be transferred to category (h).

(ii) If at the time of making an allotment, sufficient number of applications from persons belonging to any of the categories (d), (e), (f) and (g) are

(2) In respect of the categories (a) to (h) the Authority shall consider the case of each application on its merits and shall have regard to the following principles in making selection:

(i) The marital status of the applicant, that is, whether he is married or single and has dependent children,

(ii) The income of the applicant and his capacity to purchase a site and build a house thereon for his residence;

Provided that this condition shall not be considered in the case of applicants belonging to Scheduled Castes, Scheduled Tribes and Backward Tribes.

(iii) the number of times the applicant had applied for allotment of a site and the fact that he did not secure a site earlier though he was eligible and had applied for a site;

(iv) the fact that the land belonging to the applicant has been acquired by the authority for the formation of the layout for which he has applied;

(3) For the purpose of sub-rule (2) the authority shall constitute a committee called the Allotment Committee consisting of three official members and three non-official members. The Chairman of the authority shall be the Chairman of the Allotment Committee.

(4) Subject to the approval of the authority the decision of the Allotment Committee shall be final.

(5) Subject to the provision of rules 8, 9 and 10 the authority shall allot the sites under category (i) at its discretion with preference being given to persons who have outstanding achievements in the arts, science, sports or in any other field.

12. Value of the site :-

The value of a site notified while inviting applications may be altered by the authority and an allottee may accept the site at the altered price or decline allotment.

13. Conditions of allotment and sale of site :-

The allotment of a site under these rules shall be subject to the following conditions:

(1) The allottee shall, within a period of ninety days from the date of receipt of notice of allotment, pay to the authority the balance site value deducting the initial deposit. If the value is not paid within a period of ninety days, [The authority shall, on application of the allottee, extend the time for payment for a further period not exceeding two hundred and ten days and the allottee shall pay in addition, interest at the rate of eighteen per cent on the said amount for the first sixty days of the extended period and at the rate of twenty one per cent for the next hundred and fifty days of the extended period.] If the amount is not paid within such extended period

Provided that where an allottee is a person belonging to a Scheduled Caste or a Scheduled Tribe or to a Backward Tribe or to a family of Defence personnel killed or disabled during hostilities and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest, within a period of three years in three equal annual instalments

from the date of receipt of the notice of allotment.

[Provided further that Government may, on application of the allottee and for reasons to be recorded in writing, extend the period specified under this sub-rule till such time as it deems fit and the allottee shall pay in addition to the balance site value interest at the rate of twenty one per cent on such balance site value in respect of the period so extended in addition to the interest payable for the period of two hundred and ten days extended by the Authority.]

(2) After payment under sub-rule (1) is made, the Authority shall call upon the allottee to execute a lease-cum-sale agreement in Form III and thereafter the execution of such agreement by the allottee. If the agreement is not executed within 45 days after the Authority has called upon the allottee to execute such agreement, the registration fee paid by the allottee may be forfeited the allotment of the site cancelled and the amount paid by the allottee, after deducting such expenditure as might have been incurred by the Authority, refunded to him. ¹

(3) Every allottee shall construct a building on the site in accordance with the plans and designs approved by the Authority. If in any case it is considered necessary to add any additional conditions, the Authority may make such additions in the Lease-cum-sale agreement.

(4) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the Authority as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Authority and the allottee.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Authority or the Corporation, as the case may be for the time being in force.

(6) The allottee shall construct a building within a period of three years from the date of execution of the agreement or such extended period as the Authority may in any specified case by written order permit. If the building is not constructed within the said period the allotment may after reasonable notice to the allottee be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Authority and after forfeiting twelve and half per cent of the value of the site paid by the allottee the Authority shall refund the balance to the allottee.

(7)

(i) On the expiry of the period of ten years from the date of the lease-cum-sale agreement and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement the Authority shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice.

(ii) If the allottee fails to get the sale deed executed within the time specified the Authority shall itself execute the same and recover the cost and other charges if any incidental thereto from the allottee as if the same amount are due to the Authority.

(8) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(9) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found to be incorrect or false, the site value deposited shall be forfeited and the site shall be resumed by the Authority.

1. Proviso to sub-rule (2) omitted by GSR 6, dated 2-1-1999, w.e.f.

4-2-1999

14. Restrictions, conditions on sales of sites :-

(1) Notwithstanding anything contained in these rules, the Commissioner may at the request of the allottee of a site execute a deed of conveyance subject to the restrictions, conditions and limitations specified in sub-rule (2).

(2) The conveyance of site by the Commissioner in favour of an allottee (herein referred to as the purchaser) shall be subject to the following restrictions, conditions and limitations namely:

(a) in the case of a site on which a building has not been constructed:

(i) the purchaser shall construct a building on the site within such period as may be specified by the Authority as per plans, designs, and conditions to be approved by the Authority or in conformity with the provisions of the Karnataka Municipal Corporation Act, 1976 and the Bye-laws made thereunder.

(ii) the purchaser shall not without the approval of the Authority construct on the site any building for the construction of which the site was allotted granted or sold.

(iii) the purchaser shall not alienate the site within a period of ten years from the date of the conveyance except by mortgage in favour of the Government of India or the Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any Company or Co-operative Society approved by the Authority or any Corporation set up owned or controlled by the State Government or the Central Government to secure moneys, advanced by such Government, Corporation, Co-operative, Board, Society or Corporation, as the case may be for the construction of the building on the site.

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of agreement, except by mortgage in favour of the Government of India, the Government of Karnataka, the Life Insurance Corporation of India, or the Karnataka Housing Board or any Company or Co-operative Society approved by the Authority to secure moneys advanced by such Government, Corporation, Board or Society or Company for the construction of the building on the site.

(c) in the event of the purchaser committing breach of any of the conditions in clause (a) or clause (b) the Authority may at any time, after giving the purchaser reasonable notice, resume the site free from all encumbrances. The purchaser may remove all things which he has attached to the earth.

Provided that he has left the site in the State in which he received it, all transactions entered into in contravention of the conditions specified in clause (a) and (b) shall be null and void ab initio:

Explanation. In this rule, references to the authority shall be deemed to include the references to the commissioner when authorised by the Authority by the general resolution to exercise any power vested in the authority.

(3) Notwithstanding anything contained in sub-rule (2) but without prejudice to the provisions of rule 13 where the lessee applies that for reasons beyond his control he is unable to reside in the City of Bangalore or by reasons of his insolvency or impecuniosity it is necessary for him to sell the site or site and the building, if any, he may have put up thereon the Bangalore Development Authority may, with the previous approval of the State Government either:

(a) require him to surrender the site, where there is no building in its favour; or

(b) where there is a building put up permit him to sell the vacant site and building:

Provided that

(i) in case covered by clause (a) the Authority shall pay to the lessee the allotted value of the site and an additional sum equal to the amount of interest at twelve percent per annum thereon; and

(ii) in case covered by clause (b) the lessee shall pay to the authority a sum equal to the amount of interest at twelve per cent per annum on the allotted value of the site.

15. Voluntary surrender :-

An allottee may at any time after allotment, surrender the site allotted to him to the Authority. On such surrender the Authority shall refund all amounts paid by the allottee to the Authority in respect of the said site.

16. Savings :-

Nothing in these rules shall be applicable to the sale or transfer of sites by the Authority to

(a) The Karnataka Housing Board for construction of houses; or

(b) the State Government for any purpose;

(c) the Karnataka State Road Transport Corporation, the Bangalore Water Supply and Sewerage Board and the Karnataka Electricity Board.

17. Repeal :-

The Bangalore Development Authority (Allotment of Sites) Rules, 1982 are hereby repealed.

Provided that repeal shall not affect the previous operation of the said rules or anything duly done or any action duly taken under the said rules.

SCHEDULE 1

Schedule

The Schedule

Site No formed by the Bangalore Development Authority in

Block No in the Extension.

Site bounded on East by

West by

North by

South by

and measuring East to West.....North to South..... in al

measuring..... square feet/Square Metres.

In witness whereof the parties have fixed their signature of this Agree ment.

Witness:

(1)

(2)

Secretary,

Bangalore Development Authority,

Bangalore

Witness:

(1)

(2)

Lessee/ Purchaser.

