

Government of India
Ministry of Urban Development
Land and Development Office
Nirman Bhawan, New Delhi

File No.24(667)/2005-CDN/

Dated:- 20.10.05.

OFFICE ORDER NO.11/05

Sub:- Inspection of leased premises-Instruction thereof,

As per the existing instructions, in cases where the inspection is refused but on subsequent inspection if the breaches are found, the date of refusal of inspection is to be the crucial date for recovering the damages and misuse charges. Similarly, in cases where the inspection could not be carried out if the premise is found locked, in spite of proper notice, the same is treated as refusal of inspection and in such cases also, on subsequent inspection, if the breaches are found, the crucial date for recovery of damage/misuse charges will be the date on which the premises were found locked. In cases where the lessee claims the vacation of the breaches but does not allow inspection to verify such claims the crucial date for recovery of damages/misuse charges will be actual dated of first inspection.

2. It has been observed that in several cases, after the premises were found locked or where the inspection has been refused, no show cause notice is issued to the lessee/allottee nor was the lessee given any opportunity to explain why the inspection was not allowed or why the premises were found locked. There has also been a large gap of several years before issue of re-inspection notice. In some of such cases, on subsequent inspection some breaches were noticed and damages/misuse charges were recovered taking into account the date of refusal/the date on which the premises were found locked as the crucial date. Some of the lessees have contested this on the plea that the observation/remarks of the inspecting officials are not correct and they should have been given opportunity to represent against such observation within reasonable time. In view of these representations, the entire matter has been re-considered and it has been decided to computerize the inspection procedure and issue of breach notice etc. For this, the NIC has prepared Inspection Module and the user Manual has been circulated to all Sections. Therefore, henceforth, the following procedure is to be adopted in the matter of inspection of leased premises:-

- (i) The concerned Dealing hand should generate Property I.D. through the NIC and thereafter a computer generated note may be prepared before the files are referred to the Technical Section for inspection.

Contd.

- (i) The Tech Section shall fix the date of inspection and issue the computer generated notice for inspection.
- (ii) The inspecting official shall feed the breaches in the computer on the same day and one hard copy shall be retained in the Technical Section and one copy to be added to the property/Lease file after the I.R. is signed by the AE/BO/EO as required. **The photograph of the premise should be taken invariably and one copy of the photograph of site should be added to the file. In cases where the premise is found locked or internal inspection is not allowed, the external inspection may be carried out and photographs also should be taken.**
- (iii) Where external breaches are noted in such cases, a breach notice specifying such breaches should be issued stating that internal inspection was not allowed. This fact should be added to the list of breaches.
- (iv) The lease/property Section shall issue Computer generated breach notice with the approval of the Branch Officer, within 15 days of the receipt of the file from Technical Section.
- (v) In cases where the inspection is refused or the premises found locked, a show cause notice should issued within a maximum period of 3 months from the date of such refusal. Further, wherever re-inspection is required after show cause notice, such re-inspection should be carried out within a maximum period of 6 months. In all such cases it may be ensured that all such notices, and breach notices are sent by Speed Post.
- (vi) It is the responsibility of the dealing hand concerned to ensure that the show cause notices are issued within the stipulated time and also that inspection is carried out. In case of failure, responsibility will be fixed and the action will be taken against such delinquent officials.

3. The issues with the concurrence of Finance Division, Ministry of Urban Development.

V. Sreekumar

(V. Sreekumar)
Public Relation Officer

To

All Officer/Sections.