

No. F.6(38)/89 - CDN./431
Government Of India
Ministry of Urban Development
(Land & Development Office)

Nirman Bhawan, New Delhi.
Dated the 30th October, 2009.

Office Order No. 14/2009.

Subject :- Processing of applications for conversion from Lease Hold to freehold and for substitution/mutation/ sale/mortgage/ gift permission or NOC

It has been noticed that the applications for Conversion/substitution/mutation/NOC/permission for sale or gift or mortgage etc., are not being processed as per the spirit of the Orders/policies issued by this office from time to time. Moreover, inordinate delay has also been noticed in inspection of the properties, which has been made mandatory as per Office orders No. 7/2008.

2. Accordingly it has been decided with immediate effect that the following procedure must be followed while processing all such applications :-

- (i) Immediately on receipt of an application for conversion/substitution/mutation/permission for gift or sale or mortgage/NOC for construction or additional construction etc., the concerned dealing assistant will first check the Inspection history and if the property has not been inspected during the last one year preceding the date of receipt of application in case of conversion and three years in other cases, then he will generate a computer generated Inspection Note and send it, through Branch Officer, the **INSPECTION VOLUME ONLY** to Technical Branch through E.O. for inspection. This shall be done **within one week from the receipt of the application.**
- (ii) The complete property/Lease files must not be sent to Technical Branch. The inspections should be got done through a separate **INSPECTION VOLUME**, which should contain only the inspection related data such as previous IRs, copies of existing plans/sanctioned BPs/completion plans, copy of Revised Proforma if any, copies of relevant notings/decisions of the Competent Authority condoning/regularizing any breach, copies of relevant notings made by the Technical Branch etc.
- (iii) All the sections will ensure that such separate **INSPECTION VOLUMES** are prepared and only these, and not the main property files, are sent to the Technical Branch. In case the complete file is required by

the Technical Branch, the same would be sought from the concerned Property/Lease Section, only with the approval of E.O. giving reasons recorded in writing.

- (iv) It must be ensured that original Sanctioned Building Plan or its blue-cloth mounted copy attested by the Local Body or DDA as the case may be, as provided by the lessee/applicant, is placed in the Inspection Volume for further action by Technical Branch. However an attested copy may be kept in the property file.
- (v) The separation of Inspection Volume will ensure that the action in both the Branches i.e. Property Section as well as Technical Section goes on simultaneously and will avoid the long delays in processing of applications. It will also ensure that the Inspection record is available in one volume and that no breach is left unnoticed. Lastly, it will avoid the unnecessary movement and logistical problems of sending & ensuring safe custody of voluminous files between Property and Technical Branch.
- (vi) If inspection has been carried out within the last one year from the initial date of the receipt of the application, then fresh inspection need not be carried out in conversion cases, in other cases the period is three years.
- (vii) The Technical Branch will strictly ensure the following:-
 - a. Inspection notice should be issued within 5 working days from the date on which Inspection Volume is sent by lease/property section.
 - b. The Inspection must be done with photographs -- as mandated under O.O 11/2005 and 3/2008.
 - c. When there is a refusal, external inspection from all sides, must be done with photographs.
 - d. Thereafter, the inspection report should be entered within one working day after carrying out the inspection. In case, due to any problem the Inspection Report is not entered in the computer within this period, written approval of EO will have to be obtained.
 - e. Failure of the supervisory AE/BO to point out the delay in adhering to the above time-schedule and taking corrective action, would make the said AE/BO also liable for the delay.
 - f. Re-inspections shall be done in at least 10% cases by the AEs/ B.O. and/or EO and monthly report on the re-inspections shall be submitted to I.&DO, which should contain the following;

- a) Number of properties re-inspected;
 - b) The reason for re-inspection i.e. *Suo Motto* or complaint or prima-facie incorrectness;
 - c) Whether deviation from Inspection Report found;
 - d) Whether deviations are explainable/justifiable;
 - e) If not, what action has been proposed/taken against the Surveyor/Overseer/AE as the case may be.
- (viii) In all cases where there is complaint of gross misuse / unauthorized constructions/encroachment etc, inspection should ideally be conducted by a team of officials comprising of EO along with BO/AE and/or concerned JE.
- (ix) In the following cases, the re-inspection would be done by the Dy. I.&DO along with E.O and BO/AE/JE :-
- a. where the Lessee/allottee/legal heir is disputing the facts of IR, or
 - b. where the IR reveals prima-facie inconsistent/incorrect details,
 - c. where there is a difference between the IRs of the Overseer and re-inspection done by AE/EO.
- (x) In the Property Sections, after sending the INSPECTION VOLUME to Technical Branch for inspection, the property file would be processed **simultaneously further** and if any deficiency is found in the application or documents, the same shall be conveyed to the applicant, within 15 days, prescribing 30 days time to respond to the objections.
- (xi) After the **INSPECTION VOLUME** is received back with fresh Inspection Report from the Tech. Branch, further action will be taken as under :-
- a. One copy each of the IR and related noting will be placed in the main file;
 - b. In case breaches have been reported, appropriated decision will be taken on the same and the breaches will be conveyed to the applicant /lessee as the case may be within a period of **15 days from the date of receipt of the Inspection Volume in the concerned Lease/Property section.**

- c. In case there are no breaches, then further action will be taken as per extant instructions/procedure.
3. After receipt of response against the breaches/technical inspection report, the file shall be put up with the response received, **within 10 days of receipt of the same**, for a decision of the competent authority on the issues involved and the same shall be conveyed to the applicant/lessee. If the applicant/lessee/legal heir etc. intimates the removal of breaches or dispute the breaches, then the same would be verified from the Technical Branch or action for re-inspection would be taken as mentioned above.
4. If the demanded documents or any response are not received within the given period of 30 days, the file shall be put up, **within a period of 7 days of expiry of the period of 30 days**, for rejection of the application and refund of the amounts, wherever applicable, with draft letters and action for breach of lease/allotment terms & conditions will be initiated.
5. If the demanded documents/clarification/response are received, then **within 10 days of receipt of documents**, the files would be sent, to VLO along with sections comments as per policy, for examination of the documents, wherever required as per instructions. If legal opinion of ALA is required, the same may be sought/secured after framing proper issue for advice / opinion of the Ministry of Law.
6. The decision on conversion/substitution/mutation etc., in compliance of Court orders, will be processed as per the orders of Courts or as per the decision taken by the Competent Authority for filing of any appeal etc.. **However, the inspection must be conducted without disturbing the time-schedule of compliance of such orders or Appeal.**
7. In no case will the issue be treated as closed without concluding action on the report received from the Technical Branch to ensure compliance of the terms and conditions of allotment/lease.
8. After completion of the action by Technical Branch the concerned section Will draw the terms to be issued to the lessee/applicant **within 7 working days** from receipt of the file and will send the file to IAC for vetting of the terms. The IAC will offer their comments within 10 days from receipt of the file.
9. The above procedure would also apply, mutatis mutandis, in case of receipt of any RTI application, legal notice, complaint, Court case or request for information/documents/status etc. Firstly, action on these requests will be completed promptly. Thereafter, if inspection has not been conducted in the last 1(one) year, the updated Inspection Volume will be sent for Technical

Inspection immediately and further action will be taken in accordance with the directions mentioned in preceding paras.

10. In cases of substitution/mutation etc. the fresh demand letter shall be issued simultaneously with the substitution. The substitution letter as well as the demand letter shall include the condition that the substitution is conditional to the payment of the demanded amount. If the same is not paid within the given period of 30 days, the substitution shall stand cancelled and further action will be taken for determining the lease and re-entry, without any further show-cause notice.
11. Previous instructions which are in contradiction to the instructions contained in this Office Order, stand overruled with immediate effect. However, all other relevant instructions are required to be strictly followed.
11. This issues with the approval of Secretary (UD), Ministry of Urban Development.



(SURENDRA SINGH)
Dy. Land & Development Officer

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1. All officers.
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