



No. PA/ADC/ 784  
Dated 28/1/16

NO. F.V.D.U. 104  
Dated: 28/1/16

# CHANDIGARH ADMINISTRATION FINANCE DEPARTMENT

No. L 465  
Dated 29-1-16

## Order

Hon'ble Apex Court in SLP No.13917 of 2009 titled Suraj Lamp and Industries Pvt. Ltd. Vs State of Haryana and Anr. only reiterated that any transfer of property is to be governed by the Transfer of Property Act, 1882 read in conjunction with Indian Stamp Act, 1899 and the Registration Act, 1908. Simply put it means that the transfer of property is valid only if it happened through a duly stamped Conveyance Deed. The same was again emphasized by Hon'ble High Court of Punjab and Haryana in CWP No.16227 of 2009 titled Amritpal Singh Vs. Chandigarh Administration.

Now, therefore, in supersession of all previous notifications that are in contravention of essence of the above said narration, the transfers of dwelling units in the Cooperative House Building Societies in Chandigarh OR Apartments constructed by Chandigarh Housing Board shall also be as below:-

1. The Society shall get chunk of land allotted to it transferred in its name on freehold or leasehold as per the terms of allotment by paying the prescribed stamp duty on actual amount paid to Administration, as consideration.
2. Thereafter, the transfers of individual dwelling units shall happen only through Deed of Conveyance or Lease Deed, as the case may be, to be executed on stamp paper of prescribed value based upon price of dwelling unit as notified by Collector from time to time.
3. No Dues Certificate for Outgoing Member (Seller) and Certificate of Eligibility to become member of the Concerned Cooperative Society for Incoming Member (Purchaser) issued by Managing Committee of concerned Cooperative House Building Society shall be pre-requisites before Deed of Conveyance or lease deed, as the case may be, as in para 2 above is executed.
4. Outgoing Member (Seller) shall also deposit unearned increase/ (Transfer Fee in lieu of it) as notified by Administration from time to time, in Govt. Treasury in prescribed Head in accordance with the Capital of Punjab (Development & Regulation) Act, 1952 and the Rules framed there under, under which the land was allotted to the Society originally.

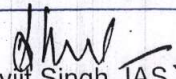
Buy 29/1

SA

28/1  
Sub-Registration

This issues with the approval of H.E. the Administrator, Union Territory,

Chandigarh.

  
Sarvjit Singh, IAS  
Finance Secretary,  
Chandigarh Administration

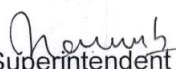
Chandigarh, dated the  
12<sup>th</sup> January, 2016

Endst. No. 31/1/452/UTFI(4)/2015/ 819

Dated, the 22/01/2016

A copy is forwarded to the following:-

1. Controller, Printing & Stationery Department, U.T. Chandigarh for publishing this order in Chandigarh Administration Gazette (extraordinary) and to supply 20 printed copies thereof for official use and record.
2. Chairman Chandigarh Housing Board, Chandigarh;
3. Secretary Cooperation, Chandigarh Administration;
4. Registrar, Cooperative Societies, U.T. Chandigarh.
5. Deputy Commissioner-cum-Collector, U.T. Chandigarh;
6. Estate Officer, U.T. Chandigarh;
7. Secretary, Chandigarh Housing Board, Chandigarh.

  
Superintendent Finance I,  
For Finance Secretary,  
Chandigarh Administration.