

From

Principal Secretary to Government, Haryana  
Town & Country Planning Department  
Chandigarh

To

Director  
Town & Country Planning Department  
Haryana, Chandigarh.

Memo No: Misc-454 /2021/28849

Dated: 16.11.2021

**SUBJECT: POLICY FOR GRANT & UTILIZATION OF TRANSFERABLE DEVELOPMENT RIGHTS (TDR).**

In supersession of all existing policy instructions pertaining to TDR till date, viz. policy dated 21.08.2015; part of policy dated 09.02.2016 where it mentions about TDR as amended from time to time, the Government after examining the responses/suggestions received from general public and stake-holders sought on the draft TDR policy through public notice bearing No. Misc-454/Astt(AK)/8/14/2019-2TCP dated 01.07.2019, issues the following policy instructions for grant & utilization of Transferable Development Rights (TDR) under the provisions of Section 6A read with Section 9A of the Haryana Development and Regulation of Urban Areas Act, 1975.

### **POLICY**

**2.0 FOREWORD:** This policy intends to make it simple for such land-owners, whose land is required for critical infrastructure needs of the development plan, to surrender his land in favour of the Government in return of a TDR Certificate, which can be monetized by the land-owner by selling it to various developers/users in the same Development Plan.

If the owner whose land is eligible for issuance of TDR Certificate within the urbanisable limits of any development plan, makes an application on the prescribed format, for handing over the possession of such land, to vest with the Government through the Director, for all intents and purposes, free from all encumbrances, shall, notwithstanding anything contained in the Act or rules framed thereunder, be entitled to be granted TDR Certificate upon payment of prescribed fee and charges, and the terms and conditions based on which the TDR Certificate is issued.

**2.1 Online Process for Application, Scrutiny, Issuance, Processing & Utilisation:** The Department intends to make the complete process online, right from inception of the policy, to enable efficiency and transparency in the entire process. All TDRs shall be

created, stored and transferred in digital format only through an application to be developed exclusively for the purpose. However, during the intervening time in which such online process gets ready for use, the applications may be accepted and processed manually subject to condition that the same shall be integrated with the online system as and when it is functional.

**3.0 APPLICABILITY OF THIS POLICY:** To enable aggregation of land for integrated infrastructure development within the urbanisable limits, a TDR Certificate can be issued on such land/ site designated for the following purposes based on the approved sectoral plan:

- i. **Sector Roads & Green Belts [SRGB]:** Such roads, of any width, which are provided in the development plan, irrespective of whether they serve as a divider between two sectors or two land use zones within a sector are sector roads. In addition to sector roads, all green belts provided in the development plans along such sector roads shall also be considered to be eligible for grant of TDR certificate. The alignment of such sector roads and green belts shall be as that approved in the sectoral plan.
- ii. **Sectoral Plan Road Pockets [SPRP]:** Such internal sector roads, of 30m/24m/18m ROW or otherwise, as approved in the sectoral plans, which function as sub-arterial roads of the development plan and also serve as conduits for external services within a sector are 'sectoral plan roads'. Pockets of land falling in the approved alignment of such sectoral plan road are called as 'Sectoral Plan Road Pockets' or 'SPRP'.
- iii. **EDC Works site [EDWS]:** Such sites as earmarked in the approved sectoral plan against various EDC Works, viz, College, Hospital, ESS etc., as shown in the sectoral plan.
- iv. **Open Space Zone [OS]:** Such sectors or part of sector, **excluding** the green belt along sector roads, designated as open space zone in the development plan shall be also considered to be eligible for the purpose of issue of TDR certificate.
- v. **Public & Semi Public Zone (PSP):** Such sectors or part of sector, excluding the green belt along sector roads, designated as PSP Zone in the Development Plan shall also be considered to be eligible for the purpose of issue of TDR certificate.

The extent and benefit of TDR against any land pocket shall be governed by various factors, which are taken into account while calculating the 'notional land', as detailed under clause 4.3 below.

**3.1** In order to ensure effective implementation of the policy, the present TDR policy shall be implemented in phases. The priority list for the said purpose of phasing of projects shall be prepared by a committee constituted under the chairmanship of Director, Town and Country Planning, Haryana and shall be submitted to the Government for its approval from time to time.

**3.2** Land offered under TDR policy for a particular project should be above a threshold critical level so that the Government is not saddled with disparate parcel(s) that are not contiguous and hence cannot be used for taking the project forward. If reaching such a critical level is difficult because of multiplicity of owners, the approach adopted in land pooling collaboration such as in E-Bhoomi can be resorted to.

**3.3** Needless to add that, the balance land for any such project, for which applications under the TDR policy are not received in the prescribed time frame, shall be considered for acquisition under prevailing policy/statutory framework. However, the benefits accrued under the TDR policy and the compensation/enhancement paid for the acquisition under prevailing policy/statutory framework shall remain completely independent of each other and no claim against comparison of benefits shall lie and no such request in this regard shall be entertained.

#### **4.0 PROCEDURE FOR TDR APPLICATION**

**4.1 TDR Application:** Such land-owners, whose land fulfill the criteria as prescribed under para 3 above and who intend to seek TDR certificate for their land, may apply to the Director in accordance with the time frame, as prescribed, along with the following documents:

- i. Scrutiny fees at the rate of Rs 10 per sqm on the applied land;
- ii. Ownership documents depicting clear title of land;
- iii. Verification certificate of ownership from concerned Deputy Commissioner;
- iv. Indemnity Bond in favour of the Director, protecting the Director against any land dispute that is raised on such land in future;
- v. Undertaking to transfer the title and possession of such land to the Government through the Director for all intents and purposes and free

from encumbrances, in case of receipt of LOI for issuance of TDR Certificate;

- vi. Undertaking that no claim against comparison of benefits accrued under the present TDR policy and the compensation/enhancement paid for the acquisition of balance land for any such project, for which applications under the TDR policy are not received in the prescribed time frame under prevailing policy/statutory framework, shall be made by the beneficiaries of this policy, at any time.
- vii. Any other document that the Director may demand.

**4.2 Scrutiny of TDR Application:** Upon scrutiny of the application, in case the TDR application is found to be in order, a provisional offer shall be issued to the applicant, calling upon the applicant to transfer the title of such land in favour of State Government through Director, by way of a “conveyance deed”, within a period of 90 days. The possession of land shall also be handed over to the Director or his authorized representative, designated for the purpose. Stamp duty payable, if any, on such transfer shall be paid by the applicant.

Provided that the land surrendered for SRGB/ SPRP/ EDWS /OS/PSP shall be kept safe by fencing by the applicant(s) at the time of grant of TDR certificate.

**4.3 Calculation of Notional Land for which TDR Certificate is to be issued:** The TDR shall be issued after conversion of the site area in the form of a notional land having collector rate of Rs. one crore per acre, to be obtained after multiplying with the index based on the following formula:

Notional Land (in acres)	=	Land Rate Index as per weighted average collector rate for the surrendered land applicable as on 1 <sup>st</sup> January of the calendar year of application submission	X	Area of land surrendered in favour of Government (in acres)	X	Land Use Index
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- Note:
- (1) This process intends to normalise all TDRs issued in different corners of the Development Plan to bring them at the same level and make them comparable.
  - (2) For ‘Land Rate Index’ the figure of collector rate in ‘Rs. Crores per acre’ shall be adopted.
  - (3) The collector rate, as notified by the Deputy Commissioner concerned, prevailing as on 1<sup>st</sup> January of the calendar year of application

submission, shall be considered to be applicable for the purpose of grant of TDR certificate irrespective of the date on which it is eventually utilized.

(4) For this purpose, the collector rate of 'vacant agricultural land' shall be applicable.

(5) The following land use index shall be considered for this purpose:

Sr. No.	Land Use of surrendered land	Land Use Index
i.	(a) Land/site designated as SRGB;	2.00
	(b) (i) SPRP in Residential/Commercial/Special zone or in multiland-use sectors which though not falling in Res/Comm/Spl zone serve the residential/ commercial/ special zone/ Land use	2.00
	(b) (ii) SPRP in Industrial/Public & Semi Public Zone or in multi-land use sectors which though not falling in Industrial/Public & Semi public zone serve the industrial/public & semi public zone/land use	2.00
ii.	(a) All EDC works sites approved in the sectoral plan	1.75
	(b) Open space zone other than any included above	1.75
iii.	Public & Semi Public zone (PSP)	1.5

**4.4 General terms and conditions for application & grant of TDR certificate:** The general terms and conditions for filing of application & issue of TDR certificate shall be as follows:

- (i) The following minimum area norms shall be followed for applying for TDR certificate:
  - a) For SRGB and SPRP, there shall be no minimum area norms.
  - b) For open spaces, minimum area of land to be surrendered shall be 5 acres and for EDWS/PSP, minimum area of land to be surrendered shall be 2.5 acres approachable from minimum 4 karam revenue rasta.
- (ii) Every such TDR Certificate that is issued shall carry an FAR of 2.0.
- (iii) TDR certificates shall be split into units of 50 sqm built-up area to enable its ease of transfer and utilization. The balance of built-up area available beyond the multiples of 50 sqm shall get added into the last TDR certificate.
- (iv) Any TDR certificate issued in a specific development plan shall be valid for

utilisation only in the same development plan.

**4.5 Applicable Fees and Charges:** The applicable fees and charges for TDR shall be as follows:

- (i) The land-owner applicant shall be required to pay only scrutiny fees at the time of applying of TDR certificate. The scrutiny fees, once paid, shall be non-refundable.
- (ii) The colonizer/ project proponent intending to utilise the TDR certificate through increase in FAR of its project by amendment in the zoning plan shall be liable to deposit the following charges, as applicable on the date of utilizing the TDR Certificate:
  - a. Infrastructure Augmentation Charges-TDR (IAC-TDR) at rates, as prescribed;
  - b. EDC against the increased covered area at prescribed rates for different uses;
  - c. IAC-TOD for such projects where the additional FAR is utilized on projects that have already availed the benefit of TOD.
- (iii) The said charges, i.e., IAC-TDR, EDC, IAC-TOD, as applicable, shall be recovered at the time of such amendment in zoning plan.
- (iv) The said charges, i.e., IAC-TDR, EDC, IAC-TOD, as applicable, shall be recovered on the increased covered area based on the notional land of the receiving site
- (v) Needless to clarify that a TDR certificate not being a licence, no additional licence fees, conversion charges or Infrastructure Development Charges, as prescribed in the Act no 8 of 1975 for the purpose of grant of licence shall be recovered.
- (vi) The rates for IAC-TDR to be recovered for utilisation of such TDR certificate shall be as follows:

Sr No	Purpose	Hyper	High-I	High	Medium	Low
1	GH/HDGH/ TOD-GH	1200	700	700	350	100
2	AGH	200	120	120	60	20
3	Commercial/ TOD-Commercial	3500	2500	2000	1000	250
4	Cyber Unit/ Cyber Park/ Cyber City	2400	1400	1400	700	200
5	NILP-GH	900	500	500	250	70
6	Industrial [Other than (4) above]	400	200	200	100	30
7	Institutional/ Residential Plots	400	200	200	100	30

NOTE:

I. All figures are in Rs per square meter, leviable on the permitted increase in covered area on all floors against the notional land of the receiving site.

**5.0 TRANSFER & UTILISATION OF TDR CERTIFICATE :** The transfer of TDR Certificate shall be governed by the following policy parameters:

- i. The TDR certificate can be split into multiple certificates of not less than 50 sqm built up area and sold any number of times to any person intending to utilize the same in their existing colony/project within the same development plan.
- ii. Any such TDR certificate shall be freely transferable in the open market, based upon mutually agreed financial considerations between the buyer and the seller. Provided that no such transfer shall be treated as valid unless a 'Transfer application' is filed online on the Department portal and an online transfer is executed after completing the transfer formalities, subject to condition as prescribed under para 2.1 above.
- iii. The department portal shall have an online mechanism, free of manual interventions by the department, to authenticate the credentials of the transferor and the transferee. Upon such successful authentication, the name of the new transferor shall be entered in the TDR certificate.
- iv. The timeframe involved in online transfer of TDR certificate shall not exceed three working days from the date when such transfer is sought by any applicant.
- v. In case of an existing colony where the benefit of increased FAR and/or density is proposed to be availed:
  - a. Revision of Zoning clauses to the extent that it depicts the increased FAR shall be required.
  - b. The prevailing instructions, as amended from time-to-time, regarding seeking objections from existing allottees for approval of revised building plans shall continue to be applicable.
  - c. Fresh Structural Stability from reputed institutions like National Institute of Technology (NIT), Kurukshetra or Indian Institute of Technology (IITs) shall be required to be procured.
- vi. No relaxation in setbacks and ground coverage shall be permitted.
- vii. The TDR certificate shall stand extinguished and as when an application is received for its utilization through revision of zoning plan.
- viii. For the purpose of availing the benefit of development rights on the site receiving the TDR, the 'notional land of TDR certificate' shall be converted into 'notional land of the receiving based on the following formula:

$$\text{Notional Land of the receiving site (in acres)} = \frac{\text{Notional land of TDR Certificate (in acres)}}{\text{Land Rate Index: Weighted average collector rate for the receiving site applicable as on 1st January of the calendar year of application submission in which the TDR is utilised}}$$

- ix. The benefit of increased FAR to be availed in the zoning plan shall be calculated 'on the notional land of the received site', derived as per Sr. no (viii) above.

## 6.0 UTILISATION OF TDR CERTIFICATES.

**6.1 Maximum FAR and Density to be permitted with TDR:** Additional FAR can be availed by the applicant himself or by the purchaser of TDR Certificate on the following types of projects to the following extent:

Sr No	Type of Colony/ Site/ Project	Applicable FAR	Applicable Density (ppa)	Max FAR with TDR	Max Density (ppa) with TDR
1.	GH	1.50/1.75	300-400	3.0	Existing +200
2.	AGH	2.25	750-900	3.0	Existing + 175
3.	HDGH	1.75	450	3.0	Existing +200
4.	TOD (GH)	3.5/2.5	600/430 (±10%)	5.0/4.0	Existing +150
5.	CL	1.75	NA	3.0	NA
6.	TOD-CL	3.5/2.5	NA	5.0/4.0	NA
7.	NILP-CL	3.0	NA	4.5	NA
8.	MLU	1.75	80	3.0	Existing +70
9.	TOD-MLU	3.5/2.5	NA	5.0/4.0	NA
10.	NILP-R	1.25	300	2.5	Existing +125
11.	CP/CC	2.5	NA	5.0	NA
12.	TOD(IT/ITES)	3.0/3.5	NA	4.5/5.0	NA
13.	IILP-IND	1.0	NA	2.0	NA
14.	CS/ I-CLU	1.0/1.5	NA	2.0	NA
15.	Res. Plot	1.0 to 1.65	18	2.4/2.64 (as applicable)	No change

Notations:

1. **SRGB**=Sector Roads and Green belts along such Sector roads;
2. **SPRP**=Sectoral Plan Road Pockets;
3. **EDWS**=Sites of EDC Works shown in Sectoral Plans in all land use zones
4. **R**=Residential Zone;
5. **C**=Commercial Zone;
6. **S**=Special Zone;
7. **IND**=Industrial Zone;
8. **INS**=Institutional or Public & Semi-Public Zone;



9. **GH**=Group Housing Components (1.5/1.75 FAR) in such colonies where permitted, except NILP;
10. **AGH**=Affordable Group Housing Component in all such colonies where permitted
11. **HDGH**=High Density Group Housing Project as provided in development plan
12. **TOD-GH**=Group Housing Licence under TOD
13. **CL**=Commercial Components in all colonies where permitted or Commercial CLU projects;
14. **TOD-CL**= Commercial Licenced Colony under TOD
15. **NILP-CL**= Commercial Licence granted under the NILP Policy dated 26.10.2015
16. **MLU**= Mixed Land Use Licence granted under policy dated 03.01.2014
17. **TOD-MLU**= Mixed Land Use Project under TOD Policy
18. **NILP**=Residential Licence granted under New Integrated Licencing Policy dated 26.10.2015
19. **CP/CC/ IT-ITES**= Cyber Park/Cyber city/ IT or ITES Units
20. **TOD-IT/ITES**= IT/ITES Project under TOD Policy
21. **IILP-IND**=Industrial Component under IILP policy dated 11.10.2017.
22. **CS**=Community Sites in licenced colonies
23. **I-CLU**= CLU Projects for Institutional Use
24. **Res. Plot**= Residential Plot in a Residential Plotted colony

Note: The parameters as above shall be applicable on the specified use irrespective of such use being either the main use or and ancillary use unless specifically excluded to such effect. For example, the group housing parameters shall be applicable to the group housing components availed either in a group housing colony or in a Cyber City or in an Industrial colony and so on, except group housing components in a NILP projects for which the parameters are separately specified.

6.2 For the purpose of utilization of any TDR certificate for any type of colony/ site/ project as indicated under para 6.1 above, its origin, i.e., the land use of the “conveyanced deed land” against which the TDR certificate is issued shall, be irrelevant.

## **7.0 UTILIZATION OF LAND FOR INTEGRATED INFRASTRUCTURE DEVELOPMENT.**

**7.1 Land for SRGB; EDWS ; OS & PSP:** The land available against Sector Roads/ Green Belts, EDC Works Sites, Public & Semi Public Zone & Open Space Zone are part of external development works and accordingly deserve to be handed over to the concerned agency responsible for undertaking external development works through the officer authorized by the Director for the said purpose.

**7.2 Land of SPRP:** The Director may designate a nodal agency for undertaking integrated infrastructure development along sectoral plan roads, either for the entire development plan or for group of sectors.

**7.3 Violation of TDR Certificate:** In case of violation of the TDR certificate, action shall be taken as per Section 10 of the Haryana Development and Regulation of Urban Areas act, 1975.

## 8.0 CONSTRUCTION AMENITY TDR :

When an owner or lessee with prior approval of the concerned Department may develop or construct the External Developments Work on the surrendered plot or on the land which is already vested in the Govt., at his own cost subject to such stipulations as may be prescribed and to the satisfaction of the concerned Department and hand over the said developed/constructed amenity free of cost to the concerned Department then he may be granted a Construction amenity TDR for utilisation in the same Development plan as per the following formula:-

$$\text{Construction Amenity TDR (in sqm.)} = \frac{\text{Cost of construction as per the rates of construction specified in PWD plinth area rates / Haryana Schedule of Rates (in Rs.)}}{\text{Average Weighted Collector rate for the land as on 1<sup>st</sup> January of the calendar year when construction is commenced (in Rs. per sqm)}} \times 2.0$$

## 9.0 SPECIAL DISPENSATIONS.

- i. This policy shall be applicable with prospective effect. However, all such colonizers, who had obtained license/TDR certificates under the policy dated 21.08.2015/09.02.2016, but have not utilized the same till date, shall have an option to either continue with the earlier license/ TDR certificate or seek benefits of the present policy, subject to payment of IAC-TDR/EDC/ IAC-TOD charges, as per the present policy upon adjustment of fee and charges already paid and fulfillment of minimum area norms as per clause 4.4(i).
- ii. No existing licenced area shall be considered for de-licencing or for migration for availing benefits of this policy.
- iii. To enable effective and efficient implementation of this policy the Director may issue additional directions, from time-to-time, as he may consider necessary.
- iv. Necessary amendments shall be carried out in the Act No. 8 of 1975 and Rules, 1976 for implementation of the above cited policy instructions.

This is issued as per approval of Council of Ministers in its meeting dated 02.11.2021, as received from the Secretary, Council of Ministers vide U.O No. 9/140/2021-2Cabinet dated 02.11.2021.

Sd/-

(A.K. Singh)

Principal Secretary to Government, Haryana  
Town and Country Planning Department, Chandigarh

Endst. No. Misc-454/2021/28850

Dated:- 16.11.2021

A copy of above is forwarded to the Secretary, Council of Ministers, Haryana in reference to his office U.O No. 9/140/2021-2Cabinet dated 02.11.2021 for information, please.

Sd/-

(A.K. Singh)

Principal Secretary to Government, Haryana  
Town and Country Planning Department, Chandigarh

