SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok Saturday 26th May, 2012

No. 245

GOVERNMENT OF SIKKIM URBAN DEVELOPMENT AND HOUSING DEPARTMENT GANGTOK

No. 6(866)/568/UD &HD/4

NOTIFICATION

Dated: 22.05.2012.

In exercise of the powers conferred by section 16 of Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985, (11 of 1985), the State Government hereby makes the following rules namely:-

Short title, extent 1 and commencement.

- 1. (1) These rules may be called the Sikkim State Site Allotment Rules, 2012.
 - (2) They shall extend to the whole of Sikkim.
 - (3) They shall come into force at once.

Cethnitiona.

- 2. (1) In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985;
 - (b) "Allotment " means allotment of sites for construction of building for the purpose of residence, commerce, residential-cumcommercial or any other trade or industry;
 - (c) "Building" includes a house, out-house, stable, privy, urinal, side wall (other than a boundary wall, not exceeding ten feet in height) and any other such structure whether of masonry or, bricks, wood, mud, metal or any other material whatsoever, and includes any temporary shed erected on ceremonial or festive occasions;
 - (d) "Commercial Areas" means an area designated for display and

sale of merchandise such as shops, stores, markets etc, either wholesale or retail, banking and financial institutions, private business houses and professional establishments of doctors, dentists, tailors etc. beauty parlour, barber shops, news-stands, milk booths, lunch counters and restaurants;

- (e) "Family" means applicant's wife or husband as the case maybe, minor children and also includes major children living jointly with the parents;
- (f) "Government" means the Government of Sikkim in the Urban Development and Housing Department and any other Department as may be authorised by the Government for carrying out the purpose of this Act;
- (g) "Industrial Areas" means an area designated for industrial use where products or materials of all kinds and properties are fabricated, assembled or processed e.g., Workshops, Assembly Plants, Laboratories, Handicrafts, Laundries, Dairies, Saw Mills, Power Plants etc;
- (h) "Institutional Areas" means an area designated for Institutional use. Buildings and structures under this shall include hospitals, clinics, homes for the aged, orphanages, colleges, schools, offices, etc;
- (i) "Notified area" means any area notified for purpose of Chapter II and III of Sikkim Allottment of House Sites and Construction of Building (Regulation and Control) Act, 1985;
- (j) "Notification" means a notification published in the Official Gazette;
- (k) "Notified green belt" means the green belt area notified by the Government and includes such other area which may be so declared by the Government by notification, from time to time;
- (I) "Person with disability or physically challenged" means a person with a condition or function judged to be significantly impaired relative to the usual standard of an individual or group. It refers to individual functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment mental illness, and various types of chronic disease;

- (m) "Residential Areas" means an area designated for buildings used for sleeping accommodation or normal residential purposes;
- (n) "Residential cum Commercial Areas" means an areas which has usage of both commercial and residential as defined above;
- (o) "Reserved Category" mean persons falling under Economically Weaker Section of the society, physically handicapped persons, victims of natural calamities and people with exemplary records in the area of Art, Science and Sports;
- (p) "Salami" means the amount payable by a person for allotment of a site under the provision of this Act but does not include ground rent or other rates, taxes or fees payable under the Act or other law in force in this State;
- (2) Words and expressions used in these rules and not defined in the rules but defined in the Act shall have the same meaning respectively assigned to them in the Act.

Mode of allotment.

- 3. (1) Site allotment shall be made primarily for the purpose of constructing a residential building in the designated residential areas only as under, namely:-
 - (i) in Commercial Areas: by auction/tender;
 - (ii) in Institutional Areas: by auction/tender;
 - (iii) in Industrial Areas: by auction/tender;
 - (iv) in Residential Areas: by lottery system as per specific reservation category;
 - (v) in Residential cum Commercial Areas: by lottery system as per specific reservation category;
- (2.) All the eligible applicants shall be considered for allotment through a draw based on random number technique. The draw shall be held in the presence of panel of observers.

Eligibility

- The applicant must possess Sikkim Subject or Certificate of Identification.
 - 2) He /She should have attained the age of majority. For this an applicant should have completed 18 (eighteen) years of age on the date of filing of the application for allotment of site.

- (3) The applicant must not own any residential flat or in part or on lease hold or free hold basis in the urban area of Sikkim in his/her wife/husband or in the name of his/her minor or dependent children within the notified urban area/ municipal area.
 - (4) One person can submit one application only.
 - (5) A person who has already been allotted a plot by the Government or any other land owning department shall not be eligible to apply for another Government site.

Reservations

- 5. The details of reservations under this rule shall be as under namely:-
 - (1) Thirty three percent (33%) of the site area will be reserved for Economically Weaker Section (EWS) of the society, physically handicapped persons, victims of natural calamities and people with exemplerary records in the area of Art, Science and Sports.
 - (2) Sixty seven percent (67%) of sites for all other possessing Certificate of Identification or Sikkim Subject Certification.
 - (3) In case of number of sites in respect of reserved category comes to fraction i.e., less than 0.5 it would rounded off to zero and if it is 0.5 or more it would be rounded off to one.

Procedure for application

- 6. (1) Any person applying for a site under these rules shall deposit registration fee of Rs 5000/- (Rupees five thousand only) by a single banker's cheque/ demand draft of State Bank of Sikkim drawn in favour of Urban Development and Housing Department payable at Gangtok, Sikkim. In case of reserved category, registration fee of Rs 2500/- (Rupees two thousand five hundred only) shall be deposited.
 - (2) The banker's cheque / demand draft shall be presented along with the application form and documents completed in all respects to the Town Planner on working days during the currency of the scheme.
 - (3) Application forms will not be accepted after the date of closure. In case it is found at any stage that the dates of issue of payment of instrument is after the closure of the allotment scheme, such applications would be summarily rejected and the applicant would be solely responsible for this. Urban Development and Housing Department shall not entertain such application in draw of lots.

- (4) The application form shall be signed by the applicant himself, who desires to get a site under the scheme. No applicant shall make any cutting, erasing or overwriting in the application. In case a person desires to make changes, it is advised to obtain and fill up a fresh application.
- 5) No conditional application form will be considered. Incomplete application forms shall be rejected summarily without conveying any reason to the applicant.

Documents to be submitted along with application form.

7. (1) For all categories:

The applicant shall furnish the following documents along with the application form, namely:-

- (i) attested copy of Sikkim Subject Certificate (SSC) / Certificate of Identification (COI);
- (ii) proof of residence namely attested copy of passport or identity card or election card or ration card or driving license or telephone bill or electricity bill or water bill or bank passbook (page carrying name and address)
- (iii) no landed property certificate of the applicant and family members issued by the District Collectorate;
- (iv) affidavit stating that the facts mentioned in the application form is correct and that legal action can be taken against him/her for misrepresentation of facts;
- in case of a woman applicant, certificate of marital status (if she claims to be single) or Sikkim Subject Certificate or Certificate of Identification of her spouse (if she is married);

(2) For reserved category:

- (a) In addition to sub rule (1) above, persons applying under any of the reserved categories;
- shall submit an attested copy of the original certificate from the District Collector of the area concerned in case the applicant belongs to the reserved category of economically weaker section;
- (ii) shall submit an attested copy of the original certificate issued by the Social Welfare Department, Government of Sikkim in case the applicant is applying under the reserved category of physically challenged persons;

- shall submit an attested copy of the original certificate from the District Collector in case the applicant is a victim of natural calamity;
- (iv) should have represented the State at the national and international levels and won at least one medal or have been bestowed with a national (sports) award in the area of sport;
- (v) should have been bestowed with at least one national or international award by the Government in the area of art and science;
- (b) The applicant who fails to submit the requisite documents will not be considered for allotment under the reserved category and will be treated as general category.

Procedure for allotment

- 8. (1) On being selected as a beneficiary for allotment, the proposal order may be collected from Urban Development and Housing Department within 45 (forty five) days from the date of result of the draw, which shall be displayed in the Departmental Notice Board failing which the allotment shall stand cancelled.
 - (2) The allottee shall deposit the site salami within 90 (ninety) days from the date of issue of the proposal order failing which the allotment shall stand cancelled.
 - (3) For the Economically Weaker Section the period of payment of site salami shall be 180 (hundred and eighty) days.
 - (4) If the payment is not made within the stipulated period, allotment of the site will be automatically cancelled. No show cause notice/intimation will be given for cancellation. No time extension for payment beyond the date of automatic cancellation shall be given. Also no restoration is allowed once the site is automatically canceled due to non-payment.

Payment of Site salami and regularization fee.

- The Government shall by notification fix different rates of site salami and regularization fee on the basis of the area, user and location from time to time.
 - (2) The site salami in case of the reserved category would be fifty percent (50%) of the total site salami applicable for general category

- (3) The payment of site salami and regularization fees shall be made by a Banker's Cheque/Demand Draft of the State Bank of Sikkim drawn in favour of "Urban Development and Housing Department" or any other as may be specified and payable at Gangtok, Sikkim.
- (4) Payment by cheque or in cash will not be accepted.

Status of Allottee

- All allotments shall be made on lease hold basis. 10.- (1)
 - In order to ensure that the concessional provisions meant for the (2) persons with disability and Economically Weaker Sections do not lead to misuse or speculation, the letter of allotment of such sites would specifically state that the transfer of the site prior to ten years from the date of execution of the lease deed would result in automatic cancellation of the site. However the Lease deed can be be transferred to the names of the family members if the allottee has expired.

Surrender and cancellation

- The successful applicants shall have the option to surrender the 11. (1) sites before and after the issue of the allotment order. Sites will be automatically cancelled if payments are not made within the prescribed period. No show cause notice shall be issued for the purpose. The site salami deposited is refundable without any interest.
 - Following documents shall be submitted for refund in case of (2)surrender/cancellation namely:-
 - original allotment order and proposal order issued by Urban (i) Development and Housing Department in respect of allotted site;
 - proof of residence in case there is change of address as (ii) given in the application form;
 - copy of the payment made; (iii)
 - any cancelled /surrendered site shall be advertised in future as (iv) a part of future allotment and allotment procedure shall be the same as for fresh advertisement and allotment;
 - in case the site is cancelled automatically as stated above, refund (vi) shall be made and no interest would be paid on amount deposited;

Mortgage /availing Ioan

The allottee can avail housing loan by mortgaging the site with prior approval of Government. Terms and conditions of the 12. mortgage loan shall be submitted for perusal and consideration of the Government before approval is accorded. No Objection

Certificate to mortgage the site will be issued only once by the Department.

Submission of Plan

13. The allottee shall submit Blue Print Plan within six months for approval, after execution of the lease deed. The Blue Print Plan shall be prepared in accordance with the Building Bye Laws.

Cancellation of Site

14.

- (1) If the construction is not taken up within a year from the date of issue of the Construction Order, the allotment shall be automatically cancelled. A show cause notice shall be served before cancellation. In exceptional cases the above period may be extended up to two years and not beyond.
- (2) The sites allotted under this Act and Rules may be cancelled on grounds of fraud, misrepresentation of facts or any official mistake.
- (3) The site salami deposited shall be refundable without interest in such a case of cancellation.

Size of the allotted sites

- 15. The size of the allotted sites shall be as under, namely:-
 - (1) Maximum size of allotted site for residential use: 1200sft.
 - (2) Minimum size of allotted site for residential use: 500sft.
 - (3) All setbacks will be maintained in the local area plan prior to allotment.

Temporary Permission

- (1) The Government shall not give temporary permission to any individual, organization, etc. for the construction of Pan Ghumti, parking garages, stores, etc.
 - (2) Sites already allotted on temporary basis prior to these rule shall not be transferred to a family member or third party.
 - (3) Sites already allotted on temporary basis shall not be renewed after expiry of the designated period/lease and shall be handed back to the Government.
 - (4) On demise of the person who has been allotted a temporary site, the same shall be handed back to the Government.

Allotment of Additional Sites.

17. (1) If for reasons of structural stability or genuine difficulties arising due to the land profile, it becomes necessary to allot additional area, it may be done only for the said reason and not exceeding the area required for stabilization of the building. The additional area shall not exceed fifty percent of the initially allotted site. This permission shall be given only once.

(2) It is further subject to the condition that no additional allotment will be made on public gullies, public open spaces, etc or as indicated in the local area plan.

Regularization of Unauthorized Construction.

18. (1) The Government may make only one time regularization of unauthorized construction based on the merit of the case. Any other unauthorized construction shall not be regularized and will be liable for demolition.

Regularization of occupied sites.

- 19. (1) The Government may consider regularization of occupied site on the following grounds on payment of regularization fees as specified from time to time
 - (i) the site should be in the occupancy of the applicant for twenty years or above;
 - (ii) the applicant should fall under Economically Weaker Section
 - (iii) the applicant must be a Sikkim Subject or Certificate of Identification holder;
 - (iv) the applicant must not own any residential flat or plot in full or in part on lease hold or free hold basis in the notified urban or municipal area of Sikkim in his/ her own name or in the name of his/her wife/husband or in the name of his/her minor or dependent children;

Restriction on allotment of site/ additional site

- 20. (1) No sites shall be allotted in the notified Green Belt Area.
 - (2) No sites shall be allotted on land having a gradient of 70 degree and above.
 - (3) No sites shall be allotted in land slide prone areas and sinking areas.
 - (4) A minimum setback of 10'0" shall be maintained from the edge of the jhora while allotting sites.
 - (5) A minimum setback of 50'0" shall be maintained from the edge of the river bank while allotting sites.
 - (6) No sites shall be allotted below and / or near the high transmission lines and towers. Setbacks as per the norms of Energy and Power Department are to be followed.
 - (7) No sites shall be allotted over public footpath, public drains, parking spaces and jhoras etc.

Change of Building use/land use.

21.

(1) Change of building use and land use shall be in accordance to the master plan / local area plan and conversion charges specified by the Government from time to time. Allotment of land by other Departments.

22.

(1) Should a Department other than Urban Development and Housing Department consider allotting sites in the urban/municipal area, the same shall be intimated to Urban Development and Housing Department for it to initiate the process for allotment as per the rules. On scrutiny of the matter Urban Development and Housing Department shall submit a proposal to the concerned Department for transfer of land accordingly and allotment shall be as per these rules.

Transfer of lease

- (1) Transfer of lease deed shall be in accordance with the terms and condition listed in the lease deed.
 - (2) Sub-leasing of flat/spaces constructed upon allotted site shall not be permitted.
 - (3) Transfer of Lease deed shall not take place on vacant land.

Development charges.

24. (1) In case the Department carries out the land development work, such cost will be borne by the allottee of sites.

By order and in the name of Governor.

Secretary to the Government of Sikkim Urban Development and Housing Department.

SIKKIM

GOVERNMENT





EXTRAORDINARY PUBLISHED BY AUTHORIT

20th February,2014

No.58

GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK

No: 1575 /UD&HD

Dated: 14/02/2014

NOTIFICATION

In exercise of the powers conferred by section 16 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985,(11 of 1985), the State Government is hereby pleased to make the following rules further to amend the Sikkim State Site Allotment Rules, 2012, namely:

- 1. Short title, extent and commencement:
- (1) These rules may be called the Sikkim State Site Allotment (Amendment) Rules, 2014.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force at once.
- 2. In the Sikkim State Site Allotment Rules, 2012, (hereinafter referred to as the said Act) for rule 6, the following rule shall be substituted, namely:-

Amendment of Rule 6

6 Procedure for application

- 1) Any person desirous of applying for a site under these rules shall make an application in Form I and deposit registration fee of Rs 5000/- (Rupees five thousand only) through a challan issued by the Urban Development and Housing Department under the relevant head at the State Bank of Sikkim. In case of reserved category, registration fee of Rs 2500/- (Rupees two thousand five hundred only) shall be deposited.
- 2) The challan shall be presented along with the

- application form I and documents completed in all respects to the Town Planner on working days.
- 3) The application form I shall be signed by the applicant himself. No applicant shall make any cutting, erasing or overwriting in the application. In case a person desires to make changes, it is advised to obtain and fill up a fresh application form.
- 4) No conditional application form will be considered. Incomplete application forms shall be rejected summarily without conveying any reason to the applicant.
- 5) Application for allotment does not entitle for claiming allotment of sites.
- - 1) Any person desirous of applying for additional site under these rules shall make an application in form I and deposit registration fee of Rs 5000/- (Rupees five thousand only) through a challan issued by the Urban Development and Housing Department under the relevant head at the State Bank of Sikkim. In case of reserved category, registration fee of Rs 2500/- (Rupees two thousand five hundred only) shall be deposited.
 - 2) If for any reason of structural stability or genuine difficulties arising due to the land profile, it becomes necessary to allot additional area, it may be done only for the said reason and not exceeding the area required for stabilization of the building. The additional area shall not exceed 50 % (fifty percent) of the initially allotted site. This permission shall be given only once.
 - 3) It is further subject to the condition that no additional allotment will be made on public gullies, public open spaces, etc or as indicated in the local area plan.
 - 4) Application for additional site allotment does not entitle for claiming allotment of sites.

4. In the said rule, after rule 19, the following rules shall be inserted namely;

19 A "Procedure for application of regularization of occupied sites

- Any person applying for regularization of site under these rules shall deposit registration fee of Rs 1500/-(Rupees one thousand and five hundred only) through a Bank Receipt of State Bank in the State Bank of Sikkim under the relevant head. In case of reserved category, registration fee of Rs 500/- (Rupees five hundred only) shall be deposited.
- 2) The Bank Receipt shall be presented along with the application form II and documents completed in all respects to the Town Planner on working days.
- applicant himself. No applicant shall make any cutting, erasing or overwriting in the application. In case a person desires to make changes, it is obtain and fill up a fresh application. No conditional application form will be considered. Incomplete application forms shall be rejected summarily without conveying any reason to the applicant."
- 4) However, the submitting of application form (FORM II) does not entitle for regularization of unauthorized construction as a matter of right.

19 B

"For all categories, documents to be submitted along with application form

The applicant shall furnish the following documents along with the

application form II , namely:

 attested copy of Sikkim Subject Certificate (SSC) / Certificate of Identification (COI);

- valid documental evidence other than those issued/recommended by elected representatives;
- proof of residence namely attested copy of passport or identity card or election card or ration card or driving license or telephone bill or electricity bill or water bill (page carrying name and address);
- 4) affidavit stating that the facts mentioned in the application form is correct and that legal action can be taken against him/her for misrepresentation of facts;
- 5) in case of a woman applicant, certificate of marital status (if she claims to be single) or Sikkim Subject Certificate or Certificate of Identification of her spouse (if she is married)."
- 5. In the said rule ,after rule 24, the following rule shall be inserted , namely :-

25 "Power to Relax"

In case of genuine difficulties arising out of the implementation of any of these rules, the State Government reserves the right to relax from application of any of the provisions which it considers justifiable on the merit of the case.

Sd/(TOBJOR DORJI)
COMMISSIONR-CUM-SECRETARY
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM
FileNo: GOS/UD&HD/32(6)/13-

S.G.P.G. -

/Gazette/

/Dt:-

SIKKIM



GAZETTE

GOVERNMENT

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Tuesday 28th December, 2021

No. 375

GOVERNMENT OF SIKKIM URBAN DEVELOPMENT DEPARTMENT GANGTOK

No. 41/UDD/2021

Dated: 23.12.2021

NOTIFICATION

In exercise of the powers conferred by section 16 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985, (Act No. 11 of 1985), the State Government is hereby pleased to make the following rules further to amend the Sikkim State Site Allotment Rules, 2012, namely:

Short title extent 1. and

These rules may be called the Sikkim State Site Allotment (Amendment) Rules, 2021.

commencement

- 2. They shall extend to the whole of Sikkim.
- 3. They shall come into force at once.

Amendment of rule 23

In the Sikkim State Site Allotment Rules, 2012, in rule 23 after sub rule (3), the following sub rule shall be inserted namely: -

"(4) Transfer of lease deed to individual other than family shall not be permitted."

M.T. Sherpa Secretary Urban Development Department Government of Sikkim File No. GOS/T(1993)/2021/ATP-IV