

THE ANDHRA PRADESH HOUSING BOARD (ALLOTMENT, MANAGEMENT AND SALE OF HIGH INCOME GROUP HOUSES) REGULATIONS, 1977.
(Approved in G.O.Ms.NO.97 Hg., dated 16.12.1978)

In exercise of the powers conferred by Section 71 of Andhra Pradesh Housing Board Act, 1956 (Act XLVI of 1956) the Andhra Pradesh Housing Board, with the previous sanction of the Government, hereby makes the following regulations, namely:-

1 (a) These regulations may be called the Andhra Pradesh Housing Board (Allotment, Management and Sale of High Income Group Houses) Regulations, 1977.

(b) The Regulations shall come in to force at once.

2. These regulations shall apply to the allotment and sale of houses and flats constructed by the Andhra Pradesh Housing Board under High Income Group Housing Schemes, with the following sources namely:

For sub-Regulation (2) of Regulation 2 the following Regulations shall be substituted.

“(2) (a) These regulations shall also apply to allotment sale of houses and flats constructed under any of the following schemes on such terms and conditions as may be specified by Government by an order the mode of allotment of houses constructed under such scheme, shall notwithstanding anything contained in this regulations also specified therein.

(i) Other special housing schemes for High Income Group entrusted to the Board by Government for execution for the exclusive benefit of members of co-operative society of Government employees or group of members of co-operative society of Government employees or group of employees of Institutions Corporation or Companies and

(ii) Any other High Income Group Housing Scheme entrusted to the Board and approved for the purpose of these regulations by the Government by an order.

(b) No Scheme under clause (a) shall be taken up by the Housing Board Unless the land on which the houses are proposed to be constructed is transferred in favour of A.P. Housing Board through a registered conveyance deed.

Amended vide G.O.Ms.No.9 Housing, dated 03.03.1986.

(2) These regulations shall also apply to allotment and sale of houses and flats constructed under;

(i) other special Housing Schemes for High Income Group executed by the Housing Board for exclusive benefit of members of a co-

- operative society of Government Employees or group Employees of Institutions, Corporations or Companies and
- (ii) any other High Income Group Housing scheme entrusted to the Board and approved for the purpose of these regulations by the Government;

(2) Definitions :- (i) In these regulations unless the context otherwise requires :-

- (a) “Act” means the Andhra Pradesh Housing Board Act, 1956 (Act XLVI of 1956);
- (b) “Allottee” means the person to whom a house is allotted under these regulations and includes his legal heirs established by an affidavit executed by the legal heir on stamped paper (non-judicial) of Rs.5.00 duly verified by the Magistrate (The Deputy Collector having competent jurisdiction) or by a Civil Court Decree where the Chairman deem, such decree necessary declaring him the heir of the deceased allottee against the person disputing the fact or a nominee who is a member of his family;
- (c) “Applicant” means a person applying to the Board for allotment of a house under these regulations;
- (d) “Allotment” means allotment of a house under these regulations.
- (e) “Estimated Cost Price” means the estimated cost price of a house fixed by the Chairman under Regulation 23;
- (f) “Family” means a family of the allottee consisting of husband, wife and minor children and shall include parents, sister, brothers and other children as are ordinarily living with the allottee as dependents;
- (g) “Form” means a form appended to these regulations;
- (h) “Flat” means a portion of a building which can be delineated with definite outline on plan and which can be definitely marked on site and which is a dwelling unit and can be allotted as such under these regulations.
- (i) “Government” means the Government of Andhra Pradesh;
- (j) “House” means a dwelling unit whether detached semi-detached or part of a row, which can be allotted as a unit along with its land under these regulations and shall also include a flat;
- (k) “Hire Purchase System” means a system in which a participant takes step to secure rights in a property under any scheme referred to in Regulation (2) by payment of hire purchase deposit and also a specified number of equated instalments, spread over a period of specified number of years during which he remains a tenant on terms and

conditions set out for that purpose and on the expiry of the said period and after complying with other terms and conditions under these regulations ceases to be a tenant and becomes an owner on payment of all dues;

(K) (l) "Hire Purchase Deposit" means non-interest bearing advance payment made by the applicant in a lump-sum or in instalments for securing by hire purchase a house under a scheme on terms and conditions set out for the purpose.

(l) "Income" means the aggregate income regularly derived by the applicant from his occupation, trade business or employment or any calling or source, constituting normal means of livelihood;

(m) "Instalment" means annual instalment as payable by an allottee under these regulations;

(n) "Sale price" means the sale price of house as may be fixed by the chairman under regulation 24;

(o) "Scheme" means a Middle Income Group Housing Scheme referred to in Regulation?

(2) Words used in the regulation but not defined shall have the same meaning as assigned to them in Andhra Pradesh Housing Board Act, 1956 (XI of 1956).

(3) (1) The Board may subject to the provisions of these regulations, allot houses to persons who agree to purchase them in accordance with these regulations.

(2) The disposal of the houses shall be effected either by allotment on out-right sale or hire purchase system in the manner provided in these Regulations.

(4) (1) The Board for the purpose of allotment of house shall issue a notice published in the manner specified in sub-regulations (2) for inviting applications before a date specified therein.

(i) for registration of name for allotment in case the construction of house has yet to be taken up under a scheme; OR

(ii) for allotment of house constructed by the Board under a scheme referred to in Regulation (2).

(2) (a) **Notwithstanding anything** contained in these regulations the Board may also specify the form of application in respect of a category referred in sub-regulation (1)(i) and fix the fee for registering the application. The allotment of house for that category, shall be by drawal of lots from such of the applicants only, who have already got their names registered and any reference in regulations shall mean a reference to the applicants who had already registered their names and fee for registration shall be treated as earnest money deposit for the purpose of these regulations.

(b) The notice shall specify the location of house available for allotment either on hire purchase system, or outright sale, the estimated cost price of the house the class of persons including persons serving in the Defence Services and those belonging to Scheduled Castes and Scheduled Tribes for whom the number of houses in the referred to in regulation-2 is reserved the amount payable as earnest money as provided schemes in regulation 6 the last date for submission of application and such other particulars as the chairman may consider necessary. The notice shall also state the amount of initial payment;

Provided that the last date for submission of application by Defence personnel shall be one month later than the date fixed for other applicants.

© The notice shall be published in the not less than three daily news papers published in the main languages, i.e., English, Telugu and Urdu having wide circulation in the State.

(d) A prospectus in English, Telugu or Urdu along with application form shall also be published which may be obtained by any person at the Office of the Board or any other place on payment of such cost as may be specified by the Chairman which is not refundable in which the layout plan of the area; design and specification of the house and copy of these regulations as well as the form of application and the agreement are made available.

(6) Every applicant shall deposit or cause to be deposited an earnest money amount equivalent to 10% of the notified cost of the house/flat applied for in cash through a Challan at the extension counter of the State Bank of Hyderabad situated in Gruhakalpa, Mukkaramjahi Road, Hyderabad, or some other place which the Chairman may specify in notice. The earnest money can also be remitted by means of a Demand draft in favour of the Secretary, Andhra Pradesh Housing Board, Mukkaramjahi Road, Hyderabad obtained from any scheduled Bank in Andhra Pradesh. The Challan or Demand draft obtained to cover up the earnest money may be enclosed to the application form.

“ The earnest money as so deposited shall be adjusted towards the first instalment”.

Regulation 6 is amended in G.O.Ms.No.37 Housing, dated 03.11.1986.

7. Application for allotment shall be presented in Form I-A, 1-B and I-C as the case may be. The applicant shall follow the instructions contained in Form 2. The application shall be accompanied by a statement containing the names of family members, the aggregate annual income of the applicant, the present address where the applicant and the members of his family reside. The applicant shall also send along with the application a statement to the effect that he does not own a house or plot within the limits of the concerned municipality in his name or in the name of his wife or minor children.

8. The earnest money shall be refunded to the applicant if no allotment is made in his favour.

9. No application shall be accepted by the Chairman unless it is received on or before the date specified in the notice and the applicant furnished the statement referred to in regulation 7 produces evidence in support of the aggregate income indicated in the statement and pays the earnest money as provided in the notice published under Regulations 5.

10. On receipt of the application under Regulation 7 the Secretary shall enter each application in a register maintained for the purpose, in the order in which each application is accepted and shall pass receipt to the applicant in token of having received the application.

11 (1) The Chairman, may select the applicant for allotment of house advertised by drawing lots as provided by Regulation 12. The decision of the Chairman shall be final.

(2) Notwithstanding anything contained in these regulations, the Chairman may in special and deserving cases, recommend to the Government, which shall be supported by a resolution of the Board for allotment of certain houses constructed under the scheme referred to in sub-regulation (1), of regulation 2 in favour of the occupants of the house which were demolished for purpose of development of housing schemes in the lands acquired from them including their old houses. The decision of the Government is final in such matters and any allotment done based on Government orders shall be deemed to be an allotment under this regulation.

12 (a) The following principles may be observed, while making the allotment of houses by drawal of lots among the eligible applicants for a particular design of house in any particular locality:

(i) Twenty percent of the houses be earmarked for outright sale;

Preference shall be given to applicants who made payments in foreign currency and in which case applicants shall enclose an undertaking along with applications to make payments in foreign currency.

(ii) Fifteen percent of the houses be earmarked for allotment on hire purchase system to those.

Preference shall be given to applicants who propose to make payment of the estimated cost price³ completely in foreign currency in which case they shall deposit 50% of the estimated cost price in foreign currency as initial deposit and also enclose an undertaking along with their applications to make payments of the estimated cost price completely in foreign currency.

(iii) Sixty five percent of the houses be earmarked for allotment on hire purchase system to those who deposit 20% of the estimated cost price.

If there is no response to categories (i) & (ii) above, all the houses shall be converted and sold on hire purchase system to those who deposit 20% of the estimated cost price.

(b) 5% of the houses offered for sale either by hire purchase, outright sale shall be reserved for Defence Personnel and allotted by lots in the following orders of priority.

(i) Widows or other dependents of Defence Personnel who have been killed in action; or who die while in services.

(ii) Disabled service personnel who are invalid dated and out of service;

(iii) Ex-Service personnel; and

(iv) Serving personnel.

© 18% of the houses offered for sale either by hire purchase or outright sale shall be reserved for allotment by lots among Scheduled castes and Scheduled Tribes in ratio 14:4;

(b) 5% of the houses offered for sale either by hire purchase or outright sale shall be reserved for MLAs and MLCs and members of Parliament of Andhra Pradesh of and allotted by drawals of lots.

“9 percent of the houses offered for sale either on hire purchase or on outright sale shall be reserved for allotment by drawal of lots, to the applicants belonging to Backward Classes”.

“1 percent of the houses offered for sale either on hire purchase or on outright sale shall be reserved for each of the following categories of applicants :-

(1) Physically Handicapped and (2) Freedom Fighters”.

(a) 10% of the houses offered for sale either by hire purchase or outright sale shall be reserved for allotment by drawal of lots among State Government servants, and such of the retired Govt. Servants who have retired on or after 01.04.1976 including Employees of semi-Govt, Local Bodies and other Public Institutions under the control of the Government, in the following order of priority:-

(a) Retired Government servants who have retired on or after 01.04.1976.

(b) Government servants.

- (b) The remaining 51 per cent shall be allotted among the remaining applicants.

13. Houses constructed under the scheme shall be allotted only to those applicants who are eligible under the scheme;

Provided that where there are no sufficient number of applicants for the reserved tenements, the balance number of tenements so reserved shall be deemed to have been allotted to those to be allotted under clause (f).

14. The Secretary shall first scrutinize and list out the eligible applications from the total number of the applications received and registered before the specified date.

15. (a) The Secretary shall have power to make enquiries, call for information from any person whomsoever demand documents and evidence in form of an affidavit or otherwise from the applicant and do any other thing which he considers necessary to scrutinize the application.

- (c) Any application which is incomplete in any respect is liable to be rejected.

16. (a) The Chairman shall make arrangements for drawal of lots among all the eligible applicants. A notice of not less than seven days, specifying the date, time and venue of the drawal of lots shall be given to all eligible applicants. Any inadvertent omission to send the notice or non-receipt of notice by any applicant, shall not vitiate due drawal of lots.

(b) Lots shall be drawn separately for houses earmarked for outright sale and for allotment on hire purchase system design-wise and Locality-wise in respect of each scheme in presence of such of the Members of the Housing Board and the eligible applicants who may be present at the time of drawal of lots.

© Lots shall be simultaneously drawn and recorded in respect of houses and applicants and the number of applicants who have succeeded in the Lots shall be arranged indicating the house number which has been drawn by lots against that applicant.

- (d) After the drawal of lots under clause © further lots may be drawn to an extent of 33 1/3% of number of houses available for allotment in respect of categories.

- (e) The Chairman shall prepare an allotment register and enter the names of allottees in accordance with the record kept under clause © against the house allotted to the allottee.

17. Lots shall be drawn in respect of reserved quota first and the applications remaining after drawal of lots shall be added to the general pool and then the lots drawn for the general pool.

18. The lists as per lots drawn up shall be published at the office of the Board or such other places as may be specified by Chairman.

19. The following principles shall be observed in selecting the applicants for allotments.

No allotment shall be made if the applicant;

(i) Owns a house within the limits of the Municipal Corporation of Hyderabad the concerned Municipality in his or her own name or in the name of his/her husband/wife as the case may be, or in the name of his or her minor children.

(ii) has an annual income less than Rs.18,001

(iii) has not got the requisite paying capacity;

Provided that the Chairman may in his discretion for sufficient reasons relax any of the provisions of this regulation in favour of any applicant.

20. After the allotment of house is finalized, the chairman shall issue an allotment letter in Form '3-A Form '3-B or Form '3-C' as the case may be informing the allottee that the house is allotted to him on the terms and conditions specified in the letter and asking him to call at the office of the Housing Board or any other place specified therein and complete the formalities within the period specified in letter.

21. On receipt of allotment letter, the allottee shall within the period specified in the letter, comply with the requirements as mentioned therein. In case the allottee seeks cancellation or refuses the allotment, the earnest money deposit shall be forfeited.

22 (1) (i) In case of allotment by outright sale as referred to in regulation 12 (a) (i) the allottee shall pay the estimated cost in full and also execute an agreement for sale in Form 5 on a non-judicial stamp paper prescribed for agreements within 30 days from the date of receipt of the allotment letter.

(ii) In case of allotment under hire purchase system as referred to in Regulation 12 (a) (ii), the allottee shall pay 50% of the estimated cost and also execute lease-cum-sale agreement with the board in Form 6 on non-judicial stamp paper prescribed for agreements within thirty days from the date of receipt of the allotment letter.

(iii) In case of allotment on hire purchase system as referred to in Regulation 12 (a) (iii) the allottee shall pay 30% of the estimated cost and also execute lease-cum-sale

agreement with the Board in Form (6) on non-judicial stamp paper prescribed for agreements within thirty days from the date of receipt of allotment letter.

(2) After the required payment as specified in sub-regulation (1) of Regulation 22 is made and the required agreement in Form 5 or Form 6, as the case may be, has also been issued to possession of the house shall be given to the allottee and a letter in Form 7 duly executed, the allottee for receiving possession of the house.

(3) If the allottee fails to make the required payment as specified in Regulation 22 (1) and also to execute the required agreement in Form 5 or Form 6, as the case may be the allotment, shall be cancelled and the earnest money deposited by him shall be forfeited to the Board.

Provided the Chairman may in his discretion grant extension of time for the required payment and also for execution of the agreement.

“Normally subject to a maximum period of six months or in the cases where advances applied for from the departments or their employers to the extent necessary subject, however to payment of penal interest at one and a half times the rate of normal interest on delayed payments”.

G.O.Ms.No.18 Housing, dated 24.06.1986.

23. (1) The estimated cost price of a house shall comprise of -

(i) The cost of land, (ii) the cost of development which shall include external amenities such as formation of roads, provision of dust proof surfacing, open space, parks, play grounds, etc., and laying of mains for water supply, drainage and electricity and places for community use, etc., (iii) The cost of civil works.

(iv) the cost of internal amenities such as water supply, drainage and electricity.

- (i) Supervision charges on construction and provision of amenities etc., at such rates as the Board may fix from time to time; and
- (ii) Interest at such rate and for such period as may be fixed by Board on the total of clauses (i) to (iv) from the date of drawal of loans for construction of the house.

(2) Notwithstanding anything contained in the notices inviting application or the agreement executed by the allottee, if after receipt of final bills for the construction of houses or payment of interest on the amount of loans taken for the construction of such houses or after final determination of the cost of land, and development of land or for expenditure incurred for supervision the Chairman considers it necessary to revise the estimated cost price, already specified in the notice or agreement, he may do so and determine the final cost price payable on allotment and all allottees in relating to the houses aforesaid shall be bound by such determination and they shall

pay the difference if any between the final cost price as determined and the price paid by them including price paid in lumpsum.

:Provided that it shall be open to the Vice-Chairman and Housing Commissioner, Andhra Pradesh Housing Board to call upon the allottee, through a notice to pay a particular amount, over and above the initial deposit or instalments already paid or payable to meet the escalation in the cost price (either due to increase in the cost of labour or materials in the cost price (either due to increase in the cost labour or materials etc., or due to delay in the execution of the scheme or even otherwise) pending the determination of final cost price before a particular date specified in the notice. The Vice-Chairman and Housing Commissioner shall have the discretion to issue, any such notice, at any time either during the execution or after the completion of the scheme. Any failure to pay the amount specified in the notice shall entail cancellation of the allotment and resumption of the premises”.

Proviso is inserted as per G.O.Ms.No.21 Housing, dated 30.06.1986.

(3) The final fixation of sale price should be done within two years from the date of allotment of the house. The said period may however be extended by Government in the case of such of the houses whose final cost cannot be fixed within two years prescribed because the matters relating to land compensation or the payment of final bills to the contractors are pending in the court.

24 (1) In case of allotment by outright sale referred to Regulation 12 (a) (i) the sale price shall comprise of the estimated cost price and enhance amount if any under Regulation 23 (2).

(2) In case of allotment on hire purchase system the sale price shall comprise, of :-

(i) 50% of the estimated cost price in case of allotment under Regulation `12 (a) (ii) or 20% of the estimated cost price in case of allotment under Regulation 12 (a) (iii) as the case may be; and

(ii) the balance of 50% or 70% of the estimated cost price together with interest thereon at such rates as may be fixed by the Board calculated for the period specified by the Board and enhanced amount if any under Regulation 23 (2).

(iii) contingencies at such rate as may be fixed by the Board; and

(iv) incidental charges at such rates as may be fixed by the Board from time to time.

(3) Total of sub-clauses (ii), (iii) and (iv) of sub-regulation (2) shall be payable by the allottee in equated instalments spread over a period specified by the Board.

(2) The earnest money deposit paid along with the application shall be adjusted towards 50% or 20% of the estimated cost under Regulation 22.

25. In consonance with these regulations and in pursuance of the provisions of lease-cum-sale agreement in Form 6 on taking possession of the house, the responsibility for the maintenance and keeping in good condition of the house and the services shall rest with the allottee. In case the allottee fails to maintain and keep the house in good condition the maintenance shall be done by the Board at expense of allottee.

26. In consonance with the regulations and in pursuance of provisions of the lease-cum-sale agreement in Form 6 all rates, charges assessment and other levies of whatsoever shall be paid directly by the allottee.

*27 (1) On payment of sale price as finally fixed, the house shall be transferred in the name of the allottee by duly executing a conveyance deed”.

The following be substituted, namely:-

“On payment of sale price as finally fixed, the house shall be transferred in the name of the allottee or any member in his family on a request made in writing by the allottee indicating the compelling reasons therefore and on acceptance of such request by the Chairman by executing a conveyance deed, provided that such members of the allottee’s family is otherwise eligible for allotment of house under these regulations. On such transfer being effected the transfer shall not be eligible for allotment of a house”. The expenses on account of stamp duty, registration fee and any other incidental charges shall be borne by the allottee.

Provided that no such transfer shall be effected till the lapses of five years from the date of giving possession of the house to the allottee.

“(2) (i) Nothing contained in sub-regulation (1) shall prevent the Government servant, who has been allotted a house to mortgage the said houses in favour of the Central Government, State Government, Life Insurance Corporation of India or any loan advancing institutions, as the case may be, immediately on payment of provisional sale price of the allotted house, even before the transfer of the house in his name and before the expiry of five years from the date of taking possession of the house, subject, however, with the prior permission of the Vice-Chairman and Housing Commissioner of the Housing Board.

(ii) In case the sale price has not been finally determined the allottee shall give (a) an undertaking to pay to the Housing Board such excess amount as may be determined towards the final cost in terms of sub-regulation (2) of Regulation 23, (b) shall deposit in cash demand that may become payable after determination of final cost and (c) also furnish security from two permanent employees of the Institution of equal or higher status where the allottee is employed”.

Sub-regulation (2) of Regulation 27 is substituted as per G.O.Ms.No.26 Housing, dated 13.08.1986.

(3) In case of allotment on hire purchase system the allottee shall remain a tenant of the Board, till such time as the house is conveyed in the name of allottee and shall have no other right except than of a tenant.

28. (i) In case where the Housing Board is not able to get sufficient number of applications for allotment in response to the notifications, the Board should re-notify the balance number of houses again and again till sufficient number of applications are received and the houses allotted according to the procedure laid down in the Regulation.

(ii) Similarly the vacancies arising on account of cancellation, rejection, etc., shall be filled up by notification as laid down in the Regulation.

(iii) Such houses, which are allotted on rental basis purely temporarily shall also be notified and allotted as per the procedure in these Regulations.

29. The provisions contained in these regulations shall mutates mutandis apply to allotment of flats, provided that the lease-cum-sale agreement shall be executed by the allottee in Form 8.