



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शुक्रवार, 30 जुलाई, 2021 / 8 श्रावण, 1943

हिमाचल प्रदेश सरकार

जल शक्ति विभाग

अधिसूचना

शिमला—2, 22 अप्रैल, 2021

संख्या: जे०एस०वी०-बी(एच)१-२/२०२१-कांगड़ा.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः फिन्ना सिंह मध्यम सिंचाई परियोजना, तहसील नूरपुर, जिला कांगड़ा के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद

Provided; further that the word and expression, “local” for the purpose of allotment shall; mean the person or entity residing/based permanently in the market area within the jurisdiction of the concerned Committee;

Provided; further that the Board shall have the right to decide rehabilitation or shifting petty traders in the sheds or shops or Nos. of shops of shed or space to be classified for fruits, vegetables, cereals and pulses and other scheduled items of agricultural produce for promotion of Agri-marketing as the case may be; after due consideration of proposal mooted by the APMC or its *sue moto* cognizance as per the Act, 2005, as the case may be;

Provided; further that any infrastructure; which still remains vacant even for want of eligible aspirant(s) even after third and consecutive round advertisement as per 1st proviso below clause 6 above; the APMC may rent/lease/license the vacant property for any other purpose within the ambit of law and as per the financial propriety/economy; that too by adhering to the due procedure prescribed clause 3 above; and

Provided; further that the property; which may still remain vacant even after exhausting the remedy provided under the 4th proviso above; the Committee shall place the matter before the Sub-Allotment-Committee; so or being constituted as per provisions envisaged under section 42 of the Act, 2005 read with provisions of the bye-law 20 of the Bye Laws-2007 for the purpose allotment; the vacant premises shall be allotted on principle of first come-first serve basis with the reasons to be recorded in writing.

(7) The committee shall maintain proper record of allotment vis-vis (1) total number of applications, (2) category-wise scrutiny as per terms of conditions stipulated in the allotment notice, (3) allotment proceedings duly recorded including means electronic media; authenticated by the Sub Allotment Committee, ratification thereof by the full Committee, (4) issuance of allotment letter to the successful allottee, handing over the physical possession, remittance of lease money/advance/security deposit if any; into the Committee fund; signing of rent deed/lease deed/license etc.; as per law, opening of individual file sand track record of allottee in respect of any dues or violation or infringement of any kind, remedial action by the Committee;

Provided; that any allottee is found to have indulged in sub-allotment to third party, the allotment shall be treated as cancelled/withdrawn forthwith without assigning any reason. He/ She shall be liable for forfeiter of lease money and penalty. Sub allottee shall be deemed as illegal occupant, who shall be dealt with stringent provision of law for ejection from the premises.

Sd/-

(NARESH THAKUR, HPAS)

Managing, Director-cum-Member Secretary.

THE HIMACHAL PRADESH STATE AGRICULTURAL MARKETING BOARD/ APMC's ONE TIME SETTLEMENT OF UNAUTHORIZED OCCUPATION OF ITS PREMISES SCHEME—2021.

The APMCs have allotted the shops/booths/godowns/space/canteen and storage facilities etc. available in its regulated principal market yards/sub yards in notified market areas of the State of Himachal Pradesh. In some instances, it has been observed that the original allottees/licensee

turned to be a silent partner, have further sub-allotted of transfer physical possession the premises to some third party in utter violation of allotment conditions and even allowed them to conduct trade in the name of the proprietorship of original allottee/ licensee in a hidden manner. Such situation at one hand; has resulted into avoidable disputes, wastage of resources, undue loss of rent receipts, huge amount pending arrear, illegal encroachment, unauthorized occupation, unwarranted litigation under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 and on the other hand the spirits and objectives of the Himachal Pradesh Agricultural and Horticultural Produce Marketing (Development and Regulation) Act, 2005 is defeated. So, it is expedient to deal with the situation strenuously further to mitigate the problem of illegal occupants, though some of them are actively doing the business.

Therefore, taking stock of the situation further to revamp robust trade, business and allied activities in APMCs markets; the Himachal Pradesh State Agricultural Marketing Board as per resolution No—21 passed in its BoM meeting held on 19-03-2021; has decided to extend an offer for one-time settlement to such unauthorized occupants-in- possession of the APMCs premises till 31st December, 2020, who agree to clear the pending arrear of rent, fees alongwith penalty if any; for regularizing their unauthorized possession with due process of law. In this regard, the APMCs shall strictly adhere to the following guiding principle for one time settlement:—

- (1) Such unauthorized occupant-in-possession of the APMCs property or any of the premises till 31st December, 2020 shall apply to the Secretary of the Committee alongwith an undertaking till 30th September, 2021.** The application should be accompanied with a processing fee of Rs. 5000/- and NOC from the original Allottee or from the legal heirs of deceased allottee; as the case may be. However a separate application duly complete in all respect, shall be considered for each shop or booth or godowns or canteen. However the open space or circulation area or auction platform or parking space as the case may be; is excluded from the scope of the Scheme.
- (2) The Secretary, APMC shall initiate the proper verification and scrutiny of individual case carefully and send a clear cut proposal with proper justification spelling out the proper terms and conditions duly complying with the provisions of section 29(2) of the Act read with provisions of bye-law 62 of the Bye Laws—2007 supported with a resolution of the Committee to the Managing Director of the Board for approval within stipulated period of a fortnight from the date of receipt of application in all respect.**
- (3) Once the approval is accorded and conveyed under clause-2 above; the Secretary shall duly inform the applicant further to deposit one time settlement-transfer fee of Rupees 1.00 lac alongwith one year advance rent of the property based on average rent or market rent per month; whichever is higher including GST within 30 days of such approval. It also includes the previous outstanding dues, if any.**
- (4) The original allottee who may probably have some reservation or dispute over previous outstanding dues to be remitted to the Committee mentioned in clause (3) above; the Secretary shall ensure to reconcile the account properly or by taking by taking recourse to the Dispute Resolution, sub-committee for this purpose, duly constituted under the provisions of the Act. Said sub-committee associating/hearing all concerned as per law. It shall decide the matter within 30 days from the date of reference to it which shall be binding on the parties.**

Provided that either of the party, who may aggrieve with the decision of the Dispute Resolution sub-committee; shall be at liberty to take appellate course as per the provisions of the Act, 2005.

Once the process mentioned at clause 1 to 4 is duly complied with, the Secretary shall issue the revised allotment of said premises forthwith in favour of the applicant/licensee. This shall be followed by a duly execution of revised lease or rent deed as the case may be; with proper terms and conditions.

Provided that the new allottee is found to have been indulged in sub-allotment to third party again, the allotment shall be treated as cancelled/withdrawn forthwith without assigning any reason. He/she shall be liable for forfeiter of lease money and penalty for all intent and purposes.

Sd/-

(NARESH THAKUR, HPAS)

Managing, Director-cum-Member Secretary.

लोक निर्माण विभाग

अधिसूचना

शिमला—2, 28 जुलाई, 2021

संख्या: पी.बी.डब्ल्यू(बी)एफ (5)43 / 2019.—यतः हिमाचल प्रदेश सरकार को सरकारी व्यय पर, रायपुर टी—इस्टेट मौजा सलोह, उप—तहसील भवारना, जिला कांगड़ा, हिमाचल प्रदेश में खड्ड पुल परला नाला नजदीक मरण्डा हमीरपुर—सुजानपुर—थुरल—मरण्डा सड़क पर पुल के निर्माण के लिए भूमि अर्जित करने हेतु भूमि अर्जन, पुनर्वास और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 की धारा 19 की अधिसूचना जोकि दिनांक 06—06—2021 को जारी की गई है तथा जिसका सम्बन्धित इलाके में प्रकाशन दिनांक 30—07—2021 को किया गया है की भू—अर्जन प्रक्रिया अपरिहार्य कारणों से निर्धारित समय में पूर्ण न हो पाई है की समय अवधि को बढ़ाने की आवश्यकता है।

अतः अब राज्यपाल, हिमाचल प्रदेश, द्वारा भूमि अर्जन, पुनर्वास और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 की धारा—25 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए इस विभाग द्वारा जारी की गई उक्त अधिसूचना की समय अवधि को तत्काल प्रभाव से आगामी बारह माह तक बढ़ाया जाता है।

आदेश द्वारा,
हस्ताक्षरित/—
प्रधान सचिव (लोक निर्माण)।

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Shimla-171 009, the 27th July, 2021

No. PCH-HA(3)3/96-III-62466-616.—In supersession of this Department notification No. PCH-HA(3)3/96 dated 06th July, 2018, the Governor of Himachal Pradesh, in exercise of the powers vested in him under clause (a) of sub-section (2) of Section 185 of the Himachal