

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Peshawar, dated the , 2020

No. _____.-The following draft rules, which the Government of the Khyber Pakhtunkhwa, in exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), read with section 23B thereof, is pleased to make the Khyber Pakhtunkhwa Local Government (Private Housing Schemes Management and Regulation) Rules, 2020, are hereby published for information of persons likely to be affected thereby, and notice is hereby given that the proposed rules together with any objection and suggestion with respect thereto, which may be received by Secretary to Government, Local Government, Elections and Rural Development Department, within a period of _____ days from the date of publication of this Notification, shall be taken into consideration after expiry of the said period.

Asstt. Legal Drafter
Govt. of Khyber Pakhtunkhwa
Law Department

**THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT
(PRIVATE HOUSING SCHEMES MANAGEMENT AND REGULATION)
RULES, 2020**

**Chapter-I
General**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Local Government (Private Housing Schemes Management and Regulation) Rules, 2020.

(2) These rules shall come into force at once.

2. Definitions.---(1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);
- (b) "Agency" means a Government body, responsible for the provision of utility services;
- (c) "Authority" means the Local Areas, Mayor or any other officer exercising the powers of the Authority under the Act;
- (d) "bank guarantee" means legally binding assurance to the satisfaction of the Authority and unconditionally encashable in favour of the Authority at any time of its validity;
- (e) "Chairman" means the Chairman, Tehsil Local Government;
- (f) "chamfer" means the flat surface made by cutting of sharp edge or corner of a plot to enhance the visibility at the turning point;

- (g) “competent authority” means-
- (i) the tehsil council as provided in sub-section (5) of section 23B of the Act; or
 - (ii) the board or as the case may be the governing body of the Development Authority under sub-section (14) of section 23B of the Act;
- (h) “cooperative society” means a society registered under the Cooperative Societies Act, 1925 (Act No. VII of 1925);
- (i) “District Architect” means an Architect, registered with the Pakistan Council of Architects and Town planners, and duly appointed by the Department;
- (j) “District Scrutiny Committee” means the District Scrutiny Committee constituted under rule 19 of these rules;
- (k) “Form” means the Forms appended to these rules;
- (l) “horticulture” means the art or practice of garden cultivation, tree plantation, arranging of grass and flower beds;
- (m) “infrastructure” means the services including road network, water supply, drainage and sewerage system, telephone, gas, cable, power lines, other civil work, etc;
- (n) “Kanal” means the size of land, equal to twenty (20) Marlas;
- (o) “landscape plan” means a plan showing visible features in an open space of a private housing scheme such as walkway, green area, fountain, flower bed, grass and trees;
- (p) “land categorization” means categories of housing private housing schemes on the basis of land as prescribed in rule 13 of these rules;
- (q) “land use plan” means the land zoning plan that outline the land location and future use type (residential, commercial or industry) for development activities permissible within urban and regional areas over a longer period of time;
- (r) “Marla” means the size of land, as defined in the revenue record of that particular mauza or revenue estate of a revenue tehsil or district;
- (s) “master plan” means a land use plan of an area and includes a structure plan, an outline development plan, a spatial plan, peri-urban structure plan, integrated development plan and a metropolitan plan;
- (t) “Mayor” means the Mayor, City Local Government;

- (u) "Planning and Technical Committee" means the Planning and Technical Committee constituted under rule 11 of these rules;
- (v) "property" means a plot or a building in a private housing scheme;
- (w) "public building" means a dispensary, post office, police station, local government office, educational institution, hospital, clinic, mosque, fire station and any other Government building;
- (x) "right of way" means the width of road or street between two opposite properties;
- (y) "saleable area" means an area under the residential, commercial and public building plots in a private housing scheme meant for sale; and
- (z) "town planner" means a town planner registered with the Pakistan Council of Architects and Town Planners.

(2) Words, terms and expressions, used but not defined in these rules, shall have the same meanings as are assigned to them under the Act.

Chapter-II

Application for Preliminary Planning

3. Submission of application seeking preliminary permission for planning.--- (1) A private promoter or developer shall submit an application to the Authority for seeking preliminary planning permission for a private housing scheme or land sub-division before initiating any planning or development activity thereon.

(2) The application, so received shall be entered into relevant register being maintained with the concerned Tehsil Municipal Administration by issuing proper acknowledgement receipt to the private promoter or developer, duly signed, stamped and dated for record.

(3) In case of online application, the date of submission of application and other details and attachments shall be downloaded and printed in hard copies, maintained, in a standard manner, for official record.

4. Attachments with application.---An application, under sub-rule (1), shall be accompanied by-

- (a) attested copy or copies of Computerized National Identity Card of the private promoter or developer, however in case of a company or a firm then the CNIC copies of all partners or directors of the firms or company shall be furnished;
- (b) complete mailing address of the private promoter or developer;

- (c) copies of the latest paid utility bills (electricity or sui-gas bills) in respect of the property mentioned in mailing address as a proof of residence;
- (d) certified copy of the registration certificate from the concerned authority as a company or a co-operative society;
- (e) a location plan of proposed private housing scheme supported by goggle map;
- (f) Khasra plan or aks-e-shajarah certified from the concerned Tehsildar Revenue;
- (g) certified title documents including a registry, intiqal, fard, or any other document thereby certifying the ownership of the land proposed for development of private housing scheme duly verified from the concerned Tehsildar;
- (h) registered agreement between the developer and the land owner in case, the land is not owned by the private promoter or developer himself;
- (i) a non-encumbrance certificate issued by the office of Sub-Registrar of concerned tehsil;
- (j) processing fee in the form of a bank draft or pay order at the rate notified by the Tehsil Municipal Administration from time to time;
- (k) bank guarantee in favour of concerned Tehsil Municipal Administration, equivalent to the Pakistani rupees five hundred (500) millions, forfeitable for return or recovery of such amount in case an application is made under sub section 9 of section 23-B of the Act;
- (l) Active Tax Payer Certificate from Federal Bureau of Revenue; and
- (m) details of survey plans, methodology, proposed, questionnaires and advertisement, registration or membership fee or such other fee to be charged.

5. Evaluation criteria for an application.---The Authority, through the Planning Committee of the Tehsil Municipal Administration or having representation of such other specialized agencies or organizations, as it may deem fit, shall satisfy that-

- (a) application is complete in all respect and that the required attachments provided are genuine and validly issued by the concerned agencies;
- (b) the private promoter or developer has a valid Computerized National Identity Card;

- (c) registration of the firm or company or cooperative society, as the case may be, is confirmed from the registering authority for being genuine and valid;
- (d) ownership documents, submitted with the application, are certified from the Revenue and Estate Department of Government;
- (e) land is not notified by Government or local government for any other public use;
- (f) land does not fall under the definition of agriculture land notified or declared as such by the Revenue and Estate Department of Government and does not fall in conflict with the duly approved land use plan of the district;
- (g) bank guarantee, submitted to the Tehsil Municipal Administration, is duly confirmed from the issuing bank as per standard procedure;
- (h) site proposed for such private housing scheme or the land sub-division, as the case may be, shall be physically inspected to ensure that it fulfils the following requirements:
 - (i) width of access road is not less than thirty (30) feet; and
 - (ii) site is not prone to any flooding, erosion or other environmental hazards;
- (i) development of a private housing scheme shall not cause any damage to the existing major infrastructure of Government; and
- (j) area of proposed private housing scheme falls within the categories as mentioned and defined in rule 13 of these rules

6. Verification of ownership documents and revenue record.--- (1)The Tehsildar or concerned Revenue Officer shall, within fourteen (14) days, scrutinize the ownership documents to ascertain the genuineness and validity of the same thereby confirming the ownership of land.

(2) The Tehsil Municipal Administration may, in co-ordination with concerned Tehsildar office, shall carry out the measurement of the land in light of the Khasra plan and demarcation, carried out by the Revenue and Estate Department, in order to certify that the land area is equal or more than the minimum area required as per the category for development of private housing scheme.

(3) The concerned Tehsildar office shall certify that the width of access road to the proposed private housing scheme is not less than thirty (30) feet.

(4) The concerned Tehsildar office shall verify the non-encumbrance certificate from the relevant Government office thereby certifying that the land has

not been notified by Government for any other purpose nor mortgaged with any financial institution.

(5) Clearance report or observations shall be forwarded to the Engineering Branch of concerned Tehsil Municipal Administration within fourteen (14) days under proper covering letter, duly dated, numbered and signed.

7. Role of Environment Protection Agency.---(1)The Authority shall forward the location plan to the Environment Protection Agency, Government of Khyber Pakhtunkhwa, for confirmation that-

- (a) the site is not prone to flooding or other environmental hazards; and
- (b) that development of a private housing scheme, thereon, shall not result in any damage to the environment.

(2) The certification, in respect of sub-rule (1), shall be furnished by the Environmental Protection Agency, within thirty (30) days of receipt of such application, from the Tehsil Municipal Administration:

Provided that in case the Environmental Protection Agency fails to provide certification under sub-rule (2), within thirty (30) days, the Tehsil Municipal Administration may issue provisional planning permission to the private promoter or developer subject to the fulfilment of other conditions.

(3) In case of any observation by the concerned Tehsildar office or Environmental Protection Agency, the same shall be furnished to the Tehsil Municipal Administration, which shall, in turn, convey the same to the private promoter or developer for settling the observations and resubmit the case after clearance of observations so conveyed. The time so consumed on the part of the private promoter or developer shall not be counted towards the approval timelines notified by the concerned authority.

(4) Once the document verification of the proposed private housing scheme is carried out by the concerned Tehsil Officer (Infrastructure and Services) of the concerned Tehsil Municipal Administration and the clearance reports are received from the concerned Tehsildar and the Environmental Protection Agency, the Tehsil Municipal Administration shall, within three working days furnish a self-contained case to the Authority for approval of preliminary planning with such terms and conditions as may be specified in the permission letter.

(5) Upon approval of the Authority, the preliminary planning permission shall be issued in respect of the applying private promoter or developer by the Tehsil Municipal Administration, on its official letterhead, duly numbered, dated, stamped and signed and copies provided to the respective Deputy Commissioners, Assistant Commissioners and all relevant departments of Government.

8. Preliminary planning permission.---(1) A preliminary planning permission shall-

- (a) be a confirmation that a private housing scheme can be submitted for approval in accordance with these rules;

- (b) be valid for six months from the date of issuance;
- (c) not be construed as permission to carry out any construction activities at the proposed site; and
- (d) shall not be treated as permission that the NOC or sanction shall definitely be granted for such private housing scheme.

(2) Only a private promoter or developer, in whose name a planning permission has been issued, shall be entitled to submit the private housing scheme.

Chapter-III

Application for Sanction of Private Housing Scheme

9. Submission of plan.---(1) The Tehsil Municipal Administration shall entertain an application for sanction of a private housing scheme, if submitted within validity period of the preliminary planning permission.

(2) An application for sanction of private housing scheme shall be accompanied by-

- (a) a copy of the Preliminary Planning Permission issued previously to the private promoter or developer by Tehsil Municipal Administration;
- (b) a topographic survey extended to a depth of one thousand feet around the scheme area;
- (c) layout plan, superimposed on a khasra plan, with proposed division of scheme into residential and commercial plots, road network, drainage, open spaces, graveyard and public buildings prepared and signed by a registered town planner, owner/owners and the private promoter or developer in accordance with these rules;
- (d) a detail of developmental work along with proposed schedule of time and tentative cost to be incurred on carrying out the said works duly signed by the private promoter or developer;
- (e) financial statement of the private promoter or developer indicating that enough funds are available for development of the proposed private housing scheme which may include-
- (i) bank statements;
- (ii) detail of self-owned assets;
- (iii) loan Agreement with a scheduled bank (if any); and
- (vi) list of registered members; and
- (f) pay order or paid bank challan in respect of the applicable fees for processing and scrutiny of the plan.

(3) Requirements under clauses (a) and (b) above shall be submitted in triplicate.

10. Planning standards for a private housing scheme.---The Tehsil Municipal Administration shall, through a Planning and Technical Committee, notified for the purpose, ensure that a private housing scheme is planned and sanctioned in accordance with the planning standards, as defined for each category, in rules 13 and 14 of these rules.

11. Composition of the Planning and Technical Committee.---The composition of Planning and Technical Committee shall be as follows:

- | | | |
|-----|--|-----------------|
| (a) | Tehsil Municipal Officer of the concerned Tehsil Municipal Administration; | Convener |
| (b) | Tehsil Officer (Infrastructure and Services) of the concerned Tehsil Municipal Administration; | Member |
| (c) | Tehsil Officer (Regulation) of the concerned Tehsil Municipal Administration; | Member |
| (d) | District Architect of the concerned Tehsil Municipal Administration; | Member |
| (e) | a representative of the Environmental Protection Agency; | Member |
| (f) | Revenue Tehsildar of Tehsil concerned; and | Member |
| (g) | Town Planner, registered with Pakistan Council of Architects and Town Planners. | Co-opted Member |

Explanation: Remuneration of the co-opted member(s) shall be borne by the private promoter or developer at the rates notified by the Authority from time to time.

12. Functions and powers of the Planning and Technical Committee.---The Planning Committee shall be responsible to-

- (a) scrutinize the detail of developmental works proposed by the private promoter or developer in accordance with the requirements of the housing society;
- (b) assess the tentative schedule proposed for carrying out the said development works;
- (c) gauge the proposal in accordance with the planning standards mentioned in these rules;

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- (d) propose changes in the development works and the schedule of time in order to make it in conformity with the provisions of these rules;
- (e) convey to the private promoter or developer for incorporating the same in his plan and re-submitting the same to the Planning and Technical Committee for clearance;
- (f) call formal meeting with the private promoter or developer in order to deliberate upon the details of the proposed plan;
- (g) record its decisions and recommendations in the form of minutes of the meeting which shall be circulated to all concerned; and
- (h) convey its clearance report to the Tehsil Municipal Officer for further processing of the case.

13. Land categorization of private housing schemes.--- On the basis of area of land, the following shall be the categories of private housing schemes for the purpose of these rules:

- (a) Category- D (upto 50 Kanal);
- (b) Category- C (50- 100 Kanal);
- (c) Category-B (100-200 Kanal);
- (d) Category-A (200-500 Kanal); and
- (e) Mega Housing Scheme (above 500 Kanal).

14. Planning standards for private housing schemes.---(1)The Authority shall ensure that a private housing scheme is planned and approved in accordance with the following planning standards and requirements:

S. No.	Land use.	Category D (upto 50 Kanal).	Category C (50- 100 Kanal).	Category B (100-200 Kanal).	Category A (200-500 Kanal).	Mega Housing Scheme (Above 500 Kanal).
1.	Open Space.	-	Min. 5%	Min. 7 %	Min. 7 %	7 % or above.
2.	Graveyard.	-	-	Min. 2 %	Min. 2 %	Min. 2 %
3.	Commercial.	-	Max. 1 %	Max. 5 %	Max. 5 %	Max. 10 %
4.	Public Buildings.	-	Min. 2 %	2 % 10 %	3 % to 10 %	4 % to 10 %
5.	Size of Residential Plot.	Max. 1 Kanal.	Max. 2 Kanal.	Max. 2 Kanal.	Max. 2 Kanal.	Max. 2 Kanal.
6.	Internal Roads	Min. 25 feet.	Min. 25 feet.	Min. 30 feet.	Min. 30 feet.	Min. 30 feet.
7.	Site for Solid Waste Management.	-	Min. area 5 Marla.	Min. area 10 Marla.	Min. area 01 kanal for 200 kanal and 10 marla for each additional 100 kanal upto 500 kanal.	Min. area 4 kanal for 500 Kanal and 02 kanal for every additional 500 Kanal.

8.	Grid Station Exclusive of Public Buildings.	-	-	As per requirements of concerned deptt./ Agency.	As per requirements of concerned deptt./ Agency.	As per requirements of concerned deptt./agency.
9.	Major Roads.	Min. 40 feet.	Min. 40 feet.	Min. 60 feet	Min. 100 feet	Min. 150 feet.
10.	Service Area/ Scheme Office.	-	Min. 5 Marla.	Min. 10 Marla.	Min. 10 Marla.	Min. 1 Kanal.

(2) The private promoter or developer shall, for the purpose of obtaining permission of the competent authority with regard to private housing scheme, provide the details of the property as specified in **Form-“B1”**.

15. Technical requirements for the layout plan.---(1)The Planning and Technical Committee notified for the purpose shall ensure that a layout plan of a private housing scheme is in accordance with the following technical requirements:

- (a) scale of scheme plan 1:1200 to 1:2400;
- (b) scale of location plan 1: 4800;
- (c) size and dimension of each plot;
- (d) chamfering of corner plot by 5x5 feet. up to one kanal zone and 10x10 feet for above one kanal zone;
- (e) size and dimension of public buildings and open spaces;
- (f) right of way of road;
- (g) parking area with parking layout;
- (h) dimensions of a private housing scheme boundary;
- (i) boundary of a mauza or a revenue estate;
- (j) number and boundary of each khasra in a mauza;
- (k) area statement and percentage of:
 - (i) residential use;
 - (ii) commercial use;
 - (iii) open space;
 - (iv) road;
 - (v) graveyard;
 - (vi) public building; and
 - (vii) other uses;
- (l) aggregate of various categories of plots with area and, size;

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- (m) area of existing graveyard, if any, excluding it from area required for a graveyard under these rules;
- (n) location of pumping station, if any;
- (o) location of overhead tank and tube well if any;
- (p) aggregate of various categories of plots to be mortgaged;
- (q) signatures of a private promoter or developer and a town planner;
- (r) seal of the approving authority;
- (s) cardinal sign indicating north;
- (t) name of private housing scheme;
- (u) names of the mouzas comprising a private housing scheme; and
- (v) marking of land to be acquired by a private promoter or developer, if any.

(2) The private promoter or developer shall provide the details of layout plan in the manner as specified in **Form-“B2”**.

16. Processing of an application for sanction of private housing scheme.--- The Tehsil Municipal Administration shall only entertain an application complete in all respect and in case of any deficiency, inform a private promoter or developer within seven days of the submission of application, clearly mentioning the nature of deficiencies. Once the Planning and Technical Committee has granted its clearance, the case shall be submitted along with clearance report to the Tehsil Municipal Officer for inviting public objections and suggestions upon the proposed plan.

17. Inviting public objections.---(1) The Tehsil Municipal Officer shall through the Directorate of Information, Government of Khyber Pakhtunkhwa, publish, in at least two leading Urdu and one English daily national newspaper, issue a public notice for inviting objections and suggestions, in accordance with **Form-“A”** attached to these rules.

(2) Public notice shall be published at the cost of a private promoter or developer specifying the following:

- (a) location of the private housing scheme;
- (b) total area of the private housing scheme;
- (c) name and address of the private promoter or developer;
- (d) name and address of the land owner(s) in case, the private promoter or developer is not the sole owner;

- (e) list of khasra number along with name of revenue estate or mauza;
- (f) time limit of thirty days from the date of publication for filling of objections; and
- (g) name and address where objections can be filed.

(3) The Tehsil Municipal Administration shall forward the objections, if received, to the private promoter or developer, within five days after the expiry of the time limit, given in the public notice, for addressing and resubmission of the private housing scheme along-with annotated replies to the observations so received and addressed accordingly.

18. Technical scrutiny of layout plan.---(1) After settlement of public objections and in case any of the objection is regarding ownership of a portion of land, included in the proposed private housing scheme, and both the private promoter or developer and petitioner, possess the ownership documents, then the disputed land, to that extent, shall be excluded from the private housing scheme.

(2) Once the public objections are settled, the Tehsil Municipal Officer shall forward the application along with its relevant documents to the District Scrutiny Committee, in light of the criteria and standards, set under these rules. The Tehsil Officer (Infrastructure and Services) shall submit a self-contained working paper along with attested copies of the application and its relevant documents, including the clearance report of the Planning and Technical Committee, etc. to the members of the District Scrutiny Committee, well before the date of meeting for their perusal and cross checking. On the day of the meeting, the members of the District Scrutiny Committee, shall analyse the application for sanction in accordance with the provisions of the Act and these rules so as to ensure that all the requirements, standards and necessary procedures have been fulfilled.

19. District Scrutiny Committee.--- (1)The following District Scrutiny Committee shall be constituted by the respective Deputy Commissioners for purpose mentioned in rule 20 of these rules.

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|-----|--|-------------|
| (a) | Deputy Commissioner of the concerned district; | Chairperson |
| (b) | Assistant Commissioner concerned; | Member |
| (c) | Tehsil Municipal Officer concerned; | Member |
| (d) | Tehsil Officer (Regulations) concerned; | Member |
| (e) | a representative of the Environmental Protection Agency; | Member |
| (f) | a representative of Communication and Works Department (Civil Engineer); | Member |
| (g) | a representative of Agriculture Department; | Member |

- (h) a representative of Local Development Authority (if available); Member
- (i) District Architect of the Tehsil Municipal Administration concerned; and Member
- (j) Tehsil Officer (Infrastructure and Services) of the Tehsil Municipal Administration concerned. Member

(2) The Chairperson of the District Scrutiny Committee may appoint any member as co-opted.

(3) In case where the area of private housing scheme falls under subsection (9) of section 23B of the Act, and proposed as a mega housing scheme, as prescribed in these rules, then the Divisional Commissioner concerned, instead of the Deputy Commissioner concerned, shall act as Chairperson of the District Scrutiny Committee.

20. Functions and powers of the District Scrutiny Committee.---The functions and powers of District Scrutiny Committee shall-

- (a) ensure and verify that the ownership of land has been confirmed through due process enunciated in law and these rules in order to certify that land ownership is not disputed;
- (b) ensure and verify that size of proposed site is in accordance with the categories of private housing scheme provided in these rules;
- (c) ensure and verify that the land has not been earmarked for any other purpose by Government;
- (d) ensure and verify that the land is not prone to flooding or other environmental hazards and the clearance of Environmental Protection Agency for development of a housing society upon the land in question has been obtained;
- (e) ensure and verify that the planning standards required under these rules have been followed and that due clearance from the Planning and Technical Committee has been obtained;
- (f) ensure and verify that the public objections have duly been solicited and addressed;
- (g) ensure and verify that the financial viability of the private promoter or developer has been confirmed and the private promoter or developer has the required financial worth to carry out the developmental activities within the proposed time schedule;
- (h) ensure and verify that the minimum requirements as enunciated in the **Form-"A"** have been followed;

- (i) scrutinize the proposed developmental works in the private housing scheme;
- (j) determine the reasonability of time schedule of development based upon the quantum of developmental activities as proposed by the private promoter or developer;
- (k) discuss and decide any other modality of the private housing scheme and or any matter that may be deemed necessary regarding the suitability of the private housing scheme on the basis of established law, provisions of these rules and ground situation; and
- (l) add any term and condition as the District Scrutiny Committee may deem fit for the successful and timely completion of the private housing scheme.

21. Grant of scrutiny certificate.---(1) After due scrutiny and satisfaction of the District Scrutiny Committee with the proposed private housing scheme, it shall grant approval for validation, subject to fulfilment of the terms and conditions or pre-requisites as provided under these rules. In case of any observations, the same shall be recorded with logical reason and rationale for conveying the same to the private promoter or developer with the instructions to attend to the said observations and resubmit the case or application for scrutiny of the District Scrutiny Committee.

(2) Once the District Scrutiny Committee decides for grant of validation certificate, the same shall be recorded in the form of minutes of the meeting, duly signed and stamped by the Chairperson and all members of the District Scrutiny Committee and circulated to all concerned parties and offices. The Tehsil Municipal Administration shall inform the private promoter or developer of the decision of the District Scrutiny Committee with the instructions to fulfil any terms and conditions or pre-requisites prior to issuance of formal sanction of the private housing scheme.

(3) The Tehsil Municipal Administration shall ensure that formal sanction is granted only after all the pre-requisites are completed by the private promoter or developer.

22. Pre-requisites for issuance of sanction of a private housing scheme.---The Tehsil Municipal Administration shall, prior to issuance of sanction for private housing scheme by the competent authority, require a private promoter or developer to-

- (a) submit a transparency of approved layout plan, indicating the plots, proposed to be mortgaged;
- (b) submit a soft copy of approved layout plan geo-referenced with the Coordinate System of Survey of Pakistan plan;
- (c) deposit private housing scheme approval fee at the rate as notified by the Tehsil Municipal Administration;

- (d) submit, a transfer deed in accordance with **Form-“B”** for transfer of the following areas in the name of Tehsil Municipal Administration, at the cost of private promoter or developer:
- (i) area reserved for roads, open spaces, park and graveyard, solid waste management; and
 - (ii) one per cent of scheme area for public buildings, excluding the area of mosque;
- (e) submit, in the name of Tehsil Municipal Administration,-
- (i) a mortgage deed, in accordance with **Form-“C”**, ten per cent saleable area of private housing scheme to the Tehsil Municipal Administration or Development Authority as security for completion of development works; or
 - (ii) a performance bond, in accordance with **Form-“D”** and **Form “D-1”**, consisting of a performance agreement and a bank guarantee respectively. Amount of bank guarantee shall be equivalent to the total cost of development works;
- (f) furnish a surety bond to the Tehsil Municipal Administration for complying with the development standards, marketing or sale requirements and terms for disposal or sale or purchase of plots within the private housing scheme; and
- (g) furnish a surety bond to the effect that the private promoter or developer shall abide by the schedule of works, as issued to him at the time of sanction, and that failing to meet the timelines, shall make the private promoter or developer liable to penal consequences as enunciated in these rules.

23. Sanction of private housing scheme.---(1) After fulfilment of the above requirements and approval or sanction granted by the competent authority, the Tehsil Municipal Administration shall issue a formal letter of sanction in accordance with **Form-“E”**, along with a schedule of works. Copies of the sanction and schedule shall also be forwarded for information and necessary action to the Deputy Commissioner concerned and all related Government agencies, responsible for provision of utilities and the local police station.

(2) This letter shall be a formal permission for initiating developmental works as well as marketing and sale of the plots in a sanctioned private housing scheme in addition to compliance with marketing requirements under any other law for the time being in force.

24. Public notice.---The Tehsil Municipal Administration shall, at the cost of a private promoter or developer, through Directorate of Information (in two daily national newspapers) publish a public notice in accordance with **Form-“F”**, giving details of mortgaged plots and salient features of the sanctioned private housing scheme as well as the schedule of development and place the same on the website of the Tehsil Municipal Administration as well.

Chapter-IV Marketing and Sale Requirements

25. Content of an advertisement.---A private promoter or developer shall include the following publicity material in an advertisement for the sanctioned private housing scheme.

- (a) total area along with location plan;
- (b) aggregate of residential and commercial plots;
- (c) detail of plots mortgaged with the Tehsil Municipal Administration;
- (d) period for completion of development works or schedule of development issued to the private promoter or developer by the Authority;
- (e) name of sanctioning authority and sanction number; and
- (f) procedure of allotment through balloting or otherwise.

26. Terms and conditions.--- In addition to any other terms and conditions, a private promoter or developer shall include the following in application form for allotment of a property:

- (a) allotted property number shall not be changed without the consent of an allottee;
- (b) a private promoter or developer shall ensure that an allottee becomes member of a resident association and is bound to pay management and maintenance charges on regular basis;
- (c) allotment of a property shall not be cancelled without reason and intimation to an allottee through registered post;
- (d) date of handing-over possession of the property shall be indicated;
- (e) notwithstanding anything in the contract, in case of delayed handing over of possession of the plot or property beyond the stipulated date, the private promoter or developer or builder shall be liable to pay an amount equivalent to two percent (2%) per month of the amount paid by the allottee in addition to giving possession of the plot;
- (f) in case the cancellation of property is due to the non-payment of instalment of price of property, one opportunity for making required payment shall be given to an allottee;
- (g) in case of non-payment of development charges, two opportunities, for making required payment, shall be given to an allottee;

- (h) in case of cancellation due to default of the purchaser, ten percent price of a property shall be deducted and balance amount to be refunded within six months; and
- (i) development charges per plot shall be clearly defined in the terms and conditions and shall not be increased without written permission of a Tehsil Municipal Administration.

Chapter-V

Market Research and Analysis for Consumer Survey

27. Application for market survey.--- An application for the market survey shall be processed in accordance with the procedure as specified under section 23B of the Act.

Chapter-VI

Design and Specifications

28. Submission of detailed design and specifications.---The private promoter or developer shall, within six (06) months of the issuance of sanction for planning, submit the detailed design and specifications to the Tehsil Municipal Administration, which shall process the same to the concerned competent authority for their scrutiny and approval.

29. Water supply, sewerage and drainage.---(1) A private promoter or developer shall-

- (a) engage services of a qualified public health and structural engineers, who shall be member of the Pakistan Engineering Council for preparation of detailed design and specifications of water supply, sewerage and drainage systems;
- (b) ensure that design and specifications are in accordance with law, rules, master plan and guidelines of the Authority responsible for approval of the same;
- (c) ensure that water supply, sewerage and drainage lines are provided on both sides of a road. If provided only along one side of a road then, underground connections for properties on the other side of road shall be provided before road pavement; and
- (d) submit detailed design and specifications for water supply, sewerage and drainage, within six months from sanction of a private housing scheme, to the Tehsil Municipal Administration.

(2) A private promoter or developer shall, in areas where public trunk sewer does not exist, abide by the requirements of an Agency, maintaining a sewerage system and shall ensure disposal of sewage to the satisfaction of Agency.

(3) A private promoter or developer, at his cost, shall connect sewerage and drainage system of the private housing scheme to a public trunk sewer,

wherever available subject to approval of an Agency, maintaining a sewerage system.

(4) After connecting the system to a public trunk sewer, the same may be taken over by an Agency for operation, maintenance and billing.

30. Submission of documents.---A private promoter or developer shall submit to the Tehsil Municipal Administration four (04) sets of the following technical documents of the sanctioned private housing scheme:

- (a) key plan of private housing scheme;
- (b) master plan of the private housing scheme designed and authorised by a registered town planner or firm of Pakistan Council of Architects and Town Planner;
- (c) sanctioned layout plan;
- (d) infrastructure plan;
- (e) location plan;
- (f) topographic survey plan;
- (g) soil test report from the approved laboratory;
- (h) geometric design of road network and junction;
- (i) land uses analysis;
- (j) pavement design;
- (k) design of appurtenance and structure;
- (l) road drainage design;
- (m) landscape design for a road network;
- (n) design of street furniture and fixtures; and
- (o) detail of traffic control devices.

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31. Road network.---A private promoter or developer shall-

- (a) engage services of a qualified civil/structural engineer, who shall be member of the Pakistan Engineering Council for preparation of detailed design and specifications of road network and bridges;
- (b) submit, within six months of sanction of a private private housing scheme, detailed design and specifications of a road network, bridge and foot path;

- (c) ensure that design and specifications are in accordance with law, rules, master plan and guidelines of Authority responsible for approval of the same;
- (d) ensure that foot path is provided on both sides of a major road; and
- (e) ensure that service road is provided on both sides of a road with more than 80 ft. right of way.

32. Water, Sanitation and Sewerages.---The private promoter or developer shall submit-

- (a) detailed designs and specifications of water supply, sewerage and drainage system;
- (b) number of tube wells, their capacity, chamber design, bore hole detail and connection detail with water supply system, including tube well logs (strata chart), details of tube well machinery and installation detail;
- (c) number of overhead tanks, capacity, design, structure design and design calculation detail along with structural stability and design for ultimate disposal of the sewage; and
- (d) location of septic or soakage well, where disposal is not available.

33. Processing of documents:(1) The Tehsil Municipal Administration shall forward, within ten (10) days, the documents specified above, regarding detailed design and specifications to the respective office of water and sanitation branch of the Tehsil Municipal Administration or Water and Sanitation Services Company, as the case may be, for its scrutiny and approval.

(2) The concerned offices shall, within twenty (20) days, convey objections, if any, to the private promoter or developer.

(3) The private promoter or developer shall resubmit the documents after removing the objections to the respective Tehsil Officer (Infrastructure and Services), which raised the objections.

(4) If satisfied, the concerned officer shall, within fifteen days of resubmission, convey the approval of the documents.

(5) A private promoter or developer shall submit a soft copy of approved documents to the Authority.

(6) Soft copy of the approved layout plan of infrastructure services of the private private housing scheme shall be provided separately.

34. Landscape plan.---A private promoter or developer shall after sanction of a private private housing scheme, submit to the Tehsil Municipal Administration a landscape plan for parks and open spaces in master plan layout. The same shall be forwarded to the Tehsil Municipal Administration for its scrutiny in accordance

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with these rules and approval if found correct. The required scrutiny shall be carried out by the Tehsil Municipal Administration, within fourteen (14) days and convey its approval or observations, if any, to the private promoter or developer.

35. Solid waste management plan.---A private promoter or developer shall, after sanction of a private private housing scheme, submit to the Tehsil Officer (Infrastructure and Services), a solid waste management plan. It shall include a plan showing location of proposed dust bins, storage places and collection and disposal of solid waste system. The said plan shall be forwarded to Tehsil Municipal Administration for scrutiny and approval or observation, if any, that shall be conveyed back to the private promoter or developer within fourteen (14) days for redressal.

36. Electricity and street light plan.---(1) A private promoter or developer shall-

- (a) prepare design and specifications of electricity and street light in accordance with law, rules, master plan and guidelines of Agency responsible for provision of electricity;
- (b) submit, within one year of the sanction of the private private housing scheme, these design and specifications to the Tehsil Municipal Administration which shall for cause scrutiny and technical views of Electrical Engineering wing of any Agency; and
- (c) a private promoter or developer shall ensure that designs are prepared by an Electrical Engineer, registered with the Pakistan Engineering Council, and approved by Agency responsible for provision of electricity.

(2) The Tehsil Officer (Infrastructure and Services), with the consultation of Electrical Engineer, shall, within one (01) month, convey objections, if any, to a private promoter or developer under intimation to the Tehsil Municipal Officer concerned.

(3) A private promoter or developer shall resubmit the documents after removing the objections to the Tehsil Officer (Infrastructure and Services), section of Tehsil Municipal Administration for onward submission to the Electrical Engineer for verification.

(4) If satisfied, the Electrical Engineer shall within fifteen (15) days after resubmission, convey approval of the documents to the Tehsil Officer (Infrastructure and Services). However, prior to communicating the approval to the private promoter or developer, the case shall be routed to the Tehsil Officer (I&S) for certifying the pace of work as given in the schedule of development by the private promoter or developer.

(5) Once certified by the concerned sections that the pace of work is in accordance with the schedule of work then the Tehsil Officer (Infrastructure and Services), shall formally communicate the approval of detailed design and specification, in respect of electrical work, to the private promoter or developer under intimation to the Agency, responsible for provision of electricity connections as well as the concerned Town Municipal Officer.

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(6) A private promoter or developer shall also submit a soft copy of approved documents to the Agency notified by the Government for provision of electricity.

(7) No connections shall be given to any private housing scheme prior to fulfilment of the criteria laid down in these rules.

37. Gas supply charges.---(1) A private promoter or developer shall, after sanction of a private housing scheme deposit charges and costs for the provision of gas, if available in the vicinity, in accordance with the requirements of Sui Northern Gas Company Limited under intimation to the Authority.

(2) Prior to issuance of No Objection Certificate regarding the gas connections, the case shall be routed through the Tehsil Officer (Infrastructure and Services) for certifying the pace of work as given in the schedule of development by the private promoter or developer.

(3) Copy of the No Objection Certificate shall be conveyed to the Agency, providing gas connections, subject to the certification of pace of work, in accordance with the schedule so furnished by the private promoter or developer.

38. Supply of Telephone or Internet Facilities.---A private promoter or developer may, within three years of the development of a private housing scheme, ensure availability of telephone and internet facilities under intimation to the concerned Tehsil Municipal Administration.

39. Underground services.---(1) A private promoter or developer shall ensure that utility services, such as water supply, sewerage, sui gas and cable lines, are laid underground as per standard procedure.

(2) In area, where topography does not permit laying of underground services, exemption may be granted by a plan approving Agency under intimation to a concerned Tehsil Municipal Administration.

Chapter-VII

Schedule of Development

40. Schedule of development and responsibility of private promoter or developer.--- (1)The private promoter or developer shall be bound to meet the timelines, as enunciated in the schedule of development, issued by the concerned Tehsil Municipal Administration, at the time of sanction by the competent authority.

(2) The said schedule shall be regularly monitored by the Tehsil Municipal Administration by engaging the services of relevant professionals of the Tehsil Municipal Administration.

(3) If, in any case, the timelines are not being met, the private promoter or developer shall be put on notice regarding the lapse.

(4) If the private promoter or developer fails to complete the work on expiry of the schedule, the sanction, issued to the private promoter or developer,

shall be withdrawn under intimation to concerned Government Agencies, responsible for provision of utilities, and the local police station as well.

(5) The withdrawal of sanction, under sub-rule (4), shall be advertised in two leading Urdu and one leading English daily, as well as, on the website of the Authority for public information.

(6) The private promoter or developer shall not be allowed to carry out developmental work or sale or purchase of plots, within the private housing scheme, and the same shall be taken over by the Authority forthwith.

(7) In this case, a formal request shall be forwarded to the office of the Deputy Commissioner concerned for immediately ceasing transfer of titles within the private housing scheme area.

(8) The land of the private housing scheme shall be taken over by Government which shall be retrieved as arrears of land by the Deputy Commissioner concerned.

(9) In case the private promoter or developer furnishes an application for extension of time to the concerned Tehsil Municipal Administration, prior to expiry of the original time schedule of development, mentioning, therein, the reasons for delay along with documentary proof.

(10) The Tehsil Officer (Infrastructure and Services) shall forward the reasons to the concerned Tehsil Municipal Officer with verification and report.

(11) The said report shall be furnished back to the Tehsil Officer (Infrastructure and Services) within fourteen (14) days along with decision.

(12) If the concerned Tehsil Officer (Infrastructure and Services) certifies the genuineness of the reasons for delay then the case shall be furnished to the Deputy Commissioner concerned for grant of extension in the time of completion of works, subject to the condition that the said extension shall not exceed two years in any case.

(13) Extension shall be granted only if eighty per cent (80%) developmental work is carried out.

(14) In case the private promoter or developer fails to complete the developmental works, within the extended time, then the sanction, issued to the private promoter or developer, shall be withdrawn and the bank guarantee encashed shall be forfeited in favour of the Authority.

(15) The private promoter or developer shall not be allowed to carry out developmental work or sale and purchase of plots within the private housing scheme and the same shall be taken over by the Tehsil Municipal Administration.

(16) Restoration of the withdrawn sanction shall be permitted after submission of new application by the private promoter or developer with surety bonds to the effect along with payment of a fee as notified by the Tehsil Municipal Administration from time to time and subject to the approval of Deputy Commissioner concerned who shall reserve the right to accept or reject the application with cogent reason(s).

(17) For the purpose, application shall be submitted to the Tehsil Officer (Infrastructure and Services) who shall, process the application after scrutinizing the surety so furnished by the private promoter or developer in respect of abiding the schedule of development.

(18) In such case, a new schedule of maximum two (02) years shall be permissible if approved by the Deputy Commissioner concerned and subject to depositing the required restoration of sanction fee as well as surety bonds.

(19) The restoration of sanction shall be granted only one time and in case of re-cancellation of the sanction, no further restoration will be permissible.

(20) In case of failure to complete construction within the stipulated time after restoration, the private housing scheme shall be taken over by the Tehsil Municipal Administration and the land under the private housing scheme shall be forfeited in the name of the Government which shall be retrieved as arrears of land by the Deputy Commissioner concerned.

(21) In such an event the Tehsil Municipal Administration shall continue to develop the private housing scheme in accordance with the sanctioned plan.

(22) The sale of plots in the private housing scheme shall be undertaken by the Tehsil Municipal Administration through conducting open public auctions.

(23) The revenue, so generated, shall be receivable to the Tehsil Municipal Administration for using the same to develop the private housing scheme and to provide services to the residents of the area.

Chapter-VIII Development and Monitoring

41. Development of a sanctioned private housing scheme.---A private promoter or developer shall ensure to-

- (a) develop a private housing scheme, within the time period specified in the schedule of works, in conformity with these rules;
- (b) undertake development works, after issuance of approval of design and specifications by the Tehsil Municipal Administration; and
- (c) intimate name and address of pipe manufacturing factory, in case of water supply, sewerage and drainage works, to the Authority or Agency which approved the design and specification of water supply, sewerage and drainage.

42. Monitoring, supervision and regulatory control of the private housing scheme.---(1) The Tehsil Municipal Administration shall ensure that there is no deviation from the implementation plan, sanctioned for the private housing scheme by the competent authority. For this purpose, a physical progress or situation report shall be generated on regular intervals, indicating the ground position and conformity with the approved plan, as well as, the pace of work in conformity with the schedule of development.

(2) The Tehsil Municipal Administration, which approves the design, and specifications shall-

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- (a) conduct, without prior notice, regular site visits to ensure that development works are in conformity with approved design and specifications as well as the pace in light of the schedule;
- (b) carry out hydraulic tests for sewer and water supply lines;
- (c) determine testing laboratory, types and number of tests to be performed;
- (d) complete testing and inspection prior to back filling of trenches and paving road surface;
- (e) intimate the private promoter or developer to rectify any deviations from approved design and specifications; and
- (f) report any deviation, violation or lapse to the concerned Tehsil Municipal Officer and Deputy Commissioner for necessary action as per law and rules.

(3) A private promoter or developer shall-

- (a) inform, in writing, prior to commencement of development works, the Tehsil Officer (Infrastructure and Services) of concerned Tehsil Municipal Administration, who shall, in turn, inform the concerned Planning and Technical Committee, which approved design and specifications;
- (b) engage services of public health, structural and electrical engineers, who are members of the Pakistan Engineering Council, to ensure quality control and execution of works in accordance with an approved design and specifications; and
- (c) rectify any deviations from approved design and specifications as prescribed in clause (e) of sub-rule (2) of this rule.

(4) Testing and inspections, carried out by the Tehsil Municipal Administration, shall be at the cost of a private promoter or developer.

(5) If a private promoter or developer fails to develop a private housing scheme, within the stipulated period, or development works are not in conformity with the approved design and specifications, then the Tehsil Municipal Administration-

- (a) may take over the development works of the private housing scheme;
- (b) shall execute the development works from the sale proceed of mortgaged plots or encashment of bank guarantee;

- (c) shall recover the shortfall from a private promoter or developer as arrears of land revenue, in case of differential in cost of development works;
- (d) take action against the deviations or violations as per law; and
- (e) may extend the development period only in cases where about eighty per cent (80%) development works are completed as per criteria mentioned in these rules.

43. Supervision and Control.---(1) The Department may call for and examine the records of any proceedings for the purpose of satisfying itself to the correctness, legality or propriety of sanction of the private housing scheme, recommendations, observations, penalty or order recorded or passed as to the regularity of any proceedings.

(2) On examining the record, the Department may pass such orders, as it deems fit, but before cancelling or recalling sanction of the private housing scheme, an opportunity shall be given to the private promoter or developer to be heard.

44. Release of mortgaged plots.---The Tehsil Municipal Administration may release mortgaged plots, in proportion to development works, on obtaining field report from Planning and Technical Committee of Tehsil Municipal Administration, which approved design and specifications about the satisfactory completion of work as follows:

- (a) twenty-five per cent of mortgaged plots on hundred per cent completion of water supply, sewerage and drainage works;
- (b) twenty-five per cent of mortgaged plots on hundred per cent completion of road, bridge and footpath works;
- (c) twenty-five per cent of mortgaged plots on hundred per cent completion of electricity (or on full payment of charges to the concerned Agency) and streetlight network;
- (d) fifteen per cent of mortgaged plots on hundred per cent payment of gas charges; and
- (e) ten per cent of mortgaged plots on hundred per cent completion of horticulture and solid waste management works.

45. Release of bank guarantee.---The Tehsil Municipal Administration may allow a private promoter or developer to reduce bank guarantee, in proportion to development works, on obtaining field report from the concerned Planning and Technical Committee or such other Agency which approved design and specifications about the satisfactory completion of work as follows:

- (a) twenty-five per cent of bank guarantee on hundred per cent completion of water supply, sewerage and drainage works;

- (b) twenty-five per cent of bank guarantee on hundred per cent completion of road, bridge and footpath works;
- (c) twenty-five per cent of bank guarantee on hundred per cent completion of electricity and streetlight network;
- (d) fifteen per cent of bank guarantee on hundred per cent payment of gas charges; and
- (e) ten per cent of bank guarantee on hundred per cent completion of horticulture and solid waste management works.

Chapter-IX Fee Structure

46. Fee for preliminary permission.---(1) A private promoter or developer shall deposit a preliminary planning permission fee (non-refundable) along with application at the following rate of:

S. No.	Category of Private housing scheme.	Fee for Preliminary Planning Permission.
1.	Category- D (upto 50 Kanal).	Rs 100,000/-
2.	Category- C (50- 100 Kanal).	Rs 300,000/-
3.	Category-B (100-200 Kanal).	Rs 700,000/-
4.	Category-A (200-500 Kanal).	Rs 14,00,000/-
5.	Mega Housing Scheme (Above 500 Kanal).	Rs 30,000,00/-

(2) A private promoter or developer shall deposit a fee for the following at a rate as notified by the Tehsil Municipal Administration from time to time:

- (a) sanction of a private housing scheme;
- (b) approval of design and specifications for water supply, sewerage and drainage;
- (c) approval of design and specifications for road, bridge and footpath of a private housing scheme; and
- (d) approval of design and specifications for electricity and street light.

Chapter-X Penalty Procedure against Illegal Private Housing Schemes

47. Penalties and procedure.---(1) In case where a private promoter or developer initiates developmental activities, within a private housing scheme area, or engages in sale or purchase of land, within the private housing scheme area, without permission of the competent authority, for the first time, he shall be liable to punishment which may extend up to rupees five million and imprisonment

which may extend to three years or with both under the relevant provisions in the Act.

(2) In case of second time violation, the Tehsil Municipal Administration shall intimate the same to the Deputy Commissioner concerned with the request to freeze transfer of titles, within the private housing scheme area. The private housing scheme area shall be taken over by the Tehsil Municipal Administration and the land shall be forfeited in favour of Government, which shall be notified in the leading dailies for information of general public.

(3) Further development of the private housing scheme area shall be undertaken by the Tehsil Municipal Administration through generation of revenue from the estate of the private housing scheme.

(4) The same shall be carried out through auction of plots both commercial and residential and the revenue, so generated, shall be utilized for the development of the private housing scheme and provision of services within the private housing scheme area.

(5) For the purpose of sub-rule (4), a designated commercial bank account shall be opened in the name of Tehsil Municipal Administration for receipts and expenditures related to the private housing scheme.

(6) The Tehsil Municipal Administration may, however, for the purpose of operations, grant loan to the private housing scheme from its own resources which may be recouped from the same after receipt of revenue.

(7) For the purpose of forceful takeover, the private housing scheme shall be carried out with the help of Police and district administration to be overseen directly by the concerned Deputy Commissioner and the Tehsil Municipal Officer, the forceful vacation of the private promoter or developer shall be undertaken under the Khyber Pakhtunkhwa Removal of Encroachment from Public Property Act, 1977 (Khyber Pakhtunkhwa Act No. V of 1977).

Chapter-XI **Land Sub-Division**

48. Land sub-division.--- A Tehsil Municipal Administration shall allow sub-division of a plot in an approved private housing scheme and a parcel of land as per categories provided in rule 13 of these rules.

49. Sub-division of a plot in an approved private housing scheme. --- (1) A Town Municipal Administration or a Tehsil Municipal Administration shall, after verification of ownership documents, entertain an application for sub-division of a plot, subject to following requirements:

- (a) a private promoter or developer shall be owner of the plot;
- (b) a plot proposed to be sub divided shall not be less than one kanal;
- (c) one kanal plot in accordance with approved private housing scheme shall only be divided into two plots of ten marla each;

- (d) a plot of two kanal and above shall only be divided into plots of one kanal or above;
- (e) if a sub-divided plot is not abutting a road, than a sixteen feet wide access road shall be provided within the original plot; and
- (f) if more than one sub-divided plots are not abutting a road, than a twenty feet wide access road shall be provided within the original plot.

(2) A private promoter or developer shall provide internal infrastructure and services for additional plots.

50. Sub-division of a land in area other than an approved private housing scheme.---A Town Municipal Administration or Tehsil Municipal Administration, as the case may be, shall, after verification of ownership documents, entertain an application for sub-division as per categories prescribed in rules 13 and 14 of these rules, subject to the following requirements:

- (a) width of access road to land is not less than thirty feet;
- (b) land is not prone to flooding;
- (c) land is not notified by Government for acquisition for any public purpose;
- (d) land is locked due to the following:
 - (i) surrounded by an existing built up area or an approved private housing scheme; and
 - (ii) separated from the built up area by physical barriers;
- (e) a private promoter or developer does not own additional land in continuation of the land proposed for sub-division;
- (f) road width in a proposed sub division plan shall not be less than thirty feet;
- (g) a private promoter or developer shall transfer area under road through transfer deed to a Town Municipal Administration or, as the case may be, a Tehsil Municipal Administration;
- (h) a private promoter or developer shall provide internal infrastructure and services; and
- (i) a private promoter or developer shall ensure provision of septic tank in each plot, in case public sewerage system is not available.

51. Additional requirements for sub-division of a land in area other than an approved private housing scheme.---A Tehsil Municipal Administration shall, after verification of ownership documents, entertain an application for sub-division of land, subject to the following additional requirements:

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- (a) a private promoter or developer shall provide-
- (i) not more than one per cent of total area for corner shops or mosque; and
 - (ii) No Objection Certificate from the Environmental Protection Agency;
- (b) a private promoter or developer shall get approval of design and specifications of water supply, sewerage and drainage system, electricity and street light network, road network, solid waste management system, in accordance with these rules from agencies responsible for approval of the same; and
- (c) a private promoter or developer shall transfer area under road and open space through transfer deed to a Tehsil Municipal Administration.

52. Submission of application for sub-division.---A private promoter or developer shall submit an application for sub-division of a plot or a land to a Tehsil Municipal Administration along with the following:

- (a) receipt of scrutiny fee;
- (b) a copy of national identity card of a private promoter or developer;
- (c) title documents;
- (d) non encumbrance certificate issued by a competent authority;
- (e) sub-division plan, indicating location of existing buildings;
- (f) location plan in accordance with these rules;
- (g) three sets of sub-division and location plan signed by a private promoter or developer and a town planner; and
- (h) No Objection Certificate from the Environmental Protection Agency.

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53. Approval of sub-division of a plot in an approved private housing scheme.---(1) A Tehsil Municipal Administration shall not entertain an incomplete application and a private promoter or developer shall be informed accordingly within five days of submission of an application.

(2) A Tehsil Municipal Officer concerned shall, after scrutiny and clearance of ownership documents, approve sub-division after deposit of sub-division fee.

54. Approval of sub-division of land.---(1) A Tehsil Municipal Administration shall not entertain an incomplete application and a private

promoter or developer shall be informed accordingly within five days of submission of an application.

(2) A Tehsil Municipal Administration, while considering an application for scrutiny of ownership documents, shall, within five (05) days of its receipt, forward the application with comments or submit the same to the concerned District Officer (Revenue) for the scrutiny of ownership documents,

(3) After the scrutiny by a District Officer (Revenue) concerned shall, within ten days, forward any objections to a Tehsil Municipal Officer concerned and a Tehsil Municipal Officer concerned shall, within five days, forward the objections to a private promoter or developer for resubmission.

(4) After the scrutiny of the ownership documents,-

- (a) the Planning and Technical Committee shall, within ten days, scrutinize a land subdivision plan;
- (b) in case of objection, the Tehsil Municipal Administration shall, within five days, forward the objections to a private promoter or developer for resubmission; and
- (c) after the scrutiny and clearance from the Planning and Technical Committee, the Tehsil Municipal Officer concerned, shall, within five days, submit a sub-division plan to the Authority for approval or passing appropriate orders.

(5) A Tehsil Municipal Administration shall, prior to issuance of approval for sub-division, require a private promoter or developer to-

- (a) submit transparency of technically cleared sub-division plan;
- (b) deposit sub-division fee;
- (c) deposit the land use conversion fee if applicable; and
- (d) submit a transfer deed in the light of **Form-“B”** for free of cost transfer to a Tehsil Municipal Administration reserved for road /open space.

(6) The Tehsil Municipal Officer concerned shall, convey the approval of sub-division to a private promoter or developer on the basis of the technically cleared sub-division plan.

(7) A Tehsil Municipal Administration shall prescribe appropriate sub division fee.

Chapter-XII Regularization of illegal private housing schemes

55. Regularization of illegal private housing schemes.---The private housing schemes, existed or under construction in any part of the Province, without any prior sanction or No Objection Certificate from the concerned competent authority, may be regularized, subject to the following terms and conditions:

- (a) all the allottees or house owners shall form and register themselves as cooperative society under the Cooperative Society Act, 1925 (Act No. VII of 1925);
- (b) all the streets, green belts, open spaces, utility plots etc shall be transferred in the name of concerned Tehsil Municipal Administration's;
- (c) on the cost of the cooperative society, shall cause the preparation of a master plan showing different aspects of the township;
- (d) deposit the application processing fee by the cooperative society as prescribed in these rules;
- (e) ensure water, sanitation and sewerage system as per approved plan under the supervision of the concerned Tehsil Municipal Administration;
- (f) all the residential and commercial plans are approved from the concerned Tehsil Municipal Administration subject to standard specifications;
- (g) on the cost of cooperative society, all the roads, streets and other civic amenities are completed under the supervision of the concerned Tehsil Municipal Administration;
- (h) ensure proper security plan through the cooperative society;
- (i) ensure observance to the environmental standards and protocols;
- (j) all new constructions are regulated by the respective Tehsil Municipal Administration;
- (k) Where required, the access road is widened on the cost of the cooperative society;
- (l) a bank account is opened in the name of the cooperative society and minimum monthly or yearly contribution from the members and details be provided to the concerned Tehsil Municipal Administration;
- (m) ensure all the infrastructure work is carried out as per guidance and instructions of the concerned Tehsil Municipal Administration;
- (n) ensure that the land under the township is not disputed;
- (o) clearance Certificate from the Planning and Technical Committee of the concerned Tehsil Municipal Administration and District Scrutiny Committee as per standard mechanism;

- (p) undertaking to the effect that the cooperative society shall abide by all the laws, rules and bye-laws in operation, repair and management of the private housing scheme; and
- (q) any other condition to be determined by the authority concerned.

Chapter-XIII Appeal

56. Appeals procedure.---(1) An aggrieved person may, within thirty (30) days of cause of action, arising under these rules, file an appeal before the Secretary of the Department.

(2) The Secretary of the Department shall, within thirty (30) days from the date of filing of the appeal, decide such appeal, subject to hearing of the parties, through a written order, which shall be final.

(3) An appeal, under these rules, shall include-

- (a) an application signed by the appellant;
- (b) a copy of the National identity Card of the appellant; and
- (c) any other document relevant to the appeal.

(4) The appellate authority may pass an interim order during the pendency of an appeal.

Chapter-XIV Miscellaneous

57. Transfer of private housing scheme in revenue record.---(1) The Tehsil Municipal Administration shall, within nine months of sanction of the private housing scheme, get the private housing scheme land transferred in the revenue record.

(2) The Tehsil Municipal Administration shall not, before twelve months and not later than eighteen months of sanction of a private housing scheme, get the private housing scheme land transferred in its name in revenue record as per transfer deed.

58. Extension of the private housing scheme.---In case of extension in the private housing scheme, a private promoter or developer may submit application (after completion of 80% physical work) to be processed and scrutinized in the manner provided in these rules for fresh application.

59. Management and maintenance of private housing scheme.---(1) After development works are completed and plots are handed over to allottees, plot owners association of a private housing scheme shall be responsible for its management and maintenance.

(2) Plot owners association of private housing scheme shall manage and maintain water supply, sewerage, drainage, street light, electricity, park, road,

solid waste and graveyard till such time that these services are taken over by the Government or its Agency.

(3) Plot owner's association of private housing scheme shall make security arrangements and manage buildings of common use such as mosques and clubs.

(4) Allottees or residents shall contribute proportionately for management and maintenance of the private housing scheme.

60. Modification of private housing scheme.--- No modification in a sanctioned private housing scheme shall be made without observing the procedure prescribed for the grant of original sanction.

61. Plot numbering.---A private promoter or developer shall fix plot numbers in the private housing scheme as per **Form-“G”**.

62. Check list for sanction of a private housing scheme.--- The Planning and Technical Committee and the District Scrutiny Committee shall respectively ensure that the application and attached annexures are assessed on the basis of check list as specified in **Form-“H”**.

63. Guide map.---A private promoter or developer shall display a guide map at the main entrance and other prominent locations in a private housing scheme and install the signboards at the corner of the road indicating plot numbers and name of roads.

64. Fire hydrant.---A private promoter or developer shall provide fire hydrant on main water lines in open space, commercial centre and at regular interval along a road.

65. Tree plantation.---A private promoter or developer shall plant trees on both sides of a road and in open spaces.

66. Action against illegal private housing schemes.--- The Tehsil Municipal Administration with assistance of the District Administration shall take action against illegal housing private housing schemes being launched in its jurisdiction and against any deviation being made in the sanctioned housing private housing schemes as per law for the time being in force.

67. Repeal and savings.--- (1) The Khyber Pakhtunkhwa Local Government (Site Development Schemes) Rules, 2005 are hereby repealed.

(2) Notwithstanding with the repeal of the aforesaid rules, all orders made, acts done, notifications issued and actions taken shall, if not inconsistent with the provisions of these rules, be deemed to have been made, done, issued and taken under these rules.

FORM-"A"
PUBLIC NOTICE

[see rules 17(1) and 20(h)]

(Name, location and address of scheme)

The public is hereby informed that M/s

(Name of developer)

(Address of developer)

Has applied to for sanction of a scheme located in mauza

Tehsil district _____

Having a total area of kanal marla square feet.

Detail list of khasra numbers along with mauzais:

Any person having objection against sanction of the scheme or title of land may, within fifteen days of publication of this notice, submit the same in writing to the undersigned. Any objection filed after the due date shall not be entertained. This notice shall not be taken as a commitment for sanction of the scheme.

Name of the officer

Designation

Address

Phone

Asstt. Local Drafter
Govt. of Punjab, Pakisthan
Lands Department

FORM-"B" SCHEDULE OF PROPERTY

[see rule 14(2)]

Schedule of the property

1. Park and open spaces

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
TotalArea					

2. Public building plots(1%)

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
TotalArea					

3. Graveyard

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
TotalArea					

4. Other plots

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
Total Area					

5. Total area under roads

Kanal	Marla	Sq.feet

Asstt. Canal Officer
 Govt. of Punjab
 Land Department

FORM-"B1"
LAYOUT PLAN OF PRIVATE HOUSING SCHEME

[see rule 15(2)]

(Approved Layout Plan of the Private Housing Scheme showing land transferred through the Transfer Deed.

Asstt. Legal Officer
Govt. of Maharashtra
Law Department

**FORM-“B2”
TRANSFER DEED**

[see rules 22(d) and 54(5)(d)]

The Transfer deed made at _____ on the day of _____ in year _____ by Developer _____

ID Card No. _____ of the scheme located at Mouza hereinafter called the Transfer;

INFAVOUR OF

Tehsil Municipal Administration hereinafter called the “Transferee”

WHEREAS the Transfer is absolute owner with possession of land measuring _____ Kanal bearing khasra Nos. _____ Marla _____ square feet. _____ in Mouza _____

Tehsil _____ District

AND WHEREAS _____ has approved layout plan of scheme on land of the Transferor, including the area under revenue paths and water courses measuring a total of _____ Kanal _____ Marla _____ square feet. A total area of _____ Kanal _____ Marla _____ square feet. (shown in the plan at annex-I) is reserved for public use as detailed below and thereafter called the property:

sr.#	Public land use	kanal	marla	Sq.Ft
1.	Road			
2.	Park			
3.	Graveyard			
4.	Public building			
5.	Disposal station and pumping station			
Total:				

Schedule of area under the property is at annex II.

NOWHEREFORE, this deed witnesses as follows:

1. That the transfer or hereby warrants that the/she is the absolute owner of the property and no person whatsoever has any charge, encumbrance, lie nor mortgage over the property and same is free there from.
2. That in consideration of public welfare the transfer or hereby transfers to the Transferee free of charge all his/her rights, interests, easements, appurtenant here to in the property and to hold the same to the transferee as absolute and lawful owner.

3. That the Transferor further agrees that all times hereinafter, upon request and at expense of the Transferee, to execute or cause to be executed lawful deed and act whatever for better and more perfectly conveying and assuring the property for the Transferee, its heirs, executors, administrators, assignees as shall be reasonably required by the Transferee and placing it in its possession or same according to true interests and meaning of this Deed.
4. That even after execution of this transfer deed the transferor will be responsible for maintenance of area transferred till such time that the same is taken over by an agency responsible for maintenance.
5. That the transferor shall abide by conditions imposed in the Mortgage Deed.

IN WITNESS WHEREOF the Transferor has as here into set his hand on the day and the year first above written.

THE TRANSFEROR

Signed _____

Name _____

I.DcardNo _____

Address _____

WITNESS1

WITNESS2

Signed _____

Signed _____ Name _____ I.DcardNo _____ I.DcardNo _____ Address _____

**FORM-“C”
MORTGAGE DEED**

[see rules 22(e)(i)]

THIS MORTGAGE DEED is made at _____ on the _____ day of the month of _____
M/S _____ Residing at _____ in between _____ year _____ NIC _____

(hereinafter referred to as the mortgagor which expression, where the context so admits, shall include heirs, executors, administrators, legal representatives, assigns and successors) of the first part AND the Tehsil Municipal Administration, Authority of the second part.

WHEREASE the mortgagor applied for sanction of _____ scheme for an area of _____ Kanals _____
Marlas _____ sqft bearing khasra Nos. _____

In mouzas. _____

Tehsil _____ District _____

The scheme is approved and the mortgagor has agreed to mortgagor twenty percent (ten percent in case of a farm housing scheme with Tehsil Municipal Administration.

NOW this deed witnesses as follows:

- 1) As a security for provision of development works in the scheme, the mortgagor hereby grants, assures, demises and mortgages to Tehsil Municipal Administration following plots

PlotNumber	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
TotalArea					

The mortgaged plots are also shown in red color on the scheme plan at annex C-1.

- 2) The mortgagor shall pay stamp duties, registration charges and other incidental expenses for and in connection with this or any other document to be required in respect of redemption of this mortgage deed.
- 3) The mortgagor shall submit and get approved designs of services from the concerned design approving agencies and completes development work within a period of five years after sanction of the scheme.
- 4) The mortgagor shall provide paved roads, structure plan roads, sewerage system, drainage system, water supply system, electrification and street lights, horticulture works, solid waste management system, gas etc. within the scheme area.
- 5) The mortgagor or the plot owners shall pay the proportionate cost of construction of trunk sewers, sewerage disposal station on proportionate served area basis as and when demanded by the concerned design approving agency.

- 6) The Tehsil Municipal Administration shall release mortgaged plots, in proportion to development works, on obtaining field report from an agency, which approved design and specifications about the satisfactory completion of work as follows:
- a. Twenty five percent of mortgaged plots on one hundred percent completion of water supply, sewerage and drainage works;
 - b. Twenty five percent of mortgaged plots on one hundred percent completion of road, bridge and footpath works;
 - c. Twenty five percent of mortgaged plots on one hundred percent completion of electricity and streetlight net work;
 - d. Fifteen percent of mortgaged plots on one hundred percent payment of gas charges; and
 - e. Ten percent of mortgaged plots on one hundred percent completion of horticulture and solid waste management works.
- 7) On completion of development works, the operation and maintenance of the infrastructure, public and utility services in the scheme shall be the responsibility of the residents and or the plot owners till such time that the same are taken over by the concerned agencies.
- 8) The Tehsil Municipal Administration shall not be responsible for undertaking development works in the scheme. If the mortgagor fails to do so and the Tehsil Municipal Administration, decides to undertake development works, the mortgagor will provide additional funds, if so required, for the development works over and above the amount received from the sale of the mortgaged plots.
- 9) If at any stage, the land under the scheme or any part thereof is required by the Tehsil Municipal Administration or the Government for any public purpose, the mortgagor or his successor in interest or any other person claiming any right or interest in the said land shall have no objection to its acquisition.
- 10) The plots mortgaged to the Tehsil Municipal Administration shall be open to inspection at any time by any officer deputed for the purpose.
- 11) The mortgagor and or all plot owners of the scheme shall pay to Tehsil Municipal Administration the Betterment Fee as and when levied.
- 12) The mortgagor hereby covenants with the Tehsil Municipal Administration

and guarantees that he/she:

- a. shall from time to time and all times hereafter comply with all rules, regulations and by-laws framed by the Tehsil Municipal Administration under the respective laws.
- b. has exclusive and absolute ownership of the mortgaged property in which no one else has any claim, concern, right or interest of whatsoever nature.
- c. has a legal right, full power, absolute authority to mortgage such property by way of such mortgage deed.
- d. has not, prior to the date of these presents, done, made, committed, caused or knowingly done any act under a deed or matter whereby the right to so mortgage has been or may be impaired.
- e. hereby declares that the property offered as security for provision of development works is free from all sorts of encumbrances and charges and undertakes that the said property shall not be sold or charged without the prior approval in writing of the Tehsil Municipal Administration
- f. Shall not put the property in any other charge or otherwise transfer the same or any part thereof in any way and would keep and hold the Tehsil Municipal Administration secured harmless and indemnified against all losses and damages caused to be suffered or sustained by the Tehsil Municipal Administration as a result of any defect in title or any claim or demand preferred by anyone with respect to the property or any part thereof.
- g. shall keep the property mortgaged with the Tehsil Municipal Administration as security for the provision of development works to the satisfaction of the Tehsil Municipal Administration.

13) In case the mortgagor fails to provide the development works as required by the Tehsil Municipal Administration under the preceding clauses, the Tehsil Municipal Administration without any further notice to or concurrence on the part of the mortgagor shall be entitled to:

- a. take possession of the mortgaged property.
- b. sell or dispose off the said property or any part thereof together or in parcel on the account and at the risk of mortgagor either privately or by public auction or by private contract on such terms and conditions as the Tehsil Municipal Administration shall think fit and proper, without the bid and intervention of a court of law and without prejudice to the Tehsil Municipal Administration rights to execute the necessary sale deed, present it for registration and get the same registered and have the necessary mutation of names entered in the Government, revenue records, and on such transfer the property shall vest in the transferee, all rights in or to the property transferred, as if the property had been sold to the transferee by the owner and for the purpose aforesaid or any of them to make agreements, execute assurance and give effectual receipt for discharges for the purchase money and do all other acts and things for completing the sale, which the person or persons exercising powers of sale shall think proper of the aforesaid power shall be deemed to be a power to sell of concur in selling without the intervention of the court under the transfer of property Act-1882.

14) The mortgagor shall abide by the conditions imposed in the letter of sanction of the scheme.

IN WITNESS WHEREOF the mortgagor as here into sets his hand on the day and the year first above written.

Mortgagor

Signed _____

Name _____

I.DcardNo _____

Address _____

WITNESS1

Signed _____

Name _____

IDcardNo. _____

AddressAddress. _____

WITNESS2

Signed _____

Name _____

IDcardNo. _____

AddressAddress. _____

Asstt: Legal Drafter
Govt: of Khyber Pakhtunkhwa
Law Department

**FORM-“C1”
SCHEME PLAN SHOWING MORTGAGE PLOTS**

[see Form-“C”]

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
TotalArea					

Asstt: Legal Drafter
Govt. of Khyber Pakhtunkhwa
Law Department

FORM-“D”
PERFORMANCE AGREEMENT

[see rules 22 (e)(ii)]

THIS PERFORMANCE AGREEMENT is made at _____ on the _____ day of the month of in the year _____

Between M/S _____ IDcard _____ residing at: _____

hereinafter referred to as the developer which expression, where the context so admits, shall include heirs, executors, administrators, legal representatives, assigns and successors of the first part AND the Tehsil Municipal Administration of the second part.

Whereas the developer applied for sanction of _____ scheme for an area of _____ kanals _____

Marlas _____ sqft _____ bearing khasra Nos. _____

_____ in mouzas. _____

Tehsil _____ District _____ and the scheme is approved. The developer has agreed to submit a bank guarantee equal to the total cost of the provision of development works of the said scheme to the Tehsil Municipal Administration.

NOW this Agreement witnesses as follows:

1. That as a security for provision of development works of the scheme, the developer hereby submits to Tehsil Municipal Administration equal to total cost of provision of development works of the scheme.

2. The developer shall pay all charges for stamp duties, registration charges and other incidental expenses for and in connection with the Performance Agreement and the Bank Guarantee.
3. That the Developer shall get approved designs of services from concerned design approving agencies and will complete development works within a period of five years after sanction of the scheme.
4. The developer shall provide paved roads, structure plan roads, sewerage, drainage system, water supply system, electrification and street lights, horticulture works, solid waste management system, gas, etc. within the said scheme area.
5. The developer or the plot owners shall pay the proportionate cost of construction of trunk sewers, sewerage disposal station on proportionate served area basis as and when demanded by the concerned design approving agency.
6. The developer or the plot owners shall pay the proportionate cost of construction of trunk sewers, sewerage disposal station on proportionate served area basis as and when demanded by the concerned design approving agency.
- (a) twenty five percent of bank guarantee on one hundred percent completion of water supply, sewerage and drainage works;
 - (b) twenty five percent of bank guarantee on one hundred percent completion of road, bridge and footpath works;
 - (c) twenty five percent of bank guarantee on one hundred percent completion of electricity and streetlight net work;
 - (d) fifteen percent of bank guarantee on one hundred percent payment of gas charges; and
 - (e) ten percent of bank guarantee on one hundred percent completion of horticulture and solid waste management works.
7. On completion of development works in the scheme, the operation and maintenance of the infrastructure, public and utility services in the scheme shall be the responsibility of the residents and or the plot owners till such time that the same are taken over by the concerned agencies.
8. The Tehsil Municipal shall not be responsible for undertaking development works in the scheme if the developer fails to do so and the Tehsil Municipal Administration decides to undertake development works the developer shall provide additional funds, if required so, for the development works over and above the amount received from the encashment of the Bank Guarantee, due to increase in cost of the development works.
9. If at any stage, the land under the scheme or any part thereof is required by the Tehsil Municipal Administration or Government for any public purpose, the developer or his successor in interest or any other person claiming any right or interest in the said land shall have no objection to its acquisition.
10. The developer and or plot owners shall pay to the Tehsil Municipal Administration the Betterment Fee as and when levied.

11. The developer hereby covenants with the Tehsil Municipal Administration and guarantees to comply with all rules, regulations and byelaws framed by the Tehsil Municipal Administration under the respective laws.
12. That the developer shall abide by the conditions imposed in the Letter of sanction of the scheme.
13. The Tehsil Municipal Administration may extend the completion date by mutual agreement keeping in view unforeseen circumstances and the Performance Agreement shall be amended accordingly. The validity of the Bank Guarantee shall also be extended and total amount shall be enhanced if cost of development works is expected to increase due to extension in completion date.
14. If the Tehsil Municipal Administration feels that the development works are expected not to be completed in the remaining time period, it may ask the developer, fifteen days before its expiry, to immediately extend the Bank Guarantee. If the developer does not extend the same, a week prior to its expiry, then the Tehsil Municipal Administration shall encash it before expiry.
15. In case the developer fails to provide the approved development works as required under the preceding clauses, the Tehsil Municipal Administration without any further notice to or concurrence on the part of the developer shall be entitled to;
 - a. encash the Bank Guarantee.;
 - b. spend the amount encashed on the provision of development works in the scheme through contracts and on such terms and conditions as the Tehsil Municipal Administration thinks fit and proper, without the bid and intervention of a court of law and without prejudice to the Tehsil Municipal Administration rights to do all other acts and things for completing the development works.
16. Upon written confirmation by all concerned agencies of the satisfactory completion of all the works as per Performance Agreement, the Bank Guarantee shall be released immediately.

IN WITNESS WHEREOF the developer as here into sets his hand on the day and the year first above written.

Developer

Signed _____

Name _____

I.DcardNo _____

Address _____

WITNESS1

Signed _____

Name _____

IDcardNo. _____

Address _____

WITNESS2

Signed _____

Name _____

ID card No. _____

Address _____

FORM "D-1"
BANK GUARANTEE

[see rules 22 (e)(ii)]

INSTRUCTIONS FOR SUBMISSION OF BANK GUARANTEE

1. Bank Guarantee is to be executed on Rs,1000, non judicial stamp papers.
2. Bank Guarantee must accompany a covering letter from the issuing bank.
3. Two additional copies of the Bank Guarantee shall be submitted and each page of the bank guarantee shall best stamped and signed.
4. The Bank Guarantee shall be as per given specimen.

(SPECIMEN)
BANK GUARANTEE

BANKSGUARANTEE NO_ _____
DATED _____
AMOUNT _____
EXPIRARY DATE _____

Whereas a Performance Agreement dated _____ has been executed between (Name of the Tehsil Municipal Administration) and M/s (Name of the Developer of the Scheme) for the development of the (Name of the Scheme) Scheme as per terms and conditions contained in the said performance Agreement.

AND WHEREAS you have required the Developer to furnish, a Bank Guarantee equivalent to the amount Rs. (in figures) Rupees (in words).

1. NOW THEREFORE in consideration of the aforesaid we (Name of the Bank) do hereby bind ourselves, unconditionally and irrevocably, and guarantee to pay you the said amount without objection or reservation or any reference to the Developer, within three days of the receipt of the written demand notice, before the expiry of this Bank Guarantee.
2. This Guarantee shall continue to be in full force and operative and binding on us, until all the requirements of the Performance Agreement have been complied with.
3. Any such demand made by you on default by the Developer, shall deemed to be conclusive by the mere fact of placing a demand. We shall be bound to encash this Bank Guarantee on demand.
4. Our obligation under this Guarantee shall not be discharged or affected by:
 - a. Any time or any indulgence given by you to the Developer in respect of any obligation of the Developer under the Performance Agreement.
 - b. Any variation of any provision of the Performance Agreement.
 - c. Any dissolution, winding up or corporate reorganization of the Developer.
 - d. Any transfer or extinguishing of any of the liability of the Developer by any law, regulation, decree, judgment order or similar instrument.
5. Our liability under the Bank Guarantee shall, in any case, not exceed the sum of Rs. (in figures) Rupees (in words).
6. We will be released and discharged of our liability, if no claim is lodged with us on or before (Expiry date of the Bank Guarantee).
7. This Bank Guarantee shall constitute an irrevocable arrangement binding on us and our successor in interest, and shall inure to the benefit of your successor in-interest, assigns under Agreement.

For and on behalf of the
bank:

Seal and signatures of the authorized
person

Designation

Name of the bank

WITNESS1

Signed _____

Name _____

IDcardNo. _____

AddressAddress. _____

WITNESS2

Signed _____

Name _____

IDcardNo. _____

AddressAddress. _____

Asstt. Legal Drafter
Govt. of Kerala
Law Department

COVERING
LETTER

BANK GUARANTEE NO _____

DATED _____

AMOUNT _____

EXPIRY DATE _____

To,

Dear
Sir,

As per request of M/s (name of the Developer) we hereby enclose Bank Guarantee No _____ dated _____ in your favour, the sum of Rs. (in figures) and (in words) on account of M/s (name of the Developer)

We, hereby undertake to make an unconditional payment of Rs. (in figures) and (in words) to you on your first written demand and without recourse to the Developer as per the provisions of Bank Guarantee,

This Bank Guarantee shall remain valid and in full force till the expiry date, after which no claim will be entertained.

Any claim arising out of this Guarantee must be lodged in writing within the validity period of Bank Guarantee, certifying that the Developer has failed to meet the requirements under Performance Agreement.

For and on behalf of the bank:
Seal and signatures of the authorized person
Designation

Private Housing Schemes Khyber Pakhtunkhwa, Rules-2020

FORM-“E”

[see rules 23 (i)]

From:

To:

Subject: SANCTION OF SCHEME (name and location of scheme)

The Scheme plan submitted by you for an area measuring _____ kanals _____
Marlas _____ Sqft in Mouza _____ has been sanctioned by (Name of in Tehsil
_____ and District _____ Tehsil Municipal Administration

This sanction of the scheme is subject to the following conditions:

1. No change in land use of plots will be allowed at later stage in violation of any prevailing Laws for the time being enforce
2. The approval of designs of services such as water supply, sewerage and drainage systems and of roads shall be obtained from the agencies responsible for its approval
3. The approval of design of electrification and street lights shall be obtained from WAPDA or other agency designated for it.
4. The development works in the scheme shall be completed in accordance with the approved designs and specifications.
5. All development works shall be completed within a period of five years from the date of issue of this letter.
6. Construction of buildings shall be undertaken after approval of building plans in accordance With prevailing Building and Zoning Regulations/Bye-Laws.
7. Proportionate cost for the provision of trunk services on proportionate area basis shall be paid by the plot owners as and when demanded by the concerned agency.
8. Provision of horticulture and landscaping of the scheme area will be done as per approved Plans.
9. The operation and maintenance of the schemes after completion of development works shall

be responsibility of the plot owners association.

10. In case of any litigation or objection regarding the land ownership, you will be responsible for the same and (Name of Tehsil Municipal Administration) shall not be a party in this issue. You will be responsible to settle any dispute about ownership of land if arises at any stage.
11. The plot owners shall pay any betterment charges as and when levied by the concerned agency.
12. In case of any complaint from the plot owners you or plot owners association shall be responsible to settle the issue.
13. You will display a copy of approved scheme plan, a copy of sanction letter and a list of mortgaged plots in your office.
14. You will abide by the terms and conditions of the Transfer Deed and Mortgage Deed/Performance Agreement and Bank Guarantee.
15. No revision in layout plan and design specification etc. to be done without the approval of concerned agency.
16. You will make arrangements to hand over the possession of the areas to (Name of Tehsil Municipal Administration) as per Transfer Deed.
17. You shall get the approved scheme transferred in revenue record within six months after the sanction of the scheme
18. The advertisement and publicity material shall include:
 - i. Total area and location;
 - ii. Total number of residential and commercial plots of various sizes;
 - iii. detail of mortgaged plots.
 - iv. Period for completion of development works.
 - v. Method of allocation of plot numbers.
21. Sale or commitment of plots over and above the total number of plots provided in the approved scheme is not allowed.
22. Sale or commitment of mortgaged plots is not allowed before their redemption.
23. Full contents of this letter shall be given in the publicity brochure prepared for the sale of plots.
24. You will take up the case regarding the proposed acquisition of land if any with the concerned authority; The Plan approving authority has nothing to do with it.
25. You shall include all the general terms and conditions under these Rules in your application forms.

Name of the Officer _____

Designation _____

Address. _____

FORM-"G"

NUMBERING OF PLOTS AND ROADS

[see rules 61]

1. NAMING THE BLOCKS

- i. The scheme may be divided into Blocks keeping in view its area.
- ii. Efforts shall be made to ensure that each Block is bounded in such away that total numbers of plots in the Block do not exceed 500 or so.
- iii. Boundaries of each Block shall be well defined with a road or prominent physical feature
- iv. These Blocks shall be named or given alphabetical numbers.

2. NAMING THE ROADS

Each road shall be given a name, numerical or alphabetical number for identification

3. NUMBERING OF PLOTS

A particular plot in a street shall be given a unique/specific number. The intention is to make it easier to locate it. There are different systems being followed for numbering of plots, same are summarized below

Option1

Odd numbers on the left side, as viewed from the datum point at the start of the road, and even numbers on the right side. Along long roads numbers will typically ascend until the road crosses a junction or reaches the boundary of the next Block.

Option2

To proceed sequentially along one side of the road and then back down the other, it is a combination of clockwise and anti-clockwise system, depending on the layout plan.

Option3

First roads are numbered. Then plots are numbered along both sides of the road sequentially or on odd/even system basis. In this case the road numbers vary but the plot numbers in each road start from one.

Option4

Plots which surround a square are usually numbered consecutively clockwise.

FORM-“H”
CHECK LIST FOR SANCTION OF A SCHEME

[see rule 62]

A-Documents required		STATUS	
1. Certified copy of national identity card of developer;	Yes		No
2. Certified title documents including a registry, intiqal, fard, or any other document;			
3. Khasra plan or Aks-e-shajra certified by a tehsildar revnue;	Yes		No
4. Topographic survey plan extended to a depth of one thousand feet around the scheme area;	Yes		No
5. Location plan signed by a town planner;	Yes		No
6. Layout plan signed by a town planner and developer;	Yes		No
7. Requirements under (c), (d), (e), and (f) above are submitted in triplicate;	Yes		No
8. Details of Development works along with time schedule;	Yes		No
9. Details of land proposed to be acquired, if any, the land proposed to be acquired does not exceed twenty percent of the total area owned by the developer in the scheme; and	Yes		No
10. Scrutiny fee paid	Yes		No
B-PRELIMINARY CHECKING		STATUS	
1. Application is complete			
2. Planning permission was issued to the developer;			
3. Is the scheme submitted within the validity period of the Preliminary Planning Permission;			
C-SCRUTINY OF OWNERSHIP		STATUS	
1. Ownership documents cleared by the revenue office	Yes		No
2. Public notice given for inviting objections	Yes		No
3. Objections received, if any, settled by the developer	Yes		No
D-SCRUTINY OF SCHEME PLAN		STATUS	
1. Scale of scheme plan is correct	Yes		No
2. Scale of location plan is correct	Yes		No
3. Size and dimensions of each plot is given	Yes		No
4. Chamfering of corner plot by 5X5 feet upto one kanal and 10X10 feet for two kanal and above is done	Yes		No
5. Size and dimension of public building and open space is given;	Yes		No
6. Right of way of road is written;	Yes		No
7. Parking area with parking pattern is indicated;	Yes		No
8. Dimensions of boundary of scheme is written	Yes		No
9. Boundary of a mouza or a revenue estate and khasras is superimposed on the layout plan	Yes		No
10. Number and boundary of each khasra in a mouza is given;	Yes		No
11. Area and land use percentage of following is given; (VIII) Residential Use (IX) Commercial Use (X) Open Space; (XI) Road; (xii) graveyard; (xiii) public building; (xiv) other uses;			
1. Aggregate of various categories of plots with area and, size is given;	Yes		No
2. Area of existing graveyard, if any, excluding it from area required for a graveyard is given separately	Yes		No
3. Location of pumping station, if any; is shown	Yes		No
4. Location of overhead tank and tube well is shown;	Yes		No
5. List of various categories of plots to be mortgaged is given and hatched;	Yes		No
6. Signatures of the developer and a town planner	Yes		No
7. Seal of the approving authority is given	Yes		No
8. Cardinal sign indicating north is shown	Yes		No
9. Name of scheme if any is given;	Yes		No
10. Names of the mouzas comprising a scheme are given; and	Yes		No
E-PLANNING STANDARDS COMPLIED WITH (HOUSING SCHEME)		STATUS	
1. Open space or park not less than seven percent	Yes		No
2. Commercial area is five percent	Yes		No

Asstt: Legal Officer
Govt: of Khyber Pakhtunkhwa
Law Department

3. Graveyard not less than two percent	Yes		No	
4. Public Buildings from five to ten percent	Yes		No	
5. Area of residential plot not more than one thousand square yard;	Yes		No	
6. Internal roads not less forty feet right of way;	Yes		No	
7. Roads proposed in per-urban structure plan and master plan are accommodated;	Yes		No	
H. A ten marla plot for storage of solid waste provided per thousand plots	Yes		No	
F-PLANNING STANDARDS COMPLIED WITH (FARM HOUSING SCHEME)	Yes		No	
1. Graveyard not less than two percent	Yes		No	
2. Commercial area is five percent	Yes		No	
3. Open space or park, public building, public utility sites not less than seven percent	Yes		No	
4. Area of residential plot not less than four kanal	Yes		No	
5. Internal road not less forty feet right of way	Yes		No	
6. Roads proposed in peri-urban structure plan and master plan are accommodated	Yes		No	
7. A ten marla plot for storage of solid waste provided per thousand plots	Yes		No	
G-PRE-REQUESTESFORISSUANCEOFSANCTION OF SCHEME				
1. Approved by the competent authority	Yes		No	
2. Submitted a transparency of approved layout plan;	Yes		No	
3. Submitted a soft copy of approved layout plan;	Yes		No	
4. Deposited scheme approval fee;	Yes		No	
5. Deposited the land use conversion fee, if applicable;	Yes		No	
6. Submitted the Transfer Deed	Yes		No	
7. Submitted the Mortgage Deed or a Performance Agreement with a Bank Guarantee	Yes		No	
8. Submitted a No Objection Certificate from the Environmental Protection Department	Yes		No	
9. Issue letter of sanction in accordance with form E Issue public notice as per rule 19 in accordance with form F	Yes		No	
H-FOLLOW UP ACTIONS			STATUS	
1. Advertisements are as per Rule 20	Yes		No	
2. Terms and conditions as per Rule 21 included in the allotment letter	Yes		No	
3. Designs for Water Supply & Sewerage System submitted	Yes		No	
4. Designs for Water Supply & Sewerage System approved	Yes		No	
5. Designs for Road network submitted	Yes		No	
6. Designs for Road network approved	Yes		No	
7. Landscape Design submitted	Yes		No	
8. Solid Waste Management plan submitted	Yes		No	
9. Designs for electricity & street light submitted	Yes		No	
10. Designs for electricity & street light approved	Yes		No	
11. Gas Supply charges submitted to the concerned Department	Yes		No	
12. The Local Govt/Development Authority has transferred the Transfer Deed in the revenue record	Yes		No	
13. The Local Govt/Development Authority has transferred the Transfer Deed in the revenue record	Yes		No	
14. Scheme is being developed as per sanctioned layout plan if not action is being taken as per law	Yes		No	
15. Infrastructure and utility services are being laid as per approved designs and specifications if not, action is being taken as per law	Yes		No	
16. Twenty five percent of mortgaged plots on hundred percent completion of water supply sewerage and drainage works	Yes		No	
17. Twenty five percent of mortgaged plots on hundred percent completion of road, bridge and footpath works;	Yes		No	
18. Twenty five percent of mortgaged plots on hundred percent completion of electricity and streetlight network	Yes		No	
19. Fifteen percent of mortgaged plots on hundred percent payment of gas charges; and	Yes		No	
20. Ten percent of mortgaged plots on hundred percent completion of horticulture and solid waste management works	Yes		No	
21. Developer has installed guide Maps in the scheme	Yes		No	
22. Welfare Society for Management & Maintenance of the Scheme is functioning	Yes		No	

**Secretary to
Government of the Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department.**

Asstt. Legal Drafter
Govt. of Khyber Pakhtunkhwa