

**GOVERNMENT OF PUNJAB**  
**DEPARTMENT OF AGRICULTURE**  
**(MANDI BRANCH)**

**Notification**

The 2nd January, 2008

**No. G.S.R. 4/P.A. 23/1961/Ss. 18 and 43/Amd. (1)/2008.**—in exercise of the powers conferred by section 43 read with section 18 of the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act No. 23 of 1961), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) Rules, 1999.

**RULES**

1. (1) These rules may be called the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) (First Amendment) Rules, 2008.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. In the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) Rules, 1999 (hereinafter referred to as the said rules), in the preamble, for the word and figure "section 18", the words and figures "sections 3 and 18" shall be substituted.

3. In the said rules, in rule 2, for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) In these rules, unless the context otherwise requires,—

- (a) "allottee" means any eligible person to whom any plot or building under these rules is allotted in a market by allotment or auction;
- (b) "annexure" means an annexure, appended to these rules ;
- (c) "building" means any construction or part of a construction which is intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not and includes any out-house, structure, stable, cattle-shed, garage, hut, platform and plinth.

- (d) "competent authority" means the Secretary of the Board ;
- (e) "erect or re-erect any building" includes,—
- (i) any material alteration or enlargement of any building ;
  - (ii) the conversion by structural alteration into a place for human habitation of any building, not originally constructed for human habitation ;
  - (iii) the conversion into more than one place for human habitation of a building, not originally constructed as one such place ;
  - (iv) the conversion of two or more places of human habitation into one greater number of such places;
  - (v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security ;
  - (vi) the addition of any rooms, building, out-houses or other structures to any building ;
  - (vii) the construction in a wall, adjoining any street or land, not belonging to the owner of the wall, of a door opening on to such street or land; and
  - (viii) the construction of any overhanging structure over any street or public place or the enclosing of any space intended to be kept open;
- (f) "Estate Officer" means the Deputy General Manager (Estate) of the Board or any other officer of the State Government, appointed and designated by the State Government as such on recommendations of the Secretary of the Board ;
- (g) "form" means a form, appended to these rules;

- (h) "plot" means a piece of land, to be used for commercial purpose or any other co-related or allied purpose in any market, developed and owned by the Board or Committee;
- (i) "reserve price" means a price, determined by the Secretary of the Board in accordance with these rules for the purpose of transferring the plots by open auction or by allotment; and
- (j) "transferee" means a person (including a firm or other body of individuals, whether incorporated or not) to whom a plot or building is sold, leased or transferred in any manner whatsoever under these rules and includes his successors and assignees";

4. In the said rules, in rule 3,—

- (a) before the existing proviso, the following proviso shall be added, namely :—

"Provided that not more than fifty per cent of the available plots shall be disposed of by way of allotment and the process of allotment shall be completed before conducting the sale by auction".

- (b) in the existing proviso, which has been re-numbered as the second proviso,—

- (i) for the word "Provided", the words "Provided further" shall be substituted; and
- (ii) for conditions No. (ii) and (iii), the following conditions shall be substituted, namely :—

"(i) the allotment price shall be fixed at the five per cent, above the reserve price in the markets, where no auction has so far been held :

Provided that no corner plot shall be allotted by way of allotment. The corner plot shall be allotted by way of auction only, by adding ten per cent extra cost to the reserve price, fixed for plots, other than the corner plots ;

"(iii) only those licensees shall be eligible for allotment of plots on the price, specified in clauses (i) and (ii), who have been granted licences in the old denotified markets for a minimum period of three years before the date of allotment. Such licensees must have submitted returns in Form M appended to the Punjab Agricultural Produce Markets (General) Rules, 1962 for all three years or such licensees shall have to furnish adequate proof of working in the denotified old markets. In accordance with the provisions of Form 'H' and Form 'J', as specified in the Punjab Agricultural Produce Markets (General) Rules, 1962 read with the provisions of Form 'F', as specified in the bye-laws of the Market Committee for the aforesaid period of three years. The period of three years referred to above shall be counted with effect from the date of notice inviting applications for allotment :

Provided that only those licensees shall be eligible for allotment of plots, who have transacted the business of sale and purchase of agricultural produce for an amount, not less than five lacs rupees per annum during the last three years.

(iii-a) In case, a fresh licence has been issued during last three years for the reason that prescribed period for renewal of previous licence has expired, the tenure of the period of licence shall be reckoned from the date of issue of previous licence. However, the fresh licence must have been issued within a period of three months after the expiry of the prescribed period for renewal of previous licence :

Provided that in case, the previous licence was issued to a firm and that firm had split up due to any reason, resulting the cancellation of the previous licence, in such a case, the tenure of period of

licence shall be reckoned from the date of previous licence, only if the subsequent fresh licence has been issued in the name of the same firm and such fresh licence has been issued within a period of three months from the date of the cancellation of the previous licence ;

Provided further that the period, during which a licence remained cancelled during its non-renewal or due to the split up of a firm, then such a period shall be deducted while calculating the period, specified for a licence.

(c) "in clause (iv), for the words "two months", the words "three months" shall be substituted.

(d) for clause (v), the following shall be substituted, namely :—

"(v) the licensee should have been in possession of a premises as an owner or tenant or in any other legal capacity in the old market, which fact shall be determined by the allotment committee constituted under sub-rule (2) of rule 4" ;

Provided that in case there is only one single occupier of a premises in the old market, who is otherwise eligible for allotment of a plot, shall be eligible for allotment. In case there are more than two licensees, operating from one premises, then only two licensees shall be eligible for allotment of independent plots of lesser size in the new market who are otherwise eligible. The remaining licensees, who are also operating from the same premises shall give affidavits to the said allotment committee to the effect that they have "No Objection" in allotting plots to the two particular licensees.

(e) in clause (vii), for the words "seven years", wherever occurring, the words "five years" shall be substituted; and

(f) the clause (ix) shall be omitted.

5. In the said rules, after rule 3, the following rule shall be inserted, namely :—

“3(A) Powers and functions of Estate Officer—The Estate Officer shall have the following powers and functions, namely,—

- (i) to make the allotment of plots or auction of plots under these rules;
- (ii) to receive all payments of money under these rules;
- (iii) to sanction or refuse to sanction the building plan for erection or re-erection of any kind of building in a Market;
- (iv) to re-validate the sanction of building plan;
- (v) to stop unauthorized use of any building and to impose penalty for the disobedience of any order passed in this regard;
- (vi) to order the removal of persons and encroachments, in unauthorized occupation of any building by following due course of law ;
- (vii) to direct modification, if deemed necessary, of any sanctioned building plan of a building before its completion;
- (viii) to ensure proper maintenance and upkeep of any site and building;
- (ix) to issue notice to allottees, for the recovery of amounts due, along with interest or any other dues or for re-taking possession of a plots for breach of any other terms and conditions of allotment of plots;
- (x) to sign, sale or conveyance deed on behalf of the competent authority;
- (xi) to specify forms, registers, receipts and other record, whatsoever, considered necessary; and
- (xii) to perform such other functions as are incidental and co-related and are deemed necessary for the compliance of these rules”.