

## OFFER OF POSSESSION Chapter 4

### Offer of Possession

4.1 An 'offer of possession' means that the Corporation makes an offer of physical possession of the plot/site to the allottee. The Corporation would offer the site(s) for physical possession after it has completed the basic infrastructure facilities comprising of (i) a motorable access road, (ii) water supply system, and (iii) electricity distribution system, and made these facilities available at site in respect of the plots for which the possession is offered so as to enable the allottee to start construction of building for the project. It would be in order to offer the possession of plots in an estate in parts or in a phased manner.

4.2 Before a decision is taken to offer the possession in an estate, the concerned in-charge of the Industrial Area Division (IAD) shall furnish a certificate to the Estate Manager concerned certifying the completion of such basic minimum facilities. On such certificate from the IAD, the Estate Manager shall carry out a plot-by-plot verification so as to ensure that the plots, in respect of which the possession is proposed to be offered, are free from any encumbrances.

4.3 On completion of the above exercise, the Estate Manager shall obtain the Zoning Plan in respect of each plot from the Infrastructure Planning Division (IPD). Thereafter:

- i) The concerned Estate Office of the HSIIDC shall offer possession of industrial plots to the allottees by way of a formal communication at the correspondence address given by the allottee. Letters for 'offer of possession' shall be issued by registered/speed post / email in order to track the delivery of the communication to the addressee;
- ii) The offer of possession shall be accompanied with a copy of the 'Zoning Plan' as applicable to the said category of plots;
- iii) An allottee can represent against the 'offer of possession' within a period of 30 days of the issue of offer letter in case his plot is not free from all encumbrances or absence of the provision of basic amenities, along with the supporting documentary/ visual evidence;
- iv) On receipt of any such representation, a representative from the Estate office shall visit the site, preferably along with the allottee or his representative, within 7 working days and submit a report to the Estate Manager, who will take an appropriate decision, by a reasoned order, accepting or rejecting the grounds of representation. In case the representation is found to contain merit, the Estate Manager will direct the offer of possession to be held in abeyance till the deficiency is addressed and rectification is carried out and allow all consequential benefits to the allottee. He shall simultaneously fix the responsibility for wrongful offer of possession made in the first instance. The offer of possession shall be revived as soon as the cause of suspension thereof is rectified.

4.4 Consequences of 'Offer of Possession' by the HSIIDC:

- i) Once the Estate office has offered the possession of plots, the allottee shall be liable to pay interest @ 12% p.a. on the unpaid balance amount of the tentative price of the plot;
- ii) Any default in payment of instalments in time shall entail a penal interest of 3% p.a. over and above the normal interest on the amount of default for the period of default, compounded half yearly;
- iii) The period allowed for completion of each stage of the project and final implementation of the project shall count from the date of 'offer of possession'.

#### 4.5 Suo Motu request for Physical Possession

- i) There may be cases where an allottee is in a hurry to establish his project due to his business commitments and he is not in a position to wait for the completion of the basic minimum infrastructure facilities. The allottee can request for taking physical possession of the site at an early stage in such cases, i.e. before completion of basic infrastructure amenities. In such an event, he assumes the risk of undertaking execution of his project and meets all consequential costs on this account. Based on this clear understanding, the Estate Manager may allow physical possession of the plot to the allottee upon receipt of a request from him to this effect and facilitate provision of the Zoning Plan;

As an incentive to such an allottee, interest shall not be charged from him on the outstanding amount till such time the Estate Office formally offers the possession on completion of basic infrastructure facilities; but in case of any default in payment of instalments on due dates, interest @ 15% p.a. will be charged on the amount of default for the period of default, compounded half yearly. However, counting of the time period for completion/ implementation of the project shall start from the date the allottee is allowed physical possession of the plot in these cases.