

**FORM- 50**

**(See Rule 53(1) (b) and Condition No. (ii) of the Licence appended to Form 51 )**

**AGREEMENT BY A PROMOTER TO SET UP A COLONY**

This Agreement made on the [ ] day of [ ] Two thousand and [ ] between Sh./Smt./M/s [ ] (hereunder called the Promoter which term shall include his legal heirs, legal representatives, successors and assigns) on the one part and the Director, Town and Country Planning Department, Himachal Pradesh, Shimla (hereunder called the Director) on the other part;

Whereas, the Director has agreed to grant a Licence to the Promoter, for setting up a Colony on Khasra No. [ ] Mauja [ ] Tehsil [ ] District [ ] Himachal Pradesh, subject to the conditions that the Promoter shall enter into an Agreement with the Director for carrying out, completion and maintenance of development works in the Colony, in accordance with the Licence granted to him;

Now this deed witness as follows:-

1. In consideration of the Director having agreed to grant Licence to the Promoter to set up the Colony or Building on the land mentioned in the Schedule hereto, the Promoter hereby covenant as follows:-
  - (a) to maintain a separate Account in any scheduled Bank of all sums taken by him from the person intending to take or who has taken the Plot or Apartment or Building, as an advance or deposit towards sale price or for any other purpose as required under section 78 r of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) and utilize this amount for meeting the cost of development works in the Colony and shall, on demand, in writing, by the Director, make full and true disclosure of all transactions in respect of that Account;
  - (b) that the Promoter shall pay development works charges for development works, as prescribed under sub-section (5) of section 78 p of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), if the main lines of roads, drainage, sewerage, water supply and electricity are to be laid out and constructed by the Government or any Authority constituted under the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), or any Local Authority on payment of charges worked out by the Director on pro-rata basis at the time of applying for Completion Certificate and Occupancy Certificate. This will also apply in case the existing services are to be utilized by the Promoter;
  - (c) that the Promoter shall construct or get constructed at his own cost schools, hospitals,

community centers and other community buildings, sewerage, street lights, water supply, lifts as per the approved plan on the land set apart for this purpose or transfer such land to the State Government or Local Authority free of cost. The State Government shall be at liberty to transfer such land to any Local Authority or person or Institution on such terms and conditions, as it may deem fit and to be utilized for the above purposes;

- (d) that the Promoter shall be responsible for maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of Completion Certificate under the Building Regulations unless earlier relieved of this responsibility and thereupon shall transfer such roads, open spaces, public parks and public health services free of cost to the Local Authority or Institution or registered Resident Welfare Association, as the case may be;
- (e) that the Promoter shall permit the Director or any other Officer authorized by him, to inspect the execution of layout and development works in the Colony during office hours and to carry out all directions issued by him for ensuring due compliance of execution of layout of and development works in accordance with the Licence granted;
- (f) the Promoter shall give undertaking to establish a Colony/Apartment after obtaining necessary approval/no objection certificate required under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act 1981 and Environment Protection Act, 1986 (wherever applicable) after the grant of Licence from the Himachal Pradesh State Environment Protection and Pollution Control Board within one year of issuance of Licence. Consent to operate a Colony/ Apartment shall be submitted from the Himachal Pradesh State Environment Protection and Pollution Control Board to the Director at the time of applying for part or completion of the project; and
- (g) that without prejudice to anything contained in this Agreement, all the provisions of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) and the Himachal Pradesh Town and Country Rules, 2014 and Regulations made thereunder, shall be binding on the Promoter.

2. Provided always and it is hereby agreed that if the Promoter commits any breach of the terms and conditions of this Agreement or violate any provisions of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) or the Himachal Pradesh Town and Country Rules, 2014 or the Regulations made thereunder, then, and in any such case, and notwithstanding the waiver of any previous cause or right, the Director may, revoke the Licence granted to him.

3. That stamp and Registration charges on this deed shall be borne by the Promoter.

In witness thereof the Promoter and the Director have signed

the deed on the day and year first written above.

**(Director) (Promoter)**

1. Witness  dated

2. Witness  dated