

No. 6/2/96-6AR

From

The Commissioner & Secretary to Govt.,
Haryana, Administrative Reforms Department.

To

1. All Heads of Departments,
Commissioners Ambala, Hisar, Rohtak & Gurgaon Divns.

All Deputy Commissioners &
Sub Divisional Officers (Civil) in Haryana.

2. Registrar, Punjab & Haryana High Court.

Dated Chandigarh, the 22nd Nov., 1996.

Subject :—Hiring of Private buildings and Fixing of revised rent for use of Govt. Offices.

Sir,

I am directed to refer to the subject cited above and to state that the Administrative Reforms Department has observed that due to lack of awareness of Government's instructions on hiring of private buildings and fixing of revised rent for use of Government Offices, some departments continue to obtain N.A.C./R.R.C., where not needed, every year. Such practice not only increases the work load on the authority competent to grant N.A.C./R.R.C., but also delays the payment of rent to the owners.

2. This matter was, therefore, taken up with the Finance Department. It has been clarified by the Finance Department vide their D.O. No. 10/24/96-2 FICW, dated 25/26-9-96, that in accordance with Finance Department's instructions No. 10/36/91-2 FICW, dated 1-10-91 and Chief Secretary to Government, Haryana, Circular No. 21/2/90-1 A.D.O., dated 27-12-90, that where, the rent is to be paid at the same rate for the same building as was in the previous year, there is no need to obtain N.A.C./R.R.C. and the matter does not required to be referred to the Finance Department for their prior approval. A copy of above stated D.O. is enclosed herewith, for information and record.

Yours faithfully,

Sd/-

(Ram Nath)

Under Secretary Admn. Reforms,
for Commissioner & Secretary to Govt., Haryana,
Administrative Reforms Deptt.

A copy is forwarded to all the Financial Commissioners and the Administrative Secretaries to Government, Haryana for information.

Sd/-

(Ram Nath)

Under Secretary Admn. Reforms,
for Commissioner & Secretary to Govt., Haryana,
Administrative Reforms Deptt.

To

All the Financial Commissioners and
Administrative Secretaries to Govt., Haryana.

U.N.O. 6/2/96-6AR

Dated, Chandigarh, the 22nd Nov., 1996.

सुधा शर्मा, आई० आर० एस०, आयुक्त एवं विशेष सचिव, हरियाणा सरकार, वित्त विभाग की ओर से श्री के० सी० शर्मा, आई० ए० एस०, आयुक्त एवं सचिव, हरियाणा सरकार, प्रशासकीय सुधार विभाग को लिखे अर्ध सरकारी पत्र क्रमांक 10/24/96-2 एफ० आई० सी० डब्ल्यू०, दिनांक 25-9-96 की प्रति।

विषय :— सरकारी कार्यालयों के प्रयोगार्थ निजी भवनों को किराये पर लेना प्रत्येक वर्ष एन० ए० सी०/आर० आर० सी० प्राप्त करने की शर्त पर पुनः विचार करने बारे।

प्रिय श्री शर्मा,

उपरोक्त विषय पर आपके अर्ध सरकारी पत्र क्रमांक 6/2/96-6ए० आर० दिनांक 2-8-96 जो कि श्री ए० एन० माथुर, आई० ए० एस०, वित्तायुक्त एवं सचिव, हरियाणा सरकार, वित्त विभाग को सम्बोधित है, के सन्दर्भ में।

2. इस सम्बन्ध में आपका ध्यान वित्त विभाग द्वारा जारी हिदायतों क्रमांक 10/36/91-2 एफ० आई० सी० डब्ल्यू०, दिनांक 1-10-91 तथा मुख्य सचिव, हरियाणा सरकार के पत्र क्रमांक 21/2/90-ए० डी० ओ०, दिनांक 27-12-90 की ओर आकर्षित करवाया जाता है, (जिनकी प्रतियां संलग्न हैं) जिसके अनुसार गत वर्ष की दर से किराए पर लिए गए भवन को अगले वर्ष उसी दर पर किराये पर रखने हेतु एन० ए० सी०/आर० आर० सी० प्राप्त करने की आवश्यकता नहीं है तथा ऐसे मामले वित्त विभाग को पूर्व अनुमति हेतु नहीं भेजे जाते हैं। अतः इस मामले में तदनुसार कार्यवाही की जाये।

Copy of letter No. 10/36/91-2FICW, dated 1st Oct., 1991 from the Financial Commissioner & Secretary to Govt., Haryana, Finance Department to (1) All Heads of Departments, Comms. Ambala, Hisar, Rohtak & Gurgaon Dins. and All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana (2) The Registrar, Punjab & Haryana High Court, Chandigarh.

Subject :—Hiring of private buildings and fixing of revised rent for use of Govt. Offices.

Sir,

I am directed to invite your attention to Haryana Government, Finance Department's circular letter No. 1285-2 FICW-90, dated 10-5-90 and letter No. 1285-2 FICW-90, dated 29-8-90, on the above subject and to say that for some time past the State Govt. have had under their consideration the question of adopting uniform policy, simplifying the procedure to avoid delay and enhancement of financial powers to Administrative Departments/Heads of Departments regarding hiring of private building for Govt. offices and fixing of revised rents of such buildings. After careful consideration, it has now been decided to increase the financial powers delegated under rule 19.6, Sr. No. 9 of Punjab Financial Rules Volume-I, Part-I, as under :—

Sr. No.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
Rule 19.6 S. No. 9	To sanction the payment of rent for houses or land for other than residential purposes i.e. for ordinary office accommodation and Godown etc.	(i) All Deptts. of Govt. (Administrative Deptt.) (ii) Heads of Deptts. and Commissioners of Divisions.	(i) Full powers upto an amount of Rs. 5000/- p.m. in each individual case subject to the conditions mentioned in para 2 of this letter. (ii) Upto Rs. 3000/- per mensem for the office accommodation and Rs. 1000/- per mensem for land and house other than for office and residential purposes in each individual case subject to conditions mentioned in to para 2 of this letter.

2. The financial powers delegated in para 1 above will be subject to the following conditions :—

- That the space to be hired is as per norms in view of total strength of staff with a permissible variation of 10% on either side.
- That the requisite NAC and RRC have been obtained from the competent authority.
- That the rent has been assessed to be reasonable by the PWD (B&R), Haryana.
- That the quotations for the building proposed to be hired have been invited through a proper advertisement or alternatively by exploring all other avenues.
- That an agreement is duly signed with the Landlord with the specific condition that the rent will not be revised for a period of 5 years and revision after expiry of such period in any case shall not exceed 25% of the original rent.
- That 2% of the cost of construction of the building as indicated by the assessing authority shall be utilised towards annual repairs/maintenance failing which the rent equal to such amount shall be deducted by the office and repairs got done at its own level, if required.

3. The cases falling under the following categories shall be referred to the Finance Department for its concurrence :—

- (i) All cases beyond the financial powers delegated vide this order and in which case the rent is over and above the assessment made by B&R Deptt. or without assessment by that department.
- (ii) All cases where buildings in commercial areas are hired and are not subject to assessment by the B&R Department.
- (iii) All cases involving relaxation in any of the conditions listed above in para 2.
- (iv) Cases where the building is proposed to be hired for which there is no budget provision and additional funds are required on that account.

B. Revision in Rent.

(1) The Administrative Secretaries/Head of Departments shall be competent to sanction revised rent as per delegations provided:—

- (a) The revised rent does not exceed 25% of the original rent,
- (b) The revision is proposed after a stipulated period of 5 years as per the agreement originally executed.
- (c) That the NAC/RRC has been obtained in respect of revised rent from PWD (B&R).
- (d) That the rent shall be revised w.e.f. the date, five years period is completed provided there is a specific agreement executed to that effect.
- (e) That wherever no agreement has been executed, the revision in rent shall be operative from the date of issue of sanction and not w.e.f. retrospective date irrespective of the fact that five year period may have been completed much before.

(ii) Administrative sanction is required under the rules for continuation of rented building on year to year basis. Such cases, where the continuation is proposed on the same rent shall not be required to be referred to the Finance Department and the Administrative Secretary/Head of Department shall be competent for such sanctions.

C. Agreement

The departments hiring the buildings must make it a point to execute a proper agreement duly vetted by a Law Officer of the Department of the L.R. Provisions of the Rent Control Act must be observed while executing the agreement. All such cases where any relaxation is required, should be referred to the Finance Department for its approval.

D. Assessment of Rent

For the purposes of assessment of rent, the following shall be observed —

- (i) The B&R Deptt. shall assess the rent of the building on the request of the Deptt. and not any individual Landlord. The B&R Deptt's. Officers should exercise adequate care in assessing the rentals as per the guidelines and basis approved by the Govt. and any deviation, if detected, would invite strict disciplinary action.
- (ii) The assessment made by the PWD (B&R) regarding rent of any building is only an upper reasonability limit. It should not form the basis for the rate of rent to be accepted especially when there is scope for getting buildings on rent at rates lower than the assessment made by B&R Department either through negotiations or otherwise.
- (iii) The rules of assessment provide for inclusion of the element of annual repairs and maintenance. As per the rules, such element is 2% of the cost of construction of the building (to be assessed by B&R Department). It is, therefore, necessary that B&R Officers giving the assessment certificate should indicate such amount per annum. The department hiring the building shall ensure that either the landlord spends an amount equal to such 2% component on annual repairs and maintenance and produces receipts of actual expenditure. Alternatively, the department shall adjust so much of the amount against the rent payable to the land-

lord and get the repairs done at its own level not exceeding so much of the amount, if so required. For this purpose, rent for the last two months of the year shall be paid after ensuring action as above.

E. General

- (i) Various cases have come to the notice where departments keep vacating the buildings at their own level without sound reasons and also keep on hiring new buildings at their own level. The buildings should not be vacated by the department in normal course except as provided in the agreement. Wherever an agreement provides for vacation of building after specified period, the procedure for hiring of another building as laid down in para. 2 above shall be followed.
- (ii) Cases have also come to the notice of the Finance Department where one office vacates and another office occupies the same building. In all such cases where payment of rent is made from the same Major Head of Account, occupation of the building by another office shall not be treated as fresh hiring of the building and same rent and agreement shall continue to be in operation for another office also.
- (iii) The rentals of buildings in commercial areas are higher. These are still higher for hiring ground floor/first floors. The departments should avoid hiring buildings in commercial areas which are expensive and should in any case not consider hiring of ground floor for office purposes.

It is requested that these guidelines may please be brought to the notice of all concerned and the receipt of this letter may be acknowledged.

Necessary amendments in the relevant rules will be made separately.

Copy of letter No. 21/2/90-1Ad. O., dated 27-12-90 from the Chief Secretary to Govt., Haryana to 1. All Heads of Dep'ts., Commissioners, Ambala, Hisar, Rohtak & Gurgaon Divisions all Deputy Commissioners and all Sub-Divisional officers (Civil) in Haryana 2. The Registrar, Punjab & Haryana High Court, Chandigarh. A copy of this letter is also sent to the Chief Administrator, Haryana Urban Development Authority, Chandigarh, Accountant General, Haryana, the Financial Commissioner, Revenue and All Administrative Secretaries to Govt., Haryana and the Chief Engineer, PWD(B&R) (Chandigarh Provincial Divn.), Haryana.

Subject :- Change in the procedure of renewal of Non-Availability Certificates for hiring private accommodation for Govt. offices at Chandigarh/Panchkula.

Sir,

I am directed to refer you to Haryana Govt. letters No. 1503/3Ad.O-71/14001, dated 9-6-71, No. 3721-1Ad.O-74/334, dated 9-1-75 & No. 21/43/78-Ad.O., dated 29-4-78, on the subject cited above in which it was laid down that before hiring a private building for office use in Chandigarh/Panchkula, the department concerned shall obtain prior approval/NAC from the Chief Secretary (In Ad. O. Branch) after having obtained the NAC from the Chief Administrator, HUDA, Panchkula. It was also laid down that the department which have hired private buildings for office use in Chandigarh/Panchkula have to get the NAC renewed from Chief Secretary (In Ad. O. Branch) every year.

2. With a view to simplifying this procedure Govt. have reconsidered the matter and it has now been decided to discontinue the practice of getting approval for renewal of NAC every year in cases where there is no change of building and rent. The NAC shall, however, be required to be obtained as heretofore where a private building is hired for the first time or there is change of building or increase in rent.

3. It has also been decided that in future if any Govt. building is constructed or vacated in Chandigarh/Panchkula the PWD (B&R) will send full description of the building to the Chief Secretary (In Ad. O. Branch) for being circulated to all the departments which are housing their offices in the private rented buildings at Chandigarh/Panchkula for making use of that building.

4. This issues with the concurrence of F. D. received vide their U. O. No. 10/17/90-2FICW, dated 26-6-90.