

No.12032/1/2015-Pol-II
Government of India
Ministry of Urban Development
Directorate of Estates

Nirman Bhavan,
New Delhi-110 108.

Dated the 16th June, 2016

OFFICE MEMORANDUM

Subject: Revised procedure to conduct inspections of general pool residential accommodation of subletting, by the officials of the Directorate of Estates and other officers nominated by the Government for this purpose, and the broad procedures to be adopted by the Deciding Authorities during Inquiry.

The undersigned is directed to say that instructions have been issued from time to time regarding conducting of inspections of General Pool Residential Accommodation [GPRA] to detect subletting and outlining the procedure to conduct inquiry by the Deciding Authorities during the course of hearing in the matter of subletting of GPRA.

2. The matter has been reviewed by the competent authority and it has been decided that the following procedures shall be adapted by the Inspection Teams, nominated by the concerned authority in the Directorate of Estates, while conducting inspections of general pool residential accommodation. A proforma has been prescribed (Annexure with these instructions) for recording of facts regarding the allottee and the persons found residing in the general pool residential accommodation by the Inspection Team. The Inspection Team shall invariably fill up each and every column in the Inspection Report without leaving any column blank. They should obtain the signature of the persons found in the residence. The Inspection Team shall complete all formalities at the time of inspection of the particular accommodation and no fact should be left unwritten which may lend the benefit of doubt to the allottee. As the whole process of proving subletting depends on the inspection report, it is imperative that the inspection team should endeavor to complete it in all respects. The inspecting team should not be over burdened by assigning more number of quarters to inspect on a particular date and the inspecting team should do full justice in completing the report in respect of quarters inspected by them. The Inspection Team shall be briefed by the respective officers to fill up the Inspection Report properly after ascertaining the facts from the persons found in the GPRA being inspected.

3. In order to make the case of subletting fool proof, the inspection team shall adhere to the following:

- i) Inspection Report should be properly filled up indicating the date and time of inspection and no column should be left blank. In respect of any column, if the occupant of GPRA is not very forth coming in his reply, this fact should be indicated in the respective column.

- ii) Where the GPRA is found locked the inspection team shall visit the accommodation again and furnish a detailed report. No general statement on the basis of the information gathered from neighbouring allottees will normally suffice.
- iii) The whereabouts of the allottee and the members of his family, if not found in the accommodation, should also be ascertained from the occupant and recorded in the report.
- (iv) Full particulars such as name, age, profession and place of work of the occupant found residing in the accommodation at the time of inspection and his relationship with allottee, if any, should be invariably ascertained and recorded in the report.
- (v) The particulars regarding the education of the children of the allottee as well as the occupant, such as class and school or any other institution where they are studying should be tried to be obtained and recorded. The details of the school bus, if used by them, in which they travel should also be obtained.
- (vi) Evidences like Aadhar Card, Voter ID Card, Passport, Driving licence, Ration Card, CGHS Card, letter covers etc. of the occupant, if any, besides that of the allottee should also be obtained.
- (vii) The mobile number of the allottee/occupant should be obtained.
- (viii) The inspection team shall photograph / videograph the occupant of the house and other residents in the GPRA at the time of inspection. Photography / videography shall be a compulsory part of the inspection report. If they refuse to cooperate, this should also be recorded in the inspection report.
- (ix) Signatures of occupant should invariably be obtained on the inspection report. If he/she refuses to sign, the fact should be recorded in the inspection report. In case where the statement is recorded on behalf of the occupant and thereafter the occupant signs or put his/her thumb impression, it would be recorded in the statement that the same has been read out to him/her.
- (x) The Inspection must be carried out by the nominated officers immediately or as directed by concerned authority. The Inspecting Officers should be carrying a letter of Authority issued by Deputy Director & also their office Identity Cards with them to show on demand to the occupants of the premises under inspection.

Procedure for conducting Inquiry

4. On receipt of inspection report from Inspection Team on subletting of a GPRA, a Show Cause Notice shall be served to the allottee showing as to why the allotment made to him should not be cancelled on account of subletting of GPRA. The details of penalties which could be imposed in case the subletting is proved may be indicated in the show-cause notice. There should be a clear 15 days between the date of issue of show cause notice and the date of hearing by the Deciding Authority. The allottee may be requested to appear before the Deciding Authority along with documentary proof and witness to prove his occupancy of the allotted accommodation. The Show Cause Notice should be sent by Registered Post with acknowledgment card or by Speed Post, wherever available, with an endorsement to the office in which the allottee is working. In case, the allottee does not appear on the first date of hearing, a second Show Cause Notice shall be sent to the allottee providing him one more opportunity to present his case. In case, the allottee does not appear on the second hearing, the Deciding Authority shall decide the matter *ex parte*.

5. The Deciding Authority shall adhere to the following guidelines while conducting subletting inquiry:

- (i) Obtain a Hearing Form duly signed by the allottee bringing out of the facts of occupancy at allotted accommodation.
- (ii) The allottee shall be allowed to produce documentary evidences.
- (iii) Aadhar Card, Voter ID Card, Ration Card, CGHS Card etc. may be accepted as evidence while hearing the case. In case it is stated that some relative(s) has come for medical treatment etc., the copies of medical prescription and medical treatment /test papers may be obtained from the allottee/occupant and signature may be obtained. In case the allottee claims he was out of station during the inspection he may be asked to produce documentary evidences like tickets, slip of toll charges etc. of travelling out of station.
- (iv) No re-inspection of the GPRA shall be ordered under any circumstances.

6. Apart from the above, the Deciding Authority should also record facts mentioned by the allottee along with his witnesses, if any. The Authority should also obtain copies of the documentary proof submitted by the allottee and this fact should also be reflected in the record of proceedings. Sufficient time should be allowed to the allottee to present his case. There is no prescribed proforma for conducting the inquiry. The inquiry proceedings should not be dropped in case an allottee vacates GPRA while a subletting inquiry is under progress against him and all other consequential action should be taken against him if subletting of GPRA is proved. While passing orders, the Deciding Authority should state the reasons/grounds on the basis of which subletting of GPRA has been proved.

7. In case, the appeal is dismissed and the allottee does not vacate the GPRA, he becomes unauthorized occupant of GPRA and a case may be filed before the Estate Officer for eviction proceedings as per provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

8. These instructions supersede all instructions issued on procedures of conducting inspection of accommodation of subletting and the broad procedures adopted hitherto by the Deciding Authority.


(Swarnali Banerjee)

Deputy Director of Estates (Policy)

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To

1. Director General, CPWD, Nirman Bhavan.
2. All Officers and Sections in the Directorate of Estates.
3. All Regional Offices of DoE & Estate Managers of CPWD.
4. Deputy Director of Estates (Regions), DoE
5. Deputy Director of Estates(Enquiry), DoE.
6. Assistant Director of Estates(Subletting), DoE.

Copy for information to:

1. PS to Hon'ble UDM/MoS(UD)
2. PSO to Secretary, MoUD
3. PPS to JS(L&E)
4. PS to DE/DE-II


(K. Dinakar Raj)

Assistant Director of Estates (Policy-II)

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Government of India
Ministry of Urban Development
DIRECTORATE OF ESTATES

INSPECTION REPORT OF SUBLETTING OF GPRA

(A) PARTICULARS REGARDING INSPECTION

- 1 Date & time of Inspection
- 2 Name(s) of Inspecting Officer(s)
- 3 Name of Colony/Area/locality
- 4 Type of Accommodation & Quarter No.

(B) INSPECTION DETAILS

- 1 Name of the allottee as ascertained at the time of Inspection
- 2 Designation and the name of the Office in which the allottee is working and names of the all Family members of the allottee as ascertained at the time of inspection
- 3 Whether the allottee was found at the Quarter? if yes, his Identity Card No.
- 4 Whether, any other member of allottee's Family is found. If so, details
- 5 Number of other families found residing in the quarter and their particulars including their place of residence

- 6 Whether the allottee is a house owner, if so, full particulars of the house owned by him
- 7 Details of the Institutions and classes in which the children of the allottee/occupants are studying
- 8 Bank Pass Book, Insurance, Scooter/Car Registration No.(RC) and the residential address shown therein
- 9 Voter ID Card Number/Aadhar Card Number/ Passport Number
- 10 Mobile Number of the occupant & allottee (Both may be noted)
- 11 If allottee is not residing in the quarter, his telephone number and the place of his residence, if any
- 12 Any other information
13. Does the Inspection Team suspect that the quarter is under subletting?
14. If yes, the grounds on which the Team have based their conclusion

Signature_____

Name_____

Designation_____

(C) SIGNED STATEMENTS OF:

Occupants