



DEPARTMENT OF URBAN DEVELOPMENT

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PONDA M.C.	COUNCIL
Inward No	234
Date	13/04/15

No.2/8/2010-DMA/104

Dated: 10 April, 2015.

Ally
TOWN
Shil
21/04/15
Tamm / ...

OFFICE MEMORANDUM

The transfer of lease of immovable property is admissible under the Goa Municipalities (Transfer of Immovable Property) Rules 1970 amended from time to time; Transfer of lease is subject to payment of transfer fees.

As per Section 88(1) of the Goa Municipalities Act, 1968, no Council shall transfer any of its immovable property without sanction of the Government.

As per Section (2) of the said Act, a proposal of such transfer shall be accompanied by a resolution of the Council passed at a meeting by a majority of not less than two-thirds of the total number of councilors and shall in no way be inconsistent with the rules made in this behalf by the Government. As per rule 5 of the (Transfer of Immovable Property) Rules, 1970 and further amended rule from time to time, no immovable property which yields or is capable of yielding an income shall be transferred by sale or lease except to the highest bidder at a public auction:

Provided that, the Council may, for reasons to be recorded in writing and subject to the sanction of the Director, transfer such immovable property to any bidder other than the highest bidder at the auction:

Provided further that, the Council may, for reasons to be recorded in writing and subject to the prior approval of the Director, transfer such immovable property without holding public auction by fixing a reasonable monthly rent which shall be payable during the whole term of the lease in case of transfer on lease or a reasonable sale value in case of transfer on sale, in any of the following circumstances:

- (i) When the transfer of the immovable property by sale or lease is to be made to the Government or to the Central Government or to any Government Corporation or undertaking;
- (ii) When the transfer of the immovable property is in pursuance of a rehabilitation Scheme approved by Government.
- (iii) When the transfer of immovable property is to a member of the family of the original lessee, the transfer fees in such cases shall be fixed by the Council in pursuance of guidelines as laid down by it with the approval of the Government which shall be based on the location and area of the property sought to be transferred.

Explanation - For the purposes of this clause, "family of the original lessee" means and includes parents, brother, sister, spouse, child or heir of the original lessee.

Order to process transfer cases and obtain Government approval; it is hereby enjoined all the Chief Officers to submit the proposals regarding transfer of immovable property are within the framework of the provisions of Section 88 of the Goa Municipalities Act, and rule of the (Transfer of Immovable Property) Rules, 1970 and further amended rule time to time. The Chief Officer should send the proposal enclosing all the following documents with self contained note for the approval of the Director:

Application of the applicant for transfer of lease.

Name of the original lessee.

Relationship of the applicant with the original lessee.

How was the original lease made, whether by public auction or any other basis

Reasons to be recorded in writing to transfer for immovable property without holding public auction.

Resolution of the Council passed at a meeting by a majority of not less than two-thirds of the total number of Councillors separately for each application/proposal with discussion.

Transfer fees report as per the guidelines dt.26/10/2005.

Copy of original lease agreement.

Copy of Renewal of lease agreement if carried as required per section 88(3) of the Municipalities Act, and council Resolution in support of.

N.O.C. from all legal heirs of the original lessee.

Whether the transfer of the immovable property is in pursuance of rehabilitation scheme approved by the Government. If yes, copy of the same.

Certificate that no case is pending in the Court of Law.

Copy of trade licence.

Whether rent has been paid up-to-date.

supersession of the earlier instructions dt.11/8/2010 in this regard.

V. Furtado
(Venancio Furtado)

Director of Urban
Development.

Chief Officer,

Municipal Council

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