

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 12th April, 2017

G.S.R. 351(E).—In exercise of the powers conferred by section 5 read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme, further to amend the Employees' Provident Funds Scheme, 1952, namely:-

1. (1) This Scheme may be called the Employees' Provident Funds (Fourth Amendment) Scheme, 2017.
(2) It shall come into force from the date of its publication in the Official Gazette.
2. In the Employees' Provident Funds Scheme, 1952, after paragraph 68 BC, the following paragraph shall be inserted, namely:-

“68BD. Withdrawal of, and financing from, the Fund for purchase of dwelling house or flat or the construction of a dwelling house.—(1) Notwithstanding anything contained in paragraph 68B or 68BB or 68BC, where a member of the Fund, who,-

- (a) being a member of a cooperative society or a society registered for housing purpose under any law for the time being in force and such society has at least ten members of the Fund, and
- (b) desires to purchase a dwelling house or flat including flat in a building owned jointly with others, outright or on hire-purchase basis, or for construction of a dwelling house including the acquisition of a suitable site for the purpose, from the Central Government, a State Government, or any housing agency under any housing scheme or any promoter or builder for the members,

may apply in such form and in such manner, as may be prescribed by the Commissioner, for withdrawal from the amount standing to the credit of the member in the Fund.

- (2) The Commissioner, or any other officer subordinate to him where so authorised by the Commissioner, on receipt of such application may, sanction such amount not exceeding the member's own share of contribution with interest thereon and the employer's share of contribution with interest thereon to his credit or the cost of the acquisition of the proposed property whichever is less by debiting to the member's account:

Provided that the amount of the withdrawal shall not exceed ninety per cent of the employer's share of contribution and interest thereon and employee's share of contribution and interest thereon:

Provided further that the member and the society as the case may be, shall be, liable in accordance with the terms of the agreement with the housing agency or builder or promoter and the Commissioner shall not be responsible or liable or make himself liable for the act of the parties to the agreement.

- (3) No withdrawal under this paragraph shall be granted-
 - (i) unless the member has membership of the Fund for at least three years;
 - (ii) more than once;

(iii) unless the share of contribution with interest thereon in the amount standing to the credit in the Fund of the member/or together with the spouse who is also a member, is not less than twenty thousand rupees:

(4) Where a member desires and authorises that monthly installment for the repayment, wholly or partly, of any outstanding principal or interest of a loan obtained in the name of the member or spouse of the member or jointly by the member and spouse may be paid from the amount standing to the credit of the member in the Fund, and payment may be made on behalf of the member to the Government or a housing agency or primary lending agency or bank concerned as the case may be:

Provided that when the membership of the member ceases to exist, or, where the amount standing to in the credit of the member's account is not sufficient to pay the monthly installment for any month, the Commissioner or where so authorized by the Commissioner any other officer subordinate to him shall not be liable to pay the monthly installment or any late fee or interest or other such charges.

(5) The withdrawal for the purchase of a dwelling house or flat or a dwelling site or construction of a dwelling house, under sub-paragraphs (1) and (2), shall not be made to the member in any event and shall be made direct to the Cooperative Society, Central Government, a State Government, or any Housing Agency under any Housing Scheme or any promoter or builders as the case may be, in one or more installments, as may be authorized by the member.

(6) (a) If the withdrawal or finance granted under this paragraph exceeds the amount actually spent for the purpose for which it was sanctioned, the excess amount shall be refunded by the member to the Fund in one lump sum within thirty days of the finalization of the purchase, or the completion of the construction of, or necessary additions or alterations to a dwelling house or flat, as the case may be;

(b) The amount so refunded under sub-paragraph (a) shall be credited to the employer's share of contribution in the member's account in the Fund to the extent of withdrawal granted out of the said share and the balance, if any, shall be credited to the member's share of contribution in his account;

(c) In the event of the member failing to get allotted a dwelling site or dwelling house or flat or in the event of the cancellation of an allotment made to the member by the Cooperative Society, the Central Government, a State Government, or any Housing Agency under any Housing Scheme or any promoter or builders to which the amount so withdrawn has been given the member shall be liable to ensure the refund of the amount to the Fund in one lump sum in such manner as may be specified by the Commissioner, within a period not exceeding fifteen days from the date of such cancellation or non-allotment;

(d) The amount so refunded under clause (c) shall be credited to the employer's share of contributions in the members account in the Fund, to the extent of withdrawal granted out of the said share, and the balance, if any, shall be credited to member's own share of contributions in his account."

[No. S-35012/9/2016-SS-II]

R.K. GUPTA, Jt. Secy.

Note : The principal scheme was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number S.R.O. 1509, dated the 2nd September, 1952 and was lastly amended *vide* number G.S.R. 298 (E), dated the 29th March, 2017.