

1. PERIPHERY RULES

CAPITAL ADMINISTRATION NOTIFICATION

THE 4th May, 1959

No. C-4574-69/III/4440—With reference to the Punjab Government notification No.C-/6524-58/III/475, dt. The 12th January, 1959, and in exercise or the powers conferred by section 16 of the Punjab New Capital (Periphery) control Act, 1952, (Punjab Act No. 1 of 1953), the Governor of Punjab is pleased to make the following rules:-

1. **Short Titles and Commencement** - 1) These rules may be called the Punjab New Capital (Periphery) Control Rules, 1959
2) They shall come into force at once.
2. **Definitions** - In these rules, unless there is anything repugnant in the subject or context -
 - a) —Act means the Punjab New Capital (Periphery) Control Act, 1952.
 - b) —applicant means a person who makes an application to the Deputy commissioner under sub-section (I) of Section 6 of the Act.
 - c) —Brick – filled — means a place where any kind of clay is or is caused to be excavated or other wise obtained for the manufacture of burnt or sundried bricks and includes any land which is used or proposed to be used as site for a brick kiln;
 - d) —brick kiln means a place where bricks are burnt.
 - e) —charcoal kiln means a place where wood of other carbonaceous material is burnt for the production of charcoal.
 - f) —form means a form appended to these rules.
 - g) —Lime Kiln means a place where lime is burnt.
 - h) —pottery kiln|| means a place where china clay or any other kind of clay is baked or heated in the process of making pottery or porcelain.
3. **Manner of Publication of Notification of controlled area** - The notification under sub-section (2) of section 3 of the Act shall be displayed on the notice board outside the offices of the Deputy Commissioner and all area, the Panchayat Houses and Patvar Khannas in the Controlled area. The announcement shall also be made by beat of drums in all the villages situated in the controlled area and affected by the provisions of the notification.
4. **Form of plan of controlled area** - The plan prescribed under sub-section (2) of section 4 of the Act shall indicate clearly the name of each village situated in the controlled area and specify the nature of restrictions applicable to such area imposed under sub-section (I) of section 4 of the Act.
5. **Form of register under sub-section (7) of Section 6 of the Act** - The register to be maintained under sub section (7) of the section 6 of the Act shall be in form E.
6. **Form or applications** - Every applicant shall make an application, in writing to the Deputy Commissioner, in Form A and shall, at the sametime, submit in duplicate duly signed by himself or his legally authorised agent or attorney, a site plan showing the situation of the land according to revenue record, on which proposed erection or re-erection of any building or excavation or laying or any means of access to a road is desired. The plan shall clearly show the number of fields surrounding the proposed site.
7. **Power to reject incomplete application** - The Deputy Commissioner may decline to accept any application which is not made in accordance with the provisions of rule 6.
8. **Lapse of sanction** - If the building is not erected or re-erected or an excavation is not made or extended or an access to a road is not laid out within six months of the date of sanction, such sanction shall be deemed to have lapsed in respect of such portion of the building or excavation or layout which has not been completed. In regard to the incomplete portion, a fresh application shall have to be made under rule 6.

- 9 **Principles to be taken into consideration before granting or refusing applications and the form in which orders passed thereon are to be communicated** – (a) The Deputy Commissioner may take into consideration or re-erect any building or to make or extend any excavation may be granted or refused.
b) The order passed by the Deputy Commissioner under sub-section (2) of section 6 of the Act, shall communicated to the applicant in Form B.

10. **Cases in which permission to be refused** - The Deputy Commissioner shall refuse to grant permission to laying of means of Permission to be access to roads, when:-
i) construction of a metalled of unmetalled road prejudicially effects any graveyard, place of worship canotaph or Samadhi or a well, or
ii) construction of metalled of unmetalled exceeds 20 feet in width.

11. **Persons intending to use land for kilns etc.** - Every person intending to use any land for the purposes charcoal kiln, pottery kiln, lime kiln, or rick kiln or a brick filed shall make an application to the Deputy Commissioner in Form C giving necessary particulars against columns provided in the Form and such other information as the Deputy Commissioner may require to be furnished.

12. **Power to refuse licence to kilns** - (1) Before making an order on any application, the Deputy commissioner may make or cancel any such enquiries to be made, as he considers necessary.
(2) The Deputy Commissioner shall refuse to grant power to refuse licence, if the Power to refuse land on which it is proposed to licence of kilns establish the brick field, in his License of kilns opinion in undue proximity to any inhabited sites or any site which is likely to become inhabited for any other reason which seems to him just and sufficient.
(3) A licence shall not be granted for the establishment of any kiln within a distance of one hundred yards from the outer boundary of any public road.

13. **Form of conditions of licence** - Every license granted under these rules shall be in form D and shall be deemed to be granted subject to the conditions set forth therein and subject to such further conditions as the D.C. may consider it desirable to attach with a view to securing the safety of convenience of the public or any portion of the public.

14. **Duration of licence** - Every license granted under these rules shall be effective for a period of one year from the date of issue but may be renewed by the Deputy Commissioner as often as he may think for further periods on Yearly basis.

15. **Revocation of licence** - The deputy Commissioner may revoke the license prior to the date of expiry for the infringement of any of the conditions imposed at the time of granting the same.

16. **Fees for license** - (I) The following fees shall be payable for license issued under those rules:-

(I) For the initial grant of license for:-

- | | | |
|----------------------|---|------------------|
| (i) A brick field | including not more than one brick kiln of standard size | Rs. 40.00 |
| (ii) A charcoal kiln | | Rs. 10.00 a year |
| (iii) A Pottery Kiln | | Rs. 50.00 a year |
| (iv) A lime kiln | | Rs. 25.00 a year |

(II) For the renewal of license for each year of renewal. Half the above fees

(III) Additional fee payable for at every additional kiln after 1 above the first. Full fee as at I above*

(IV) Additional fee payable in respect of any kiln, which exceed standard size Rs. 20.00 a year

Explanation:- For the purposes of this rule, a brick kiln of standard size means a brick kiln containing not more than thirty two chambers each capable of burning twenty five thousand bricks at one loading.

2) Applications for the renewal of a license shall be preferred to the Deputy Commissioner not less than one month before the date when the license is due to expire, If the application for renewal of license is preferred at any other time, the fee for renewal shall be full fee for a new license.

3) The fee set forth in rule 16 (III) and (IV) shall be payable from and on the date when additional brick kiln is brought into use or a brick kiln is made to exceed the standard size, as the case may be, it shall cover the outstanding period for which the license is then effective and no more. If the additional brick kiln is still in use or the brick kiln still exceeds the standard size, at the time when the license becomes due for renewal, the additional fee for the next year shall be payable with the fee for the renewal of license.

Form "A"
(See rule 6)

Application under sub section (I) of section 6 of the Punjab New Capital (Periphery) Control Act, 1952.

To,

The Deputy Commissioner,
(Estate Officer),
Chandigarh

Sir,

I/We request for permission to:-

- i) erect or re-erect a building;
- ii) make or extend any excavation;
- iii) lay out means of access to a road in the controlled area.

The required particulars are given below:-

- i) Name/s of the applicant/s (in block letters)
- ii) Father's name.
- iii) Village.
- iv) Hadbast No.
- v) Tehsil _____ District _____.
- vi) Khasra No.
- vii) Area

Bounded by:-

East
West
North
South

viii) Purpose for which the building/well/road/excavation is to be used.

I/We enclose the following documents in duplicate:

- a) Site plan showing therein the existing structure, if any, and
- b) the building plan;
- c) The copy of jamabandi;
- d) Akash Shajra parchi.

I/We solemnly affirm that the particulars given above are correct to the best of my/our knowledge and belief.

Signature of the Applicant

Attested
Oath Commissioner Magistrate
First Class

Form "B"
See rule 9 (1)

Form for the grant of or refusal of permission under section 6 (2) of the Punjab New Capital
(Periphery) Control Act, 1952.

From
The Deputy Commissioner,
Chandigarh.

To
Shri/Sarvshri _____

MEMORANDUM

Reference your application, dated _____ for permission to _____

- a) erect or re-erect a building.
- b) make or extend any excavation.
- c) Lay out means of success to a road in the controlled area of village _____ Hadbast
No. _____ Tehsil _____ District _____
as indicated on the site plan submitted therewith.

2) Permission is hereby:-

a) Granted subject to the following conditions:-

- (i)
- (ii)

b) refusal to the following reasons:-

- (i)
- (ii)

3) A Copy of the site Plan/building plan is/are returned duly approved/rejected.

Sd/-
Deputy Commissioner,
Chandigarh.

Form "C"
(See rule 11)

Application for licence to establish and operate charcoal kiln, pottery kiln, brick kiln, lime kiln or brick field or stone, bajri or kankar quarry or surkhi manufacturing, or stone crushing, or for similar extraction or ancillary operation.

To

The Estate Officer, Exercising the powers of
Deputy Commissioner,
Chandigarh.

Sir,

As required under sub section (I) of section 11 of the Punjab New Capital (Periphery) Control Act, 1952, I/We hereby apply for the grant of license under the said Act, and the rules framed thereunder to establish and operate a charcoal kiln/pottery kiln/brick kiln/kiln/lime kiln/brick field in the locality specified below:

2. A sum of Rs. _____ on account of the fee for the license as desired has been deposited by me in Chandigarh Treasury under the Head — _____ || and a copy of the Treasury Challan showing the receipt of the aforesaid amount in enclosed.

Your's faithfully,
(Signature of applicant)

Particulars (full name, parentage etc.) and full address of applicant.

If the applicant in a company or firm or if the applicant proposes to operate the kiln/brick field through an agent, give the name (with full particulars and address) of the Managing Director, agent of other persons who will be directly in charge of the kiln/brick field.

Whether kiln or brick field to proposed to be established.

Revenue Estate. Field Khasra Numbers Indicating whether the whole of each Area field will be included or a part only.

Total

Number of the kilns proposed to be set up in the said area with the location and capacity of each.

Depth of the excavation in case of brick fields.

Period for which it is expected that the land will be in use for the kilns.

Number of labourers likely to be employed and the arrangements proposed for their housing and sanitation.

Form "D"
(See rule 13)

License to establish and operate a charcoal Kiln/pottery kiln/brick kiln/lime kiln/brick fields.
In pursuance of the provisions of subsection (1) of section 11 of the Punjab New Capital (Periphery) Control Act, 1952, this license is granted to Sh. ----- under the said Act to establish and operate a charcoal kiln, pottery kiln, lime kiln, brick field or brick kiln in the land herein after described, subject to the conditions set forth on the reverse of this license.
2. Unless renewed, this license shall cease to be effective after twelve month from the date of issue.

Signature of D.C.
Chandigarh.

Name of Village (Reverse side of license in Form D)
Khasra Numbers
Area

Conditions:-

- 1) The license shall provide-
 - a) Adequate and suitable accommodation for the labourers working at the kilns on the brick fields;
 - b) a supply of whole some water for drinking and other domestic purposes;
 - c) sufficient and suitable latrines and urinals for the labourers and an adequate staff of sweepers at least one for every hundred labourers, to attend the consuming arrangements.
- 2) The work shall not be begun in the brick field until the requirements of sub-paragraph (I) above have been complied with to the satisfaction of the Deputy Commissioner and a certificate to this effect obtained from him.
2. The license shall not permit any person suffering from contagious or infectious disease to enter or be upon the licensed kiln or brick field.
3. No excavation shall be made in any kiln or part of the brick field to a depth of more than five feet below the surface level whether for the removal of clay to be used for making bricks or for any other purposes.
4. The license shall comply with all directions that may be given by the Deputy Commissioner in writing for the regulation of excavation and the provision of proper drainage or with a view to ensuring that rain or flood water shall collect at the place or in the kiln on the brick field instead of at a number of places and on completion of operation shall remove all structure and dress and tidy the site to the satisfaction of the Deputy Commissioner.
5. The whole of the area of the brick kiln shall be opened at all times to be inspected by the Deputy Commissioner or any official deputed by him to inspect on his behalf.
6. The grant of license is subject to the condition that license under the East Punjab Control of Brick supplies Act, 1949 (No. I of 1949) is obtained from the Industries Department.

A brick kiln of standard size means a kiln containing not more than 32 chambers each capable of burning 25,000 bricks at one loading.

Form "E"

(See rule 5)

Form of registration to be maintained under sub section (7) of Section 6 of the Punjab New Capital (Peripheri) Control Act, 1952

Sr. No.	Date of receipt	Name of particulars of the applicants	Description of the land or site of village	Village
1	2	3	4	5

Condition of Property units use on the date of notice u/s 3(2)	Purpose for which permission is required	Date of order	Permission granted/refused with conditions grounds of tran/ refusal	Order on appeal, if any	Tehsil and District	Remarks
6	7	8	9	10	11	12

**GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Notification

The 22nd August, 1995

No. GSR.49/PA 11/95 S. 180/95.- In exercise of the powers conferred by section 180 of the Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No. 11 of 1995) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely:-

PART I PRELIMINARY

1. Short title and Commencement – (1) These rules may be called the Punjab Regional and Town Planning and Development (General) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. – In these rules, unless the context otherwise requires,-

(a) “Act” means the Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No. 11 of 1995);

(b) “Chairman” means the Chairman of the Authority;

(c) “Committee” means a Committee of the Board appointed under Rule 5 or a Committee of the Authority appointed under Section 23;

(d) “Form” means Form appended to these rules;

(e) “Schedule” means the Schedule appended to these rules;

(f) “Section” means a Section of the Act; and

(g) “Vice-Chairman” means the Vice Chairman of the Authority;

PART II – FUNCTIONING OF THE BOARD AND THE AUTHORITY

Section 4(4) and 180 (2) (a).

3. Allowances to be paid to the members of the Board – (1) A member of the Board shall not be entitled to receive any remuneration or allowance other than the traveling allowance, daily allowance or any other allowance which the Board may determine for the purposes of re-imbursing the expenditure incurred in attending the meetings of the Board or any of its committees or in performing any other functions of the Board.

(2) An official member of the Board shall draw traveling allowance, daily allowance or any other allowance as is admissible to him under the rules of the Government of Punjab from the department of the Government of Punjab in which he is appointed at the relevant time.

(3) The non-official members of the Board shall draw traveling allowance, daily allowance or any other allowance on the rates as are admissible to Class I Officers of the Government of Punjab.

4. Temporary association of persons - The Board may associate with itself by nomination from amongst the persons who have special knowledge or practical experience in the field of housing, engineering, law, town planning, environment, architecture, traffic and transport, planning or such other specialisation for the purposes of tendering advice in the respective fields to the Board in performing its functions.

5. Appointment of Committee – (1) The Board may, for the purpose of securing efficient discharge by its functions under the Act, appoint one or more committees out of its members.

(2) Each committee appointed under sub-rule (1) shall consist of such number of members as the Board may determine in respect of each committee and the Chairman of the Board, and in his absence, the Vice Chairman and in the absence of the Chairman and Vice Chairman, any other member of the Board nominated by the Chairman shall preside over the meetings of the committee.

(3) The committee appointed under sub-rule (1) may associate with it such persons who have special knowledge or practical experience in the field of housing, engineering, law, town planning, environment or architecture, traffic and transport planning or such other specialisations or other

persons whose assistance or advice the committee may require in the discharge of its functions assigned to it by the Board.

6. Procedure to be followed by the committee – Every committee under rule 5 may evolve its own procedure for the conduct of business at its meetings and for all other matters relating to its functioning.

Sections 16 and 180 (2) (c).

7. Powers to call for information – (1) The Board or a committee appointed by it under rule 5 shall be entitled to call for from any Department of the State Government or the Authority or any local authority or any other agency or organisation under the control of the State Government/Authority or the local authority, as the case may be, any information, return, statement or report required by it for the efficient discharge of its functions under the Act.

Sections 16 and 180 (2) (c).

(2) The Board or a Committee appointed by it under rule 5 shall be entitled to require attendance at its meetings of any officer of the State Government or the Authority of a local authority or any other agency or organisation referred to in sub-rule (1) who is required to assist the Board or the committee in the discharge of its functions.

8. Qualifications and experience for appointment as Chief Administrator – The Chief Administrator of -(a) the Punjab Urban Planning and Development Authority established under Section 17 of the Act, shall be appointed from amongst the officers of the Government of Punjab who are not below the rank of a Secretary to Government of Punjab; and

Sections 17, 29, 31 and 180 (2) (e).

(b) a special Urban Planning and Development Authority constituted under section 29 or of a New Town Planning and Development Authority constituted under section 31 shall be appointed from amongst the officers of the State Government who are not below the rank of an Additional Secretary to that Government.

9. Term of office and conditions of services of members of the Authority - Subject to the provisions of the Act, the term of office of a non-official member of an Authority shall be three years from the date of his appointment;

Sections 18 (1) and 180 (2) (f).

Provided that at the expiry of the period of his appointment, member shall be eligible for re-appointment;

10. Allowances to be paid to members of the Authority - The members of an Authority other than the Chief Administrator, shall not be entitled to receive any remuneration or allowance from the Authority other than the traveling allowance, daily allowance or any other allowance, at the rates determined by the Authority and till it is so determined at the rates for the time being admissible to Class I Officers of the State Government under the Punjab Civil Services Rules for the purpose of reimbursing the expenditure incurred in attending the meetings of the Authority or any of its committees or in performing any other function of the Authority.

Sections 18 (1) and 180 (2) (f).

11. Salary and allowances to be paid to the Chief Administrator - The Chief Administrator shall be a whole time paid member of the Authority and he shall receive out of the fund of the Authority such salary and allowances as may be determined by the State Government, at the time of his appointment:

Sections 18 (3) and 180 (2) (h).

Provided that in respect to any matter which is not specifically determined by the State Government, the provisions of the rules and regulations applicable to other employees of the Authority shall apply to the Chief Administrator in respect of such matter.

PART – III – COMPLETION OF BUILDINGS, EXTENSION IN TIME FOR SUCH COMPLETION, FEE FOR SUCH EXTENSION, PROCEDURE FOR APPEAL AND REVISION AND SERVICE OF NOTICE.

12. Building rules - The Punjab Urban Estate (Development and Regulation) Rules, 1974 so far as they are not in consistent with the provisions of the Act, shall mutatis matandis apply in respect of matters specified in sub-section (2) of section 43 till the date rules are made under clause (i) of sub-section (2) of section 180.
Sections 43 (9) 12 and 180 (2) (i).

13. Time within which building is to be completed – (1) The transferee shall complete the building within three years from the date of issue of allotment order or the date of auction, as the case may be, in accordance with these rules.
Sections 43 (2) and 180 (2) (i).

(2) The time limit specified in sub-rule (i) may be extended by the Estate Officer in the manner and on payment of fee specified hereinafter if he is satisfied that the failure to complete the building within the said period was due to a cause beyond the control of the transferee.

(3) Extension in time limit in terms of the provisions of sub-rule (2) may be granted by the Estate Officer for a period not exceeding five years on the payment of fee at the following rates, namely:-

(a) in the case of residential plots Rate of fee per square metre
as under:- Period of extension

(i)	First Year	Rs. 1.50
(ii)	Second Year	Rs. 2.00
(iii)	Third Year	Rs. 2.50
(iv)	Fourth Year	Rs 4.50
(v)	Fifth Year	Rs. 6.00

**GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Notification

The 20th November, 1995.

No. G.S.R. 58/P.A. 14/95/S. 45/95.—With reference to the Government of Punjab, Department of Housing and Urban Development, Notification No. GSR/51/14/95/S. 45/95, dated the 22nd September, 1995, and in exercise of the powers conferred by section 45 of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995), and all other powers enabling in this behalf, the Governor of Punjab is pleased to make the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Punjab Apartment and Property Regulation Rules, 1995.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires -

(a) 'Act' means the Punjab Apartment and Property Regulation Act, 1995;

(b) 'amenity' includes roads, water supply, street lighting, drainage, sewerage, public parks, schools, hospitals, community centres and other community buildings, horticulture, land-scaping and any other public utility service;

(c) 'family' in relation to a person means the individual, the wife or husband as the case may be, of such individual and his or her unmarried minor children;

(d) 'Form' means the form appended to these rules; and

(e) 'prescribed authority' means the authority prescribed as such under sub-rule (2) of rule 11;

(f) 'section' means a section of the Act, and

3. Disclosure regarding design and material to be used.- The promoter shall disclose the following particulars on reasonable notice or demand as respects designs and materials to be used in the construction, namely:-

(a) In respect of design,-

(i) Location Plan of the building;

(ii) Design of the building and of the apartment;

(iii) Elevation;

(iv) Cross sections; and

(v) Structural design;

(b) In respect of materials to be used in the construction of,-

(i) foundation;

(ii) super structure;

(iii) flooring;

(iv) roofing;

(v) joineries; and

(vi) electric and sanitary fittings.

4. Reservation of residential apartments and plots for person belonging to economically weaker sections of society.- (1) For the purpose of sub-clause (ii) of the proviso of clause (h) of sub

section (2) of section 3 and sub section (9) of section 5, a person whose family income from all sources does not exceed two thousand six hundred and fifty rupees or such other income limit, as may be fixed by the Competent Authority from time to time, keeping in view the income limit, fixed by the Planning Commission of Government of India, for low income group housing, shall be deemed to be a person belonging to the economically weaker sections of society.

(2) No person belonging to the economically weaker section of the society shall be eligible for allotment of a residential apartment or a residential plot in a colony if,-

(i) he or she himself or his or her spouse or minor child owns a free hold or lease-hold or on hire-purchase basis a residential plot or a residential building in the Union Territory of Chandigarh or in any Urban Estate in the State of Punjab or in a colony developed under the Punjab Regulation of Colonies Act, 1975 or under the Act or under a housing scheme of the Punjab Urban Planning and development Authority or a local authority including an Improvement Trust;

(ii) he is less than eighteen years of age on the date the applications are invited for such allotment; and

(iii) his family income from all sources exceeds the income limit specified in subrule (1).

(3) If the total number of residential apartments is one hundred or more in any building, ten per cent of such apartments and, if total area of a colony is forty hectares or more, ten per cent of the area under residential plots or houses shall be reserved for being sold or leased to the eligible persons belonging to the economically weaker sections of the society.

(4) The constructed size of the apartment or the area of plot to be reserved for being sold or leased to the persons belonging to the economically weaker sections of the society, shall not be less than twenty square metres, and more than forty square metres in the case of the apartments and shall not be less than forty square metres and more than ninety square metres of the plot in the case of the colony or such area, as may be determined by the competent authority from time to time with the prior approval of the State Government.

5. Mode of allotment of reserved apartments and plot.- (1) The promoter shall invite applications for allotment of residential apartments or residential plots reserved for the persons belonging to the weaker sections of the society under rule 4 by publishing a public notice in at least two newspapers widely in circulation in the area where the apartments or plots are situated and a copy of the public notice so published shall be filed in the office of the competent authority.

(2) All applications received by the promoter in response to the public notice published under sub rule (1), shall be entered serially in a register maintained for this purpose in the office of the promoter and acknowledgement of the receipt thereof in the office of the promoter shall be sent to the applicants.

(3) No application shall be rejected merely on the ground that it is incomplete in any respect and the defect or deficiency found in the application shall be got rectified by the promoter from the applicant.

(4) The promoter shall with the approval of the competent authority determine which of the applicants are eligible for allotment of plots or apartment, as the case may be.

(5) The allotment of plots or apartments, as the case may be, to the eligible applicants, shall be made by draw of lots under the supervision of the competent authority or any of its representative duly authorised by it in this behalf.

6. Price to be paid for allotments for apartments and plots. – The price payable for allotment of plots and apartments reserved to be sold or leased to the persons belonging to the economically weaker sections of the society shall be at least fifteen percent less than the price fixed for the allotment of such plots or apartments to other categories of persons and unless the allottee voluntarily agrees to pay the price so fixed in lump sum, the price shall be payable in instalments to be fixed by the promoter in such a way that it would be recoverable within a period of at least three years from the date of allotment of the apartment or the plot, as the case may be.

7. Disclosure regarding registration and licence .- The promoter shall disclose the number of his certificate of registration granted under sub-section (2) of section 21 and, in the case of a colony, also the validity of licence issued under subsection (3) of section 5 and display the certificate of registration and the licence so granted at a conspicuous place in his office and make it available for inspection to the persons taking or intending to take an apartment or a plot in the colony and to a person authorised by the competent authority.

8. Supply of copies of documents.- The promoter on demand shall supply true copies, on payment of reasonable charges, of the following documents, namely:-

(a) title deed of land, certificate of the attorney at-law or an advocate of not less than seven years standing, referred to in clause (a) of subsection (2) of section 3 and copies of the advertisement issued under section 4;

(b) copy of the consent of the land owner, if the land does not belong to the promoter as referred to in clause (a) of sub-section (2) of section 3;

(c) design of apartment, agreement with an architect and a contractor, referred to in clause (f) of sub-section (2) of section 3;

(d) copy of occupation certificate referred to in section 14; and

(e) certificate of registration granted under sub-section (2) of section 21 and in case of colony, the permission granted under sub-section (2) of section 5.

9. Additional information to be supplied by the promoter.- The promoter alongwith the information specified under sub-section (3) of section 4, shall also disclose the information regarding the following matters in the advertisement or prospectus to be issued under sub-section (1) of section 4, namely:-

(a) the earnest money to be deposited;

(b) the mode of payment;

- (c) the mode of allotment;
- (d) the interest to be charged;
- (e) the general specifications to be used;
- (f) the common areas and facilities to be provided;
- (g) the infrastructure to be provided; and
- (h) the likely date by which the possession shall be handed over.

10. Application for licence and documents to be used and fee to be paid for grant of licence.-

(1) Every promoter who desires to develop any land into colony shall make an application in writing in Form APR I to the competent authority for the grant of a licence under section 5 and shall furnish therewith :-

- (a) a demand draft for a sum calculated at the rate of rupees five hundred rupees per hectare or part thereof subject to a minimum of two thousand rupees as licence fee in favour of the competent authority and drawn on any Scheduled Bank;
- (b) income tax clearance certificate;
- (c) particulars of experience as promoter showing number and details of the colony or colonies already developed or being developed;
- (d) particulars about financial position of the promoter; and
- (e) the following plans and documents in triplicate, namely:-
 - (i) copy or copies of all the title deeds and other documents showing the interest of the applicant in the land under the colony alongwith a list of such deeds and documents, and if the land is owned by another person the consent of owner of such land;
 - (ii) copy of the Shajra Plan showing the location of the colony alongwith the names of revenue estates, Khasra number and area of each field;
 - (iii) a guide map on a scale of not less than ten centimeter to one kilometer showing the location of the colony in relation to surrounding geographical features to enable the identification of the land;
 - (iv) a survey plan of the land under the proposed colony on a scale not less than 1:1000 showing the spot levels at a distance of thirty metres and where necessary contour plans showing the boundaries and dimensions of the said land, the location of streets, buildings and premises within a distance of at least thirty metres of the said land existing means access to and from existing roads;
 - (v) layout plan of a colony on a scale of not less than 1:1000 showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots reserved for the economically weaker sections of the society, sites reserved for open spaces, community buildings and schools with area under each and proposed building lines on the front and sides of the plots;
 - (vi) an explanatory not explaining the salient features of the colony, in particular the source of wholesome water supply arrangement and site for disposal and treatment of storm and sullage water;
 - (vii) plans showing the cross-sections of the proposed roads indicating in particular the width of the proposed drainage ways, cycle tracks and footpaths, green verges, position of electric poles and of any of other works connected with such roads;
 - (viii) plans as required under sub-clause (vii) indicating, in addition the position of sewers, storm water channels, water supply and any other public health services;
 - (ix) detailed specifications and designs of road works shown under subclause (vii) and estimated cost thereof;
 - (x) detailed specifications and designs of sewerage, storm water, and water supply schemes with estimated costs of each;
 - (xi) detailed specifications and designs for disposal and treatment of storm and sullage water and estimated costs of works;
 - (xii) detailed specifications and designs for electric supply including street lighting.

Explanation. (i) In the layout plan of the colony, other than an industrial colony, the land reserved for roads, open spaces, schools, public and community buildings and other common uses, shall not be less than forty five percent of gross area of the land under the colony:

Provided that the competent authority may reduce this percentage, to thirty-five percent where, in its opinion, the planning requirements and size of the colony so justify;

(ii) In the layout plan of an industrial colony, the land reserved for the purposes mentioned in **Explanation** (i) shall not be less than thirty-five per cent of the gross area of the land under the colony:

Provided that the competent authority may reduce this percentage to twenty five percent where, in its opinion the planning requirements and the size of the colony so justify.

(2) The triplicate plans specified in clause (e) of sub-rule (1) shall be clear and legible azo-prints with the set mounted on cloth.

(3) If the applicant wants to be exempted from providing any one or more of the amenities in a colony, he shall furnish detailed explanatory note in triplicate alongwith the application and if necessary indicating the reasons as to why the said amenity or amenities need not or cannot be provided.

11. Inquiry by competent authority .- (1) On receipt of application in the prescribed form and complete in all respects under rule 10 of the competent authority shall enquire into the following matters and such other matters, as it may consider necessary, namely:-

- (a) the title of the applicant to the land which is proposed to be converted into a colony;
- (b) extent and situation of the land;
- (c) financial and managerial capacity of the promoter to develop the colony;
- (d) layout plan of the colony;
- (e) plan regarding the development works to be executed in the colony; and
- (f) conformity of development of the colony with neighbouring areas.

(2) The competent authority may, after making enquiry as specified in sub-rule (1) and after giving the applicant a reasonable opportunity of being heard, and also taking into consideration the opinion of the Chief Town Planner, Punjab, who shall be the prescribed authority for the purpose of sub-section (2) of section 5, by an order in writing, reject the application to grant licence if,-

- (a) it does not conform to the requirements of these rules;
- (b) the plans and designs of the development works submitted with the application are not technically sound and workable; or
- (c) the estimated expenditure on water supply main or extra mural and outfall sewerage is not commensurate with the size of the colony.

(3) If after scrutiny of the plans and other necessary enquiries, which the competent authority may deem fit, the competent authority is satisfied that the applicant is fit for the grant of licence, it shall, before granting licence, call upon the applicant to fulfill the conditions laid down in rule 12 within a period of thirty days from the date of the service of notice in Form APR II:

Provided that on application within the aforesaid period of thirty days, for the extension of time limit, the competent authority, if satisfied, may extend such time limit further upto thirty days.

(4) If the applicant fails to fulfill the conditions referred to in sub-rule (3) within the specified period or extended period, if any, the grant of licence shall be refused and intimation of such refusal shall be communicated to the applicant in Form APR III.

12. Conditions required to be fulfilled by the applicant.- (1) The applicant, who is found fit for the grant of a licence under rule 11, shall be asked by the competent authority to:-

- (a) furnish in such form as the competent authority may specify a bank guarantee equal to twenty-five per cent of the estimated cost of the development works certified by the competent authority; and
- (b) furnish an undertaking to enter into an agreement in Form APR IV for carrying out and completion of development works in accordance with the conditions of the licence to be granted; and
 - (i) to maintain a separate account in any Scheduled Bank of all sums, taken by him from the persons intending to take or who have taken the plots, as advance or deposit towards the sale price or for any other purpose as required under section 9 and utilize this amount for meeting the cost of development works in the colony and shall, on demand, in writing, by the competent authority, make full and true disclosure of all transactions in respect of that account;
 - (ii) to pay proportionate development charges, if the main lines of roads, drainage, sewerage, water supply and electricity are to be laid out the constructed by the State Government or any local authority;
 - (iii) take responsibility 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 the issue of completion certificate under the building regulations unless earlier relieved of this responsibility and thereupon to transfer such roads, open spaces, public parks and public health services free of costs to the State Government or the local authority, as the case may be;

(iv) to construct or to get constructed at his own cost schools, hospitals, community centres and other community buildings on the land set apart for this purpose or transfer such land to the State Government either free of cost or on payment of actual cost of development of land, as may be decided by the State Government in which case, 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

(v) to permit the competent authority or any other officer authorised by it to inspect the execution of layout and development works in the colony and to carry out all directions issued by it for ensuring due compliance of execution of layout and development works in accordance with the licence granted.

(2) If the competent authority having regard to the amenities which exist or are proposed to be provided in the locality, decides that it is not necessary or possible to provide such amenities, the applicant will be informed accordingly and sub-clauses (ii), (iii) and (iv) of clause (b) of sub-rule (1) shall be deemed to have been modified to that extent.

13. Grant of Licence.- The competent authority shall grant a licence in Form APR V after the promoter has furnished a bank guarantee equal to twenty five per cent of estimated cost of the development works duly certified by the competent authority and the promoter has undertaken to enter into an agreement in Form APR IV for the completion of development works as per conditions of the licence so granted and agrees to deposit the service charges as provided under section 32.

14. Renewal of Licence.- (1) In case the promoter fails to complete the development works within a period of three years specified in sub-section (4) of section 5, he may make an application to the competent authority in Form APR VI for the renewal of his licence at least thirty days before the expiry period of the licence and the application so made shall be accompanied by:-

(i) a demand draft for a sum calculated at the rate of fifty per cent of the fee prescribed in rule 10 for issuing as renewal fee in favour of the competent authority and drawn on a scheduled Bank;

(ii) income tax clearance certificate;

(iii) an explanatory note indicating the details of development works, which have been completed or are in progress or are yet to be undertaken;

(iv) reasons for non-completion of development works as required in terms of the licence granted to him; and

(v) the licence.

(2) On receipt of an application under sub-rule (1), the competent authority, shall, if satisfied after making such enquiry, as it may consider necessary, that the delay in execution of development works was for reasons beyond the control of the promoter and there has been no violation of any provision of the Act and the rules made there-under, renew the licence for a period of one year.

(3) In case the competent authority is not so satisfied, it shall reject the application and in that case, an intimation in this regard will be sent to the promoter in Form APR VII:

Provided that before rejecting the application, the competent authority shall give the promoter an opportunity of being heard.

15. Recovery of charges incurred on development works:- After the development works have been carried out by the competent authority under subsection (13) of section 5, the charges incurred by the competent authority for carrying out such development works, shall be recovered by adjusting the amount received as a result of enforcement of the bank guarantee and the balance, if any, shall be recovered from the promoter, subject to the condition that the amount so recovered, shall not exceed the amount the promoter has actually recovered from the allottees by deducting the amount actually spent on development works, and on the allottee subject to condition that the amount so recovered, shall not exceed the amount, which they have to pay the promoter towards the expenses of such development works under the terms of the agreement of sale or transfer.

16. Agreement of Sale.- The agreement of sale to be executed by the promoter with the intending purchasers under sub-section (1) of section 6, shall be in Form APR VIII and shall be accompanied by the following documents, namely:-

(i) the certificate of title to land having been duly certified by the attorney at law or an advocate of not less than seven years standing;

- (ii) certified copy from the relevant revenue record showing the nature of title of the promoter to the plot of land on which the building of apartments is constructed or is to be constructed and if the land is owned by another person, the consent of the owner of such land to the development of the colony or construction of the building; and
- (iii) the plans and specifications of the apartments as approved by the authority, which is required so to do under any law.

17. Rate of interest on refund of advance money upon cancellation of agreement.- The promoter shall refund full amount collected from the prospective buyers under sub-section (1) of section 6 together with interest thereon at the rate of twelve per cent per annum payable from the date of receipt of amount so collected till the date of re-payment.

18. Fee for settlement of disputes under section 11 (2).- Application under sub-section (2) of section 11 for referring the dispute to the competent authority, shall be accompanied by a fee of rupees two per square metre of the covered area of the apartment subject to a minimum of two hundred rupees in the form of a demand draft drawn on my Scheduled Bank in favour of the competent authority.

19. Particulars to be given and documents to be attached with conveyance deed of apartment.- The conveyance deed of apartment to be executed under section 15, shall contain the following particulars and shall be accompanied by the following documents, namely:-

- (a) the name, address and other particulars of the allottees;
- (b) the description of the land on which the building and the common area and facilities are located, and whether the land is free-hold or lease-hold and if lease-hold, the period of such lease;
- (c) a floor plan of the building showing the layout and location of the apartment, alongwith the verified statement of an architect certifying that it is an accurate copy of the portions of the plans of the building as filed with and approved by the local authority within whose jurisdiction the building is located;
- (d) the description of the building, stating the number of storeys and basement, the number of apartments in that building and the main material of which it is constructed;
- (e) the apartment number or statement of the location of the apartment, its approximate area, number and dimensions of the rooms, immediate common area to which it has access, and any other details necessary for its proper identification;
- (f) the description of the common areas and facilities appurtenant to such apartment;
- (g) the description of the limited common area and facilities, if any, stating as to which apartments their use is reserved;
- (h) the value of the property and of the apartments and the percentage of undivided interest respectively, in the common areas and facilities and the limited common areas and facilities, if any, appurtenant to such apartment, and a statement that the apartment and such undivided interest, are not encumbered in any manner whatsoever on the date of execution of the conveyance deed of apartment;
- (i) the statement of the purposed for which the building and each of the apartments are intended and restricted as to use;
- (j) the name of the person to receive service or process, together with the residence or place of business of such person; and
- (k) any other particulars or documents, which the parties to the conveyance deed of apartment, may deem desirable to set forth.

20. Form of application.- Application for enforcement of conveyance deed under sub-section (1) of section 16 shall be made in form PR IX.

21. Building Regulations.- In the areas falling within the jurisdiction of a municipality, the rules or regulations or bye-laws of the municipality regulating the matters specified in section 20, shall be applicable and in the areas falling outside the jurisdiction of a municipality, the building rules made under the Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act 11 of 1995), shall *mutatis mutandis* be applicable.

22. Release of Bank Guarantee.- After the layout and the development works in a colony have been completed, and a completion certificate in respect thereof has been issued the competent authority,

may, on an application in this behalf from the promoter, release within a period of three months of the date of application, the bank guarantee furnished by the promoter after adjusting the amount incurred by the competent authority under sub-section (13) of section 5.

Provided that one-fifth of the bank guarantee shall be kept unreleased to ensure the up-keep and maintenance of the colony for a period of five years from the date of issue of the completion certificate or till such time, as the promoter is relieved of the responsibilities in this behalf, by the State Government or a local authority, as the case may be, whichever is earlier.

23. Certificate of registration.- (1) An application for registration as promoter or as an estate agent, shall respectively, be made in Form APR X and Form XI, and shall be accompanied by a fee of five thousand rupees in the case of a promoter and two thousand and five hundred rupees in the case of an estate agent in the form of a demand draft on a Scheduled Bank in favour of the competent authority.

(2) The certificate of registration shall be issued by the competent authority in the case of a promoter in Form APR XII in the case of an estate agent in Form APR XIII.

24. Qualifications for registration as promoter and estate agent.- (a) In case the application is for registration as a promoter, the applicant himself, if he is an individual, or one of his employees or one of the partners in case of a firm, or one of the directors in the case of a company, or one of the members of the managing committee in the case of a co-operative society, as the case may be, should be Matriculate or should possess its equivalent qualifications and should not be less than eighteen years of age.

(b) In case the application is for registration as an estate agent, the applicant should be Matriculate or should possess its equivalent qualifications and should not be less than eighteen years of age and should not be in the employment of the Government or a State Government or a State undertaking or a local authority and should not have been dismissed from the service of a Government or a State Undertaking or a local authority.

(c) In case the application is for registration as a promoter, the applicant, himself, or one of his employees or one of the partners, in case of a firm, or one of the directors, in the case of a company, or one of the members of the managing committee in the case of a co-operative society, as the case may be should have atleast five years experience in the field of development of colonies or construction of buildings whether as a construction engineer, an architect, a town planner or as a contractor and in the case of an estate agent, the applicant should have atleast five years experience as an estate agent.

(d) The applicant shall furnish to the competent authority a bank guarantee or security of fifty thousand rupees for registration as a promoter and ten thousand rupees for registration as an estate agent.

25. Fee for renewal of registration.- The fee for renewal of registration as a promoter or an estate agent, shall be the same as is payable, under rule 23 for granting certification of registration; provided the application is made in Form APR XIV in the case of a promoter and in Form APR XV in the case of an estate agent atleast three months before the expiry of the period of certificate of registration.

26. Form and manner of maintaining accounts and registers and records.- (1) Every registered promoter shall maintain:-

(a) a separate ledge account of each of the allottees of the apartment or plot specifying the name and postal address of the allottees, amount realized from each apartment owner or plot holder;

(b) accounts showing the details of expense incurred by him or constructing the buildings or apartments or on development works in the colony with the details thereof in accordance with the provisions of section 9; and

(c) a register in Form APR XVI containing the details of plots or apartments sold by him to the allottees, date of the agreement of sale of such plots or apartments, details of the payment of the sale price and date of handing over the possession and execution of the conveyance deed.

(2) Every estate agent shall maintain a register in Form XVII indicating category of plot and apartment, area of plot and apartment, names and addresses of sellers and buyers consideration money, date of sale and registration of sale deed

(3) The competent authority shall maintain registers in Form APR XVIII showing particulars of all cases in which licence under sub-section (3) of section 5 is granted or refused and in Forms APR XIX

and APR XX showing the particulars of all cases in which certificate of registration is granted or refused to promoters and estate agents respectively, under section 21.

27. Audit.- (1) Every promoter and estate agent shall get his accounts audited after the close of every financial year by a chartered accountant and shall furnish a statement of accounts duly certified and signed by such chartered accountant alongwith the auditor's report to the competent authority within a period of six months of the close of the financial year.

(2) While auditing the accounts, the chartered accountant shall also verify that amount collected by the promoter for a particular purpose have not been utilized for any other purpose as provided in section 9 and a certificate to that effect shall be recorded by the chartered accountant and a copy of the certificate so recorded, shall be sent by the promoter to the competent authority.

28. Returns.- (1) The promoter shall furnish to the competent authority six monthly return in Form APR XXI, showing the amount received from the allottees of apartments and plot holders during that period, and amount spent on construction of apartments and on the development of plots, and the balance amount deposited in a bank for development works in the colony or for construction of apartments or for apartments constructed and sold, plots developed and sold and apartments under construction and colonies under development.

(2) The estate agent shall furnish annual return to the competent authority in Form APR XXII within a period of three months of the close of financial year indicating the names and address of the sellers and purchasers of the plots and apartments and dates of execution of conveyance deeds.

29. Utilisation of fund.- The Punjab Urban Development Fund shall, in addition to the purposes specified in sub-section (4) of section 32, also be utilised for

- (i) the upgradation and moderanisation of technology in town planning and urban affairs.
- (ii) providing training facilities in urban management and town and country planning; and
- (iii) organising seminars, workshops and conferences on town and country planning urban affairs and urban management.

30. Form and manner of filing appeal under section 33 (2).- An appeal against an order of the competent authority under the Act, shall be preferred in writing, signed by the appellant or his duly authorised agent and shall be accompanied by the following documents, namely:-

- (i) a certified copy of the order appealed against;
- (ii) a precise statement of the facts of the case;
- (iii) statement of facts and laws in support of the case; and
- (iv) any other material document of evidentiary value relied upon.

**PUNJAB GOVT (EXTRA.) JULY 2,1996 (ASADHA 11-1918 SAKA)
GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Notification

The 27th June ,1996 No G.S.R 48/PA 11/95/S.180/96 –In exercise of the powers conferred by Section 180 read with sub-section (2) of section 48 of the Punjab Regional and Town Planning And Development Act, 1995 (Punjab Act No.11 of 1995), and all other powers enabling him in this behalf ,the Governor of Punjab is pleased to make the following rules, namely:-

3. Short title, commencement and application –(1) These rules may be called the Punjab Urban Planning and Development Authority (Building) Rules ,1996.

(2) They shall come with force.

(3) They shall apply to, -

(i) the areas of the Urban estates set up by the Authority in terms of the provisions of section 28 of the Act or by the State Government under the Punjab Urban Estates (Development And Regulation) Act 1964;

(ii) the planning areas in respect of which town development schemes have been made by the Authority under the Act or which are to be developed otherwise by the Authority under the Act;

(iii) The Controlled areas declared as such under section 4 of the Punjab Scheduled roads and Controlled Areas Restriction of Unregulated Development Act 1963 ;and

(iv) Such other areas which the state Government may, by notification ,specify from time to time.

PART I—Preliminary 2. Definitions –Unless the context otherwise requires—

(i) abut a building shall be said to be abut on a street where the outer face any of its external walls is on the street boundary ;

(ii) Act means the Punjab Regional and Town Planning and Development Act 1995;

(iii) ancillary zone in relation to any areas means the land use zone ancillary or serving the dominant land use and includes all the conforming uses of the dominant land use but excludes all the non-conforming uses, whether existing or proposed ;

(iv) applicant means a person who gives notice to the Competent Authority to erect or re-erect a building and also includes his legal representatives and authorised agent;

(v) authorised Officer means an officer of the Authority specifically authorised by the Authority to perform functions of the authorised officer under these rules;

(vi) architect shall have the same meaning as has been assigned to it in the Architects Act 1972 and registered as such under these rules;

(vii) architectural control sheets means the sheets of drawing with directions approved by the Competent Authority and kept in its office showing the measure of architectural control;

(viii) balcony means cantilivered horizontal projection at the floor or roof level from the wall of building without any vertical support;

(ix) basement means storey which is next below the round storey or which has in any part more than half of its height below the main level of the street or ground adjoining the building ;

(x) building line means fixed line specified for a site beyond which no building within that the site other than compound wall shall project;

(xi) chhajja means a cantilivered horizontal or sloping projection;

(xii) courtyard means an area open to sky ,which is enclosed or partially enclosed by the building, boundary wall or railings and it may be at the ground floor level or any other level within or adjacent to a building;

(xiii) Engineer means a person holding any of the qualifications making him eligible to become Associate Member of the Institution of Engineers and registered as such under these rules;

(xiv) exist means a passage ,channel or means egress from any building ,to a street or other open space of safety;

(xv) floor area ratio means the ratio derived by dividing , the total covered area of all floors, excluding the area or basement storey by the area of plot;

(xvi) ground floor means the storey which has floor surface nearest to the ground;

- (xvii) group housing means a building constructed or to be constructed with one or more floors consisting of one or more dwelling units having common service facilities;
- (xviii) habitable room means a room having windows and glazed door of the size of not less than one-tenth of the floor area of the room and designed for use of study, living, sleeping, eating, kitchen excluding bath rooms, water closets compartments, laundries, serving and storage pentries, corridors, attics and spaces which are not used frequently for extended period;
- (xix) height height in relation to a building means the vertical measurement of the building measured of the plinth level up to the highest level of the building parapet, excluding flues, ducts, water storage tanks and masts, domes, water cooling tanks, lift towers, lift rooms not exceeding 2.25 metres in height and in relation to a room means the vertical measurement from finished surface of the floor to the under surface of the ceiling of the room and in the case of sloping ceiling, the height shall be minimum height of any room;

(xx) 'lobby' means covered circulation space ;(xxi) 'loft' means an intermediate floor in between two main floors not less than 1.2 meters in height which may be adopted or constructed for storage purpose and at a height of not less than 2.25 meters from the floor level;

(xxii) mam̄ti' means a small structure erected on the roof of a building at the head of stair case to protect such a stair case from whether;

(xxiii) material' change of use means a change of use from one class of building to another class of building;

(xxiv) 'parking space' means an area to park vehicles meant either for private parking or public parking;

(xxv) plinth level' means the level of the ground floor of a building with respect to the adjoining ground or street;

(xxvi) 'plumber' means a person holding any of the qualifications specified in the Schedule and registered as such under these rules;

(xxvii) private parking means parking space used or provided exclusively for the parking of private vehicles in places other than public places;

(xxviii) 'public building' means building used or constructed or adapted to be used either ordinarily or occasionally as place of public workshop as a hospital ,college ,school ,hostel, restaurant ,theatre ,public concert room ,public lecture room ,public exhibition hall or as a public place assembly or entertainment for persons admitted thereto by tickets or otherwise ,or used or constructed or adapted to be used either ordinarily or occasionally for any similar public purposes;

(xxix) public parking means parking space used or provided exclusively for the parking of vehicles by the general public;

(xxx) site coverage means ground area covered by the (building site coverage means the ground area covered by the date) building immediately above plinth level but does not include the space covered by:-

(a) the compound wall, gate ,cantilevered ;

(b) projection upto two meters;

(b) garden ,reckery ,wall and well structure ,plant nursery, water pool, platform around a tree , tank, fountain, bench ;and (c) drainage ,culvert, conduit catch pit ,fully pit ,chamber and gutter;

(xxxi) storey means horizontal divisions of a building so constructed as be capable or use as a living space although such horizontal division may not extend over the whole depth or width of the building ,but shall not include mazzanine floor;

(xxxii) street means any road pathway ,square court, alley or passage accessible whatever permanently or temporarily to the public and whatever a through fare or not and shall include every vacant space not withstanding that it may be a private property and partly or wholly obstructed by any gate ,post, chain, or other barrier whether of houses, shops or other building abutting thereon ,which is used by any person as means of a access to or from any public place or through fare whether such person be occupiers of such building or not, but shall not include any part of such space which the occupier of such building has right at all hours to prevent all other person from using as aforesaid and shall include also the drains or gutters there in or on either side and the land, whether covered or not by any pavement ,verandah or other erection, up to the boundary of any abutting property not accessible to the public;

(xxxiii) temporary building means a building built of un-burnt bricks , burnt bricks without mortar, corrugated iron, bamboo ,thatch, wood board or plywood but shall not include building built of burnt bricks ,cement blocks or stores laid in mortar;

(xxxiv) ventilation means supply of outside air into a building through window or other openings due to wind outside and convection effects arising from temperature or vapour pressure differences and, or both, between inside and outside of the building ; and

(xxxv) zoning plan means the plan approved by the Competent Authority showing the streets, boundaries of building site open, spaces position ,permissible heights, permissible uses of land and building site coverage and such other restrictions on the use and development of land or buildings.

PART II –Procedure for submission of Building Applications.

3. Erection or Re-erection without permission – Subject to the provision of the Act and other provisions of these rules, no person shall commence the erection or re-erection of any building on any site without previous sanction of the Competent Authority.

Provided that in the case of erection or re-erection of a building on a site measuring upto 250 square meters and having not more than three storeys previous sanction of the Competent Authority shall not be required.

4. Design and supervision :- Except where standard design supplied by the Competent Authority, the architectural design of every building shall be prepared and signed by a registered architect and every building operation shall be supervised by a registered architect or a registered engineer.

Section 180 (2) (i) of the Act.

5. Application to erect or re-erect buildings:- Every person who intends to erect or re-erect a building shall make an application Form —A|| to the Competent Authority along with a fee as is determined by the Chief Administrator and shall at the same time submit three sets of prints mounted on cloth duly signed by the applicant, on his authorised agent or attorney,-

(i) site plan detailed in rule 6;

(ii) plans, elevations and section of the proposed building detailed in rule 7 ;

(iii) water supply and drainage plans;

(iv) structural stability certificate ;

(v) scheme for air conditioning or air cooling, if provided ; and

(vi) in case the building is more than, fifteen meters in height, then three more sets of the schemes each designed for fire fighting system equipment and the electrical schemes. Provided that a person

who in ends to erect to re-erect a building on a site measuring up to 240 square meters and having not more than three storeys will be required to submit only the documents specified in clause (i) to (iv). (2) The applicant shall submit any additional information and plans as are demanded by the Competent Authority.

6. (1) **Site Plans** –The site plan fully dimensioned shall be drawn to a scale of not less than:- (a) 1200 for sites measuring upto 4000 square meters. (b) 1400 for sites measuring more than 4000 square meters but not exceeding 40,000 square meters; and (c) 1.800 for sites measuring more than 40,000 square meters.

(2) The site plan shall be prepared to enable the site to be identified and shall show;

(a) the boundaries of the site;

(b) the directions of the north point relative to the site of the building ;

(c) the streets or roads adjoining the site with their width clearly dimensioned and names, if any, giving also all existing roads, trees, lamp posts or any other feature or structure likely to affect the approach to the building ;

(d) the outlines of the proposed building ;

(e) the levels of the site and the plinths of the building in relation to those of the neighboring roads ;

(f) the area of the site to be covered by the building and also the level of courtyard and open spaces ;

(g) all existing buildings or structure on or over or under the site or projecting beyond it ;

(h) methods of disposal of waste water, sewerage and storm water ;

(i) surroundings upto a distance of fifteen meters on all sides from the boundaries of the site.

7. **Building plans, sections and elevations.**- The building plans, section and elevations shall be drawn to a scale of not less than 1:50 upto 1:800 square meters of the areas of the site and 1:800 in other cases and the plans so drawn shall show.

(a) the plan of the ground floor and other floors of the proposed building ,all elevation and sections fully explaining the design; (b) the plinth level of the building with reference to highest level of the street or streets of which the proposed building is to front. (c) the level of the courtyard and open spaces in the building in relation to the highest level of the street towards which the building is to be drained; (d) the proposed building and the proposed method of draining it including the position, form and dimensions of water closets ,urinals, drainage of stables ,dhobi ghats ,dust bins, gate pillars and the method of disposal of sewerage and storm water ; (e) the sizes of the doors, windows, openings and other methods of ventilation ; and (f) the means of access to the building and its various doors and means escape in case of fire or any other emergency.

8. **Type Decision** :- In case of the applicant wishes to follow the type design prepared by the Competent Authority, he may obtain the same from the Competent Authority and submit it along with the site plan in triplicate to the Competent Authority for identification.

9. **Drawing to be submitted with application.**- Every application and building plan shall be accompanied by its water supply ,drainage and structural drawings showing,-

(a) position of sanitary fittings, down pipes, gully traps ,hose sewer and manholes upto their connection to the public sewer;

(b) position of taps ,shoyer, storage tank, supply pipe and disturbing pipes ;

(c) structural stability certificate by a registered Engineer or a registered architect.

Explanation.- Structure and material shall be in accordance with the latest National Building Code.

10. **Occupation Certificate.**- (1) Every applicant on completion of the building works according to the building plan shall give notice of completion in Form 'B' and furnish the completion certificate in Form 'C' through his architect to the Competent Authority for using the occupation certificate.

(2) The Competent Authority shall within thirty days from the date of receipt of the application shall either issue the occupation certification or reject the application giving reasons for such rejections in Form 'D' ; Provided that the applicant shall remove or destroy any temporary building which might have been erected and the debris from the site and adjoining roads or vacant site before the occupation certificate is issued; Provided further that partial occupation certificate may be granted for partially constructed building with one habitable room ,one water closet and one bath room..

PART III ADMINISTRATIVE CONTROL

11. Power of Competent Authority to sanction or refuse erection or re-erection.- (1) The Competent Authority shall refuse to sanction the erection or re-erection any building if it is in contravention of any of the provisions for these rules.

(2) The Competent Authority may sanction the erection or re-erection of any building either absolutely or subject to such modifications in accordance with these rules as it may deem and one copy of the mounted plans shall be sent to the applicant with the word 'sanctioned' written on it. (3) The intimation of the sanction or rejection of the building plan shall be given in Form 'E'.

12. Presumption of sanction .- If the competent Authority neglect or omits within 60 days receipts from any person of valid application ,complete in all respects to erect or re-erect a building to pass orders sanctioning or refusing to sanction such erection or re- erection the plans shall without prejudice to the provisions of these rules and the restrictions specified for erection or re-erection of buildings be deemed to have been sanction and the applicant may proceed with the erection re-erection of building or carry out any development works as described in the application or in any accompanying documents but not so as to contravene any of the provisions of the Act and these rules made there under and the restrictions specified for erection or re-erection of buildings.

13. Validity period of sanction.- Every sanction for the erection or re-erection of any building or carrying out any development work shall remain in force unless it is modified or cancelled by the Competent Authority by due process of law. **PART IV Planning and Architectural Control**

14. Compliance of zoning plan and architectural controls sheets:- The erection or re-erection of any building shall comply with the restrictions of the zoning plan architectural control sheets and the schedule clauses appended thereto.

15. Site Coverage:- (1) The maximum permissible site coverage on all the sites shall be calculated as under :-

Serial No	Area of the Site	Site Coverage
(i)	For the first 250 Square meters	65 percent
(ii)	For the next 250 square	50 percent