



ABSTRACT

Guidelines – Tamil Nadu Guidelines under section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 for the Exemption of Buildings and Assessment and Collection of amount for Exemption, 2012 – Notification – Issued.

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HOUSING AND URBAN DEVELOPMENT [UD4(1)] DEPARTMENT

G.O.(Ms) No.234

Dated: 30.10.2012

ORDER:

The appended Notification shall be published in the next issue of the Tamil Nadu Government Gazette.-

(Order of the Governor)

K. Phanindra Reddy,
Secretary to Government.

To
The Works Manager,
Government Central Press,
Chennai-600 079.

The Secretary to Governor,
Raj Bhavan, Chennai – 600 032.

The Commissioner of Town and Country Planning,
Chennai-600 002.

The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 600 008.

The Law Department,
Chennai – 600 009.

Copy to:

The Secretary to Chief Minister,
Chennai – 600 009.

The Senior Personal Assistant to Minister (Hg&UD),
Chennai – 600 009.

UD I, UD VI Sections in Housing and Urban Development
Department, Chennai – 600 009.
SF/SC.

// Forwarded / By order//

Section Officer.

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor of Tamil Nadu hereby makes the following Guidelines: -

GUIDELINES.

1. Short title and application.- (1) These Guidelines may be called the Tamil Nadu Guidelines for the Exemption of Buildings and Assessment and Collection of amount for Exemption, 2012.

(2) They shall be applicable to the areas covered by the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) as per sub-section (2) of section 1 of the said Act.

2. Definition.- In these guidelines, unless the context otherwise requires-

- (a) "Act" means, the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);
- (b) "amount for exemption " means an amount collected under the Rules for exempting the development of any building or class of buildings referred to in section 113-C of the Act;
- (c) "Competent Authority" means, –
 - (i) in the case of Town Panchayats and Village Panchayats in the Chennai Metropolitan Area, the Chief Planner of Chennai Metropolitan Development Authority or an authority designated by him;
 - (ii) in the case of a Municipal Corporation, the Commissioner of the said Corporation;
 - (iii) in the case of a Municipality, the Municipal Commissioner of the said Municipality;
 - (iv) in the case of a Town Panchayat or Village Panchayat outside Chennai Metropolitan Area the Member Secretary of the Local Planning Authority or the New Town Development Authority functioning under the Town and Country Planning department or the Regional Deputy Director of Town and Country Planning department or the Regional Assistant Director of Town and Country Planning department, as the case may be;
- (d) "flat" means a set of rooms especially on one floor with a kitchen and a bathroom;

- (e) "floor space index (FSI)" means the quotient obtained by dividing the total covered area (plinth) on all floors excepting the areas specifically exempted under the respective rules, prevailing as on the 1st July 2007 in the respective areas, by the plot area which includes part of the site used as exclusive passage. (FSI = Total covered area on all floors ÷ Plot area);
- (f) "group development" means the building defined as group development in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (g) "guideline value" means the prevailing guideline value of a land in terms of rupees per square metre fixed by the Registration department of the State of Tamil Nadu, as prevalent on the date of filing application;
- (h) "land use zoning" means the use zone of a site specifically designated in the prevailing master plan and/or a detailed development plan or a new town development plan as on the 1st July 2007 in the respective areas prepared under the Act;
- (i) "local authority" means –
- (i) a Municipal Corporation established under any law for the time being in force; or
 - (ii) a Municipality or a Town Panchayat constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or
 - (iii) a Panchayat Union Council constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994);
- (j) "multi-storeyed building" means the building defined as multi-storeyed building in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (k) "ordinary building" means a building, which does not fall within the definition of special building, group development or multi-storeyed building defined in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (l) "parking space" means an area covered or open, sufficient in size to park vehicles together with drive way connecting the parking lot with road or street and permitting ingress or egress of the vehicles;
- (m) "road or street width" means the whole extent of space within the boundaries of the road or street measured at right angles to the course of direction of such road or street; road width measurements for the above, shall be of the road as designed and laid;

- (n) "Rules" means "the Tamil Nadu Assessment and Collection of amount for Exemption of Buildings Rules, 2012".
- (o) "setback" means open space across front or sides or rear of a plot between the building and street alignment or boundary of the plot, as the case may be;
- (p) "special building" means the building defined as special building in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (q) other terms used in these guidelines, unless the context otherwise requires, shall have the meaning as defined under section 2 of the Act, or any other law relating to local authorities for the time being in force or in any other rule or by-law or regulation made thereunder or in the respective rules prevailing as on the 1st July 2007 in the respective areas;

3. **Application for Exemption.**- (1) Application for exemption in Form A appended to these Guidelines, shall be made to the competent Authority.

- (2) The application shall be accompanied by the following:-
 - (a) Five copies of plans showing the construction as per site conditions including its usage, duly signed by both the applicant who has the right over the land to develop and the Architect or a Civil Engineer or a Licensed Surveyor and other professionals as prescribed by the local authority concerned in their respective Act or Building Rules with conclusive proof to establish that the construction was completed before the 1st July 2007;
 - (b) A copy of ownership document duly attested by a Notary Public;
 - (c) If there is an earlier approval for existing developments within the plot, a copy of the approved plan, duly attested by an Architect or a Civil Engineer or a Licensed Surveyor and other professionals as prescribed by the local authority concerned in their respective Act or Building Rules;
 - (d) A copy of patta with Field Measurement Book (FMB) sketch or Permanent Land Register (PLR) Extract duly attested by an officer not lower in the rank of the Deputy Tahsildar;
 - (e) A copy of property tax work sheet indicating the number of floors and built-up area of the building which was in existence on or before 1st July 2007 duly attested by the competent authority of the respective local body;

- (f) A certificate issued by the local authority to the effect that adequate measures for lighting and ventilations (either natural or mechanical) have been taken;
- (g) A certificate issued by the Director of Fire Safety and Rescue Services, wherever applicable, to the effect that adequate fire safety measures have been taken;
- (h) A certificate issued by a qualified structural engineer to the effect that the building is structurally sound and safe;
- (i) Clearance from the Tamil Nadu Pollution Control Board for any industrial development including cottage industry;
- (j) Demand draft or Banker's cheque from any Nationalised Bank, towards scrutiny fee at the rate of Rs.4.50/- (Rupees four and paise fifty only) per square metre for total floor area of buildings within the site, drawn in favour of "the Member Secretary, Chennai Metropolitan Development Authority", payable at Chennai, in the case of Chennai Metropolitan Area or drawn in favour of "the Commissioner of Town and Country Planning, Chennai", payable at Chennai in the case of areas other than Chennai Metropolitan Area;
- (k) Declaration of the violated road width, setback spaces and floor area category-wise and self assessment of the amount for exemption payable with detailed working sheets duly signed by both the applicant and an Architect or a Civil Engineer or a Licensed Surveyor and other professionals as prescribed by the local authority concerned in their respective Act or the Building Rules;
- (l) Demand draft or Banker's cheque from any Nationalised Bank for the sum worked out in clause (k) above as payment in advance towards self-assessed amount for exemption drawn in favour of "the Member Secretary, Chennai Metropolitan Development Authority", payable at Chennai, in the case of Chennai Metropolitan Area or drawn in favour of "the Commissioner of Town and Country Planning, Chennai", payable at Chennai in the case of areas other than Chennai Metropolitan Area. Such payment in advance shall be adjusted against the amount for exemption eventually assessed by the competent authority and other fees or charges leviable for issue of planning and building permission;
- (m) A notarised undertaking in a non-judicial stamp paper of value not less than twenty rupees agreeing to remit the balance amount for exemption, if any, as assessed by the competent authority after adjusting the advance payment made, and also all other fees and charges normally leviable

for planning and building permission, from time to time, by the competent authority;

- (n) In the case of flats, for considering to assess for the amount for exemption for the whole development, the application shall be made jointly from a majority that is, above fifty per cent) of flat owners in the plot or their association authorised by the resolution to do so, paying self-assessed amount for exemption for the total violated area within the site and furnishing an undertaking to pay the balance amount for exemption and also all other fees and charges normally leviable, for planning and building permission, from time to time by the competent authority, for the whole building, within the plot.
- (3) Any application made by any person for assessment of amount for exemption who does not have any right over the land or building shall be summarily rejected.

4. Guidelines for exemption - The following shall be the guidelines for exemption of any building or class of buildings developed on or before the 1st day of July 2007 and deviated from all or any of the provisions of the Act or any rule or regulation made thereunder: -

- (i) The building should have been completed on or before the 1st July 2007 and in conformity with the following: -
 - (a) The Civil Aviation Regulations of the Ministry of Tourism and Civil Aviation under the Aircraft Act, 1934 (Central Act XXII of 1934);
 - (b) The Ministry of Defence Regulations for developments in the vicinity of the Air Force stations within 100 metres around areas notified under the works of Defence Act, 1903 (7 of 1903);
 - (c) The Regulations of the Chennai Regional Advisory Committee constituted by the Ministry of Communication;
 - (d) The Coastal Zone Regulations of the Ministry of Environment and Forest under the Environment (Protection) Act, 1986 (Central Act 29 of 1986); notified in Gazette of India Extraordinary Part-II, Section 3, sub-section (ii) dated 6.1.2011. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958);
 - (e) The Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993;

- (f) The Tamil Nadu Hilly Areas Special Building Rules, 1981;
 - (g) Height Restrictions to buildings in Heritage Towns as per G.O.(Ms).No.22, MA&WS (MAI) Department, dated 30.1.1997.
- (ii) No building with any encroachment including aerial encroachment on to a public road or street or on a poramboke land or on local authority lands, open space and recreational areas, water bodies and land affected by the erstwhile Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978(Tamil Nadu Act 24 of 1978) shall be considered for exemption;
 - (iii) No developments in the Aquifer Recharge Area restricted for development shall be considered for exemption;
 - (iv) No development in the Red Hills Catchments Area restricted for development shall be considered for exemption;
 - (v) Parking as per the standards prescribed in the respective rules prevailing as on the 1st July 2007 in the respective areas, shall be made available within the premises under reference or in the vicinity not exceeding a distance of 250 metres from the site under reference exclusively ear-marking such parking spaces for the building under consideration; should such a parking space be provided in the vicinity, the said parking lots shall be either owned or in enjoyment under lease for a continuous period of not less than 30 years;
 - (vi) Extent of violation in respect of minimum required road width shall not exceed 20%;
 - (vii) Violation in respect of required minimum setback spaces shall not exceed 50%;
 - (viii) Floor space index shall not exceed 50% of the allowable limit;
 - (ix) Any activity in the building shall be in conformity with the land use zoning;
 - (x) No hazardous activity or industry in a zone other than special and hazardous use zone shall be considered for exemption;
 - (xi) Any development or regularisation shall conform to the rules 79 and 80 of the then prevailing Indian Electricity Rules, 1956 and the Tamil Nadu Tax on Consumption or Sale of Electricity Act, 2003 (Tamil Nadu Act 12 of 2003) and the Tamil Nadu Tax on Consumption or Sale of Electricity Rules, 2003 in respect of clearance from high tension and extra high voltage lines.

5. **Processing of the Application.**- (1) The competent authority shall, on receipt of an application made under the guideline 3, examine the same with reference to the provisions of the Act or other laws and rules and regulations made thereunder prevailing as on the 1st July 2007, as the case may be, in the respective areas, call for any additional details or particulars, if necessary:

Provided that if the additional details or particulars called for by the competent authority are not furnished within sixty days from the date of receipt of the communication by the applicant, the application shall be rejected and the advance made under guideline 3(2)(l) shall be refunded. The scrutiny fee paid under guideline 3(2)(j) shall stand forfeited.

- (2) The Competent Authority, thereafter shall examine the application for exemption as per the guideline 4 and forward the same to the Government for passing orders under section 113-C of the Act, along with his remarks.
- (3) After the Government have exempted any building or class of buildings by a special or general order under section 113-C of the Act, the competent authority shall assess the amount for exemption and issue to the applicant a demand notice for the payment of amount for exemption along with other fees and charges normally leviable after adjusting the advanced amount.
- (4) The Government may, at any time, require the Competent Authority, to forward the application submitted for exemption, with or without his remarks.

6. **Appeal.**-Any person aggrieved by an order passed by any officer or authority under the guideline 5 may prefer an appeal to the Government in Housing and Urban Development Department in the case of Chennai Metropolitan Area or the Commissioner of Town and Country Planning in the case of areas other than Chennai Metropolitan Area, within thirty days from the date of receipt of the order:

Provided that the Government or the Commissioner of Town and Country Planning, as the case may be, may admit an appeal preferred after the expiration of the said limitation period, if they are satisfied that the appellant had sufficient cause for not preferring the appeal within the said limitation period:

Provided that no appeal shall be entertained unless it is accompanied by satisfactory proof of the payment of the self-assessed amount for exemption advance.

7. **Disclaimer.**- If any planning permission has been issued after collecting the amount for exemption, for the developments in any area in which land acquisition proceedings have already been initiated under the

Land Acquisition Act, 1894 (Central Act I of 1894) by the Government, that does not confer any right on the applicant to obliterate acquisition proceedings and to compensation for the building so permitted contrary to the provisions contained in the said Land Acquisition Act, 1894 (Central Act I of 1894).

8. **Transitory provisions**.- (1) The appeals qualifying under these guidelines, pending before the Commissioner of Town and Country Planning or the Government, as the case may be, shall be remitted to the competent authority and the competent authority shall deal with the cases in accordance with these guidelines.

Provided that the disposal of such cases shall be effected on payment of self-assessed amount for exemption advance, along with the working sheet.

(2) Any person whose application was rejected or refused, under the relevant rules prevailing as on the 1st July, 2007 in the respective areas, immediately before the date of coming into force of these guidelines, may make an application afresh satisfying the provisions of these guidelines.

K. Phanindra Reddy,
Secretary to Government.

/ True Copy /

Section Officer.

APPENDIX

FORM – A

[See Guideline 3(1)]

Application for exemption of Buildings under section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972)

From

To

The

Sir,

I hereby apply for exemption of Buildings under section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and Planning permission for the following development: -

I have put up the building in land in S.No. -----, Block No. ----- of Revenue Division No. ----- for ----- purposes.

The site is in the ----- layout approved by/not in any approved layout. in No. _____ dated _____

I forward herewith the following particulars:

- (a) Five copies of plans showing the construction as per site conditions including its usage, duly signed by both the applicant who has the right over the land to develop and the Architect / Engineer / Licensed Surveyor and other professionals as prescribed by the local authority concerned in their Act / Building rules;
- (b) A copy of ownership document duly attested by a Notary Public;
- (c) A copy of the approved plan, duly attested by an Architect / Engineer / Licensed Surveyor and other professionals as prescribed by the local authority concerned in their Act / Building rules, if there is an earlier approval for existing developments within the plot;
- (d) A copy of patta with FMB sketch or permanent land register (PLR) extract duly attested by an officer not lower in the rank of the Deputy Tahsildar;
- (e) A copy of property tax work sheet indicating the number of floors and built-up area of the building which was in existence on or before 1st July, 2007 duly attested by the competent authority of the local authority;

- (f) A certificate from the local authority about adequacy of measures taken for lighting and ventilations;
- (g) A certificate issued by the Director of Fire safety and rescue services, about the adequacy of fire safety measures taken to the satisfaction of the Fire safety and rescue services department;
- (h) A certificate from a qualified structural engineer about whether the structure is sound and safe;
- (i) A clearance certificate from the Tamil Nadu Pollution Control Board in case of any industrial development including cottage industry;
- (j) A demand draft or Banker's cheque towards scrutiny fee at the rate of Rs.4.50 per square metre for total floor area of buildings within the site drawn in favour of the Member Secretary, Chennai Metropolitan Development Authority, payable at Chennai, in case of Chennai Metropolitan Area or drawn in favour of the Commissioner of Town and Country Planning, Chennai, payable at Chennai, in case of areas other than Chennai Metropolitan Area;
- (k) A Declaration of violated road width, setback spaces and floor area category-wise and self assessment of the amount for exemption payable with detailed working sheets duly signed by both the applicant and an Architect / Engineer / Licensed Surveyor and other professionals as prescribed by the local authority concerned in their Act / Building rules;
- (l) A demand draft or Banker's cheque as payment in advance towards self-assessed amount for exemption drawn in favour of the Member Secretary, Chennai Metropolitan Development Authority, in case of Chennai Metropolitan Area or drawn in favour of the Commissioner of Town and Country Planning, Chennai, payable at Chennai, in case of areas other than Chennai Metropolitan Area.
- (m) A notarised undertaking in a non-judicial stamp paper of value not less than Rs.20/- agreeing to remit the balance amount for exemption, if any, as assessed by the competent authority after adjusting the advance payment made, and also all other fees and charges normally leviable for planning and building permission, from time to time, by the competent authority;

I, the owner / legal representative of every part of the land to which the accompanying application relates request the Planning Permission for the development may be accorded.

Date :

Signature of the Owner of the land and building or Applicant.

* Strike out the portions which are not applicable.

ANNEXURE

To be Completed by the applicant:-

1.	Applicant Name (in block capitals) Address Telephone No.	
2.	Particulars or proposal for which permission of approval is sought. (a) Full address or location of the land to which this application relates and site area. Door / Plot No. Town Survey No. / Survey Field No. Division or / Ward No. Road or Street Name Name of Local Authority Site area	
	(b) Particulars of proposed development including the purposes for which the land and / or buildings are to be used.	
	(c) State whether applicant owns or controls any adjoining land and if so give its location and extent.	
	(d) State whether the proposal involves. i) New building(s) ii) Alteration, extension or addition iii) Change of use	
3.	Particulars of present and previous use of buildings or land (i) Present use of building / land	Extent in Sq. Mts. (1) (2) Building Land
	(ii) If vacant, the last previous use	Extent in Square meters
4.	Information regarding the proposed use. (a) Total floor area of all building to which the application relates (b) Residential floor space (c) Floor space for retail / wholesale trading (d) Office floor space	

	(e) Industrial floor space (f) Floor space for other use (to be specified)	
5.	What provisions have been made for parking, loading and unloading of vehicles with the contrilage of the site? (Please show the location of such provisions on the plans)	
6.	Does the proposed development involve the felling of any tree?	
7.	If yes, Indicate the position on plan.	
8.	Does the proposed development involve the Erection of any advertisement board?	
9.	If yes, indicate its position on plan and type of the advertisement board to be erected.	

Signature of the Owner of the land and building or Applicant.

Signature of Licensed Surveyor.

Note : Those applying only to find out whether the type of development is permissible or not, may furnish information against 1, 2, 3 (i) only.

CONDITIONS

i) I agree not to proceed with the development until the planning permission is granted by the Authority under section 48 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) as amended in Act 22 of 1974.

ii) I agree not to do any development otherwise than in accordance with the site and building plans which have been approved or contravention of any provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) as amended in Act 22 of 1974 or any rule, 'byelaws' order or other declaration made thereunder or of any direction or requisition lawfully given or made under the said act, rules or byelaws.

iii) Under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) as amended in Act 22 of 1974, I agree

to make any modifications which may be required by any notice issued by any order confirmed by the Authority.

iv) I agree to keep one of the approved site plan and one set of copies of the sanctioned plans of the building at the site of the building at all time when the development is in progress and also agree to see that such plans are available and the building is open at all reasonable times for the inspection of the Member - Secretary or any officer authorised by him in that behalf.

v) I agree to furnish a set of completion plans within fifteen days from the date of completion of the development.

Signature of the Owner of the land and
building or Applicant.