



ABSTRACT

Urban Development – Chennai Metropolitan Development Authority – Second Master Plan for Chennai Metropolitan Area, 2026 – Amendment to Regulation for grant of Transfer of Development Rights under regulation 9 of Development Regulations for Chennai Metropolitan Area – Orders – Issued.

HOUSING AND URBAN DEVELOPMENT (UD I) DEPARTMENT

G.O.Ms.No.140

Dated 06.08.2009

Read again:-

1. G.O.(Ms).No.191, Housing and Urban Development Department, dated 02.09.2008.

Read also:-

2. From the Secretary to Government, Special Initiatives Department, D.O. Letter No.1724/SI/2009, dated 19.05.2009.
3. From the Member-Secretary, Chennai Metropolitan Development Authority, Letter No.C1/17883/08, dated 18.06.2009.

ORDER:-

In the G.O. 1st read above, the Government have approved the Second Master Plan for Chennai Metropolitan Area, 2026, Development Regulations for Chennai Metropolitan Area form part of the said Second Master Plan approved.

2. In his D.O. letter 2nd read above, the Secretary to Government, Special Initiatives Department has raised certain points in regard to eligible FSI under the Transfer of Development Rights. As per Regulation 6 of the Development Regulations given in the Annexure XXI of the said Development Regulations of Second Master Plan for Chennai Metropolitan Area, 2026, the FSI credit in the form of DRC shall be equal to the surrendered land area multiplied by an FSI of 1.5 multiplied further by a factor arrived at by dividing the guideline value of the land surrendered with the guideline value of the land at which the Development Regulations transferred is proposed to be received / utilised. Further as an incentive, Transfer of Development Rights shall be based on the one-and-a-half times the guideline value. He has also mentioned that under the proposed formula the FSI is uniformly assumed at 1.5, irrespective of the actual eligible FSI on the land being surrendered. Even with the incentive factor, the scheme is practically not workable for those plots having higher FSI.

The eligibility may be seen in the table below:-

Eligible FSI*	Extent of FSI allowed in Transfer of Development Rights	Gain or loss to the owner on opting for TDR
1.5	2.25	+0.75
1.5	2.25	+0.75
1.75	2.25	+0.5
2.00	2.25	+0.25
2.25	2.25	0.0
2.5	2.25	-0.25

It may be seen that wherever the eligible FSI is more than 2.0, the Transfer of Development Rights regulation gives no incentive whatsoever. In the case of plots eligible already for FSI of 2.5, the Transfer of Development Rights carries a disincentive.

The Secretary, Special Initiatives Department has also pointed out that if the anomaly in the proposed formula is not corrected it will adversely affect whole concept of Transfer of Development Rights on the major arterial roads where many of the plots are potentially eligible for a FSI of 2.5. He has requested to give urgent consideration to this important issue.

3. In his letter 3rd read above, the Member-Secretary, Chennai Metropolitan Development Authority has reported among others that if the eligible FSI is 2.5, then the FSI for the land surrendered if utilised in the remaining part of the site would be 2.50 and there is no loss. The FSI allowable in a site, is related to the type of development. The FSI is not site specific, and it varies with reference to development proposed in a site.

4. The Government, after careful consideration of the proposal in para 2 above have decided to issue orders that wherever the lands surrendered qualify for FSI of 2.00 or more, the extent of additional FSI allowed in Transfer of Development Rights shall be 0.25 and to amend regulation 6 of regulation for the grant of Transfer of Development Rights in the Annexure XXI relating to regulation 9 of Development Regulations for Chennai Metropolitan Area, by adding the following provision:-

"Wherever lands surrendered qualify for FSI of 2.00 or more, the extent of additional FSI allowed in Transfer of Development Rights shall be 0.25."

5. Accordingly, the Government direct that wherever the lands surrendered qualify for FSI of 2.00 or more, the extent of additional FSI allowed in Transfer of Development Rights shall be 0.25.

6. The Government also approve the variation to the Second Master Plan for Chennai Metropolitan Area, 2026 approved under the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) in the G.O. 1st read above, as in the appended Notification.

7. The Works Manager, Government Central Press, Chennai – 600 079 is directed to publish the Notification appended to this order in the next issue of the Tamil Nadu Government Gazette.

8. The Member-Secretary, Chennai Metropolitan Development Authority is directed to pursue action accordingly.

(By Order of the Governor)

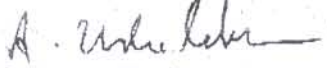
Surjit K Chaudhary,
Principal Secretary to Government.

To
The Works Manager,
Government Central Press, Chennai – 79 (w.e.)
(for publication of the Notification in the Tamil Nadu Government Gazette)
The Secretary to Government,
Special Initiative Department, Chennai – 9 (w.e.)
The Member-Secretary,
Chennai Metropolitan Development Authority, Chennai – 8 (w.e.)
The Commissioner of Town and Country Planning, Chennai – 2 (w.e.)
The Commissioner,
Corporation of Chennai, Chennai – 3 (w.e.)

Copy to:-

The Law Department, Chennai – 9 (w.e.)
The Municipal Administration and Water Supply Department, Chennai – 9 (w.e.)
The Rural Development and Panchayat Raj Department, Chennai – 9 (w.e.)
The Senior P.A. to Minister (Information), Chennai – 9 (w.e.)

Forwarded / By Order


Section Officer.

APPENDIX.

NOTIFICATION.

In exercise of powers conferred by sub-section (4) of section 32 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 variation to the Second Master Plan for Chennai Metropolitan Area, 2026, approved under the said Act and published with the Housing and Urban Development Department Notification No.II(2)/HOU/386(e)/2008 of Part II – Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 2nd September 2008:-

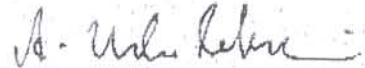
VARIATION.

In the said master plan, in the Development Regulations for Chennai Metropolitan Area, 2026, in Annexure XXI, in Regulation for the grant of Transfer of Development Rights, in regulation 6, the following expression shall be added at the end, namely:-

"Wherever lands surrendered qualify for FSI of 2.00 or more, the extent of additional FSI allowed in Transfer of Development Rights shall be 0.25".

Surjit K Chaudhary,
Principal Secretary to Government.

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Section Officer.