



ABSTRACT

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

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Housing and Urban Development [UD4(1)] Department

G.O.(Ms)No.235

Dated: 30.10.2012

ORDER:-

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

(By 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(1), UD(VI) Sections in Housing and Urban
Development Department, Chennai – 9.
SF/SC.

// Forwarded / By order //

Section Officer.

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by clause (bb) of sub-section (2) of section 122 read with 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 rules:-

RULES

1. Short Title and Application: (1) These rules may be called the Tamil Nadu Assessment and Collection of a amount for Exemption of Buildings Rules, 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 rules, unless the context otherwise requires;

- (a) “Act” means the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1971);
- (b) “amount for exemption ” means an amount collected under these 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 the Town Panchayats and Village Panchayats in 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) “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);
- (e) “Guidelines” means the Tamil Nadu Guidelines for the Exemption of Buildings and Assessment and Collection of amount for Exemption, 2012;
- (f) “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;
- (g) “group development” means the building defined as group development in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (h) “multi-storied building” means the building defined as multi-storied building in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (i) “ordinary building” means “ordinary building” means a building, which does not fall within the definition of special building, group development or multi-storied building defined in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (j) “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;
- (k) “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;
- (l) “special building” mean means the building defined as special building in the respective rules prevailing as on the 1st July 2007 in the respective areas;
- (m) other terms used in these rules, unless the context otherwise requires, shall have the meaning as defined under section 2 of the Act, or as defined under guideline 2 of the Guidelines 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.Assessment of amount to be collected for exemption.-(1) The unauthorised or deviated development shall be considered in its entirety

for its classification as per the respective rules prevailing as on the 1st July 2007 in the respective areas.

- (a) Where the unauthorised or deviated development is not in conformity with the respective rules prevailing as on the 1st July 2007 in the respective areas, amount for exemption shall be levied for the unauthorised or deviated floor area in respect of Floor Space Index, setback spaces and road or street width regulations, as prescribed in sub-rule (2) of rule 4;
 - (b) In cases of deviated developments, already approved part of the existing development shall not be liable for levy of amount for exemption, provided the usage approved in the plan remains the same and is permissible at the site.
- (2) When any development is made without prior approval or in excess of earlier approval, but the whole development is in conformity with the relevant rules prevailing as on the 1st July 2007, in the respective areas, in such case, only development charges and other charges normally leviable at current rates are leviable and collectable. In that case, any previous fees or charges remitted shall be duly adjusted or subtracted, on proof of remittance.

4. Levy of amount for exemption. - (1) The amount for exemption shall be assessed and levied, separately for the development exempted under section 113-C of the Act over and above the ordinary fees or charges normally leviable, as the case may be, from time to time by the competent authority.

- (2) The deviations or violations with reference to the Act or the relevant rules prevailing as on the 1st July 2007 in the respective areas shall be the basis for assessing and levy of the amount for exemption. The amount for exemption shall be levied as specified below:-
- (a) Road or street width violation: Extent of violation in respect of minimum required road width shall not exceed 20%. Where a building has been constructed on a plot abutting a road or street width not conforming to the minimum requirement for the type of constructed building whether it is an ordinary building or a special building or a group development or a multi-storeyed building and if the shortage in width of the road or street works out to 20% or less, then the proportionate land area for the road width violation shall be calculated by multiplying the shortage in width of road in metre with the width of the site in metre.

For example.- (i) If a building has been constructed abutting a road of width less than 5.6 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 7.0 metre for the particular use and type of the

building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 5.6 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the required road width is 5.6 metre and the short fall is 1.4 metre, and if the width of the site is 8.0 metre, then the shortage in land area for the width violation is calculated as 1.4 metre X 8.0 metre=11.2 square metre.

(ii) If a building has been constructed abutting a road of width less than 7.2 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 9.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 7.2 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the road width is 7.2 metre with the shortage of 1.8 metre and if the width of the site is 12.0 metre, then the shortage in land area for the road width violation is calculated as 1.8 metre X 12.0 metre=21.6 square metre.

(iii) If a building has been constructed abutting a road of width less than 8.0 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 10.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 8.0 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the road width is 8.0 metre with the shortage of 2.0 metre and if the width of the site is 15.0 metre, then the shortage in land area for the road width violation is calculated as 2.0 metre X 15.0 metre=30.0 square metre.

(iv) If a building has been constructed abutting a road of width less than 14.4 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 18.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 14.4 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the road width is 14.4 metre with the shortage of 3.6 metre and if the width of the site is 25 metre, then the shortage in land area for the road

width violation is calculated as 3.6 metre X 25 metre=90.0 square metre.

The amount for exemption for the road or street width violation shall be assessed as a product of the shortage in land area in square metre and a multiple of the guideline value. The rate of amount for exemption for various uses and types of buildings shall be as specified in Table – I, appended to these rules.

- (b) Front, rear and side setback violation: The front, rear and side setback violations shall not exceed 50% of the required minimum respective setback spaces as per the respective rules prevailing as on the 1st July 2007 in the respective areas. If the floor area has been constructed in violation of the required minimum respective setback spaces, then the excess floor area constructed is related to the proportionate land extent.

For example.- (i) If a building has been constructed with the front setback less than 1.5 metre and whereas the minimum required front setback as per the respective rules prevailing on 1st July 2007 in the respective areas is 3.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the front setback space is more than 50%. In the above case, if the available front set back is 1.5 metre and above, then it will qualify for assessment of amount for exemption. In qualifying case, if the minimum front setback is 1.5 metre or more, then the additional floor area constructed in violation of front setback space in each floor of the building shall be calculated.

- (ii) If a building has been constructed with the rear setback less than 2.25 metre and whereas the minimum required rear setback as per the respective rules prevailing as on 1st July 2007 in the respective areas is 4.5 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the rear setback space is more than 50%. In the above case, if the available rear set back is 2.25 metre and above, then it will qualify for assessment of amount for exemption. In the qualifying case, if the minimum rear setback is 2.25 metre or more, then the additional floor area in violation of rear setback space in each floor of the building shall be calculated.

- (iii) If a building has been constructed with the one side setback less than 1.5 metre and whereas the minimum required side setback as per the respective rules prevailing as on 1st July 2007 in the respective areas is 3.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the side setback space is more than 50%. In the above case, if the available one side set back is 1.5 metre and above, then it will qualify

for assessment of amount for exemption. In the qualifying case, if the minimum side setback is 1.5 metre or more, then the additional floor area in violation of side setback space in each floor of the building shall be calculated.

- (iv) If a building has been constructed with the other side setback less than 1.5 metre and whereas the minimum required other side setback as per the respective rules prevailing as on 1st July 2007 in the respective areas is 3.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the other side setback space is more than 50%. In the above case, if the available other side set back is 1.5 metre and above, then it will qualify for assessment of amount for exemption. In the qualifying case, if the minimum other side setback is 1.5 metre or more then the additional floor area in violation of other side setback space in each floor of the building shall be calculated.

The total additional floor area constructed in violation of the front, rear and side setback spaces calculated as above is related to the proportionate land area. The amount for exemption shall be assessed as the product of the proportionate land area for setback space violation under sub-clause (c) of rule 4 and a multiple of the guideline value. The rate of amount for exemption for various uses and types of buildings shall be as specified in Table – II, appended to these rules.

- (c) Floor Space Index (FSI) violation: Floor Space index violation shall not exceed 50% of the maximum allowable limit. If any additional floor area has been constructed in violation of maximum Floor space index prescribed in the respective rules prevailing as on the 1st July 2007 in the respective areas, the additional floor area is related to the proportionate land area.

For example,- (i) In case where normally permissible Floor Space Index is 1.5, for every 1 square metre of additional floor area constructed, the related land area for Floor space index violation shall be $1 \div 1.5$ or 0.66 square metre. Therefore, for every 1 square metre of additional floor area constructed, the proportionate land area for setback space violation shall be 0.66 square metre.

- (ii) In case where normally permissible Floor Space Index is 2.0 to 2.5, for every 1 square metre of additional floor area constructed, the proportionate land required will be $1 \div 2.0 = 0.5$ square metre to $1 \div 2.5 = 0.40$ square metre.

The amount for exemption shall be assessed as the product of the proportionate land area for Floor space index violation worked out as above, and a multiple of the guideline value. The rate of amount for exemption for various uses and types of buildings shall be as specified in Table – III, appended to these rules.

APPENDIX

TABLE - I

(See rule 4(2)(a))

Rate of amount for exemption for road or street width violation

Serial Number.	Usage	Ordinary building	Special building	Multi- storeyed building
(1)	(2)	(3)	(4)	(5)
1.	Residential use	---	1.0 x the guideline value of the shortage land area calculated for road width violation	1.25 x the guideline value of the shortage land area calculated for road width violation
2.	Commercial use	---	1.5 x the guideline value of the shortage land area calculated for road width violation	2.0 x the guideline value of the shortage land area calculated for road width violation
3.	Uses other than residential and commercial	0.5 x the guideline value of the shortage land area calculated for road width violation	1.25 x the guideline value of the shortage land area calculated for road width violation	1.5 x the guideline value of the shortage land area calculated for road width violation

TABLE - II

(See rule 4 (2)(b))

Rate of amount for exemption for setback spaces violation not amounting to FSI violation

Serial Number. (1)	Usage (2)	Ordinary building (3)	Special building (4)	Multi-storeyed building (5)
1.	Residential use	0.25 x the guideline value of equivalent land for the violated floor area	0.60 x the guideline value of equivalent land for the violated floor area	0.75 x the guideline value of equivalent land for the violated floor area
2.	Commercial use	0.75 x the guideline value of equivalent land for the violated floor area	1.00 x the guideline value of equivalent land for the violated floor area	1.25 x the guideline value of equivalent land for the violated floor area
3.	Uses other than residential and commercial	0.40 x the guideline value of equivalent land for the violated floor area	0.75 x the guideline value of equivalent land for the violated floor area	1.00 x the guideline value of equivalent land for the violated floor area

Amount for exemption shall be levied at 25% of the above rates in respect of cases involving setback violations amounting to floor space violations.

TABLE - III**(See rule 4 (2)(c))****Rate of amount for exemption for FSI violation**

Serial Number (1)	Usage (2)	Ordinary building (3)	Special building (4)	Multi-storeyed building (5)
1.	Residential	0.50 x the guideline value equivalent land for the violated floor area	1.25 x the guideline value equivalent land for the violated floor area	1.50 x the guideline value equivalent land for the violated floor area
2.	Commercial	1.50 x the guideline value equivalent land for the violated floor area	2.00 x the guideline value equivalent land for the violated floor area	2.50 x the guideline value equivalent land for the violated floor area
3.	Uses other than residential and commercial	0.75 x the guideline value equivalent land for the violated floor area	1.50 x the guideline value equivalent land for the violated floor area	2.00 x the guideline value equivalent land for the violated floor area

K. Phanindra Reddy,
Secretary to Government.

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Section Officer.