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Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc., issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

TAMIL NADU TOWN AND COUNTRY PLANNING (LEVY OF INFRASTRUCTURE AND AMENITIES CHARGES) RULES, 2008

[G.O. Ms. No. 22, Housing and Urban Development (UD4-1), 25th January 2008.]

No. SRO A-2(b)/2008.

In exercise of the powers conferred by clause (bb) of sub-section (2) of Section 122 read with Section 63-B 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 commencement.*—(1) These Rules may be called the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008.

(2) It shall be deemed to have come into force on the 12th day of November 2007.

2. *Definitions.*—(1) 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 1972);

(b) "Officer concerned of the planning authority or the local authority" means any person nominated by the planning authority or the local authority for the purpose of Section 63-B of the Act and Rule 7;

(c) "Group development" means accommodation for residential or commercial or industrial or institutional or combination of such activities, housed in two or more blocks of buildings in a particular site, irrespective of whether these structures are interconnected or not. Any interlink between these structures in terms of connecting corridors shall not be construed as making any two structures into one block. However, if these blocks are connected solidly by atleast one-third of the width of any one block in the connecting side, then such blocks shall be construed as a single block;

(*d*) "infrastructure" means the sum of technical installations and social institutions creating a basis for human activities. Specifically it is the physical equipment needed to provide services such as transport, power, water supply, sewerage, drainage, communications and access;

(*e*) "local authoriy"' means—

(i) a Municipal Corporation established under any law for the time being in force; or

(ii) a Municipal Council or a Third Grade 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 or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994);

(*f*) "multistoreyed building" means a building having more than 4 floors including the ground floor or if the ground floor is used for parking under stilts, then excluding the ground floor, whose height is 15 metres or more;

(*g*) "special building" means a building having more than two floors but not exceeding 4 floors inclusive of ground floor or a building with basement or stilt floor and 4 floors or a residential building having more than 4 dwelling units or a building accommodating commercial or industrial or institutional or combination of such activities with a floor area exceeding 300 square metres.

(2) The words and expression used in these Rules and not defined, but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. *Assessment and Levy of Infrastructure and Amenities Charges.*—Infrastructure and amenities charges shall be assessed and levied separately on the institution of use or change of use of land or building, or all development of any land or building.

4. *Infrastructure and Amenities Charges.*—The infrastructure and amenities charges shall be collected for new constructions, additions to existing constructions and change of use of existing buildings at the rates not exceeding the maximum rate and not less than the minimum rates indicated in the Table below, in case of different categories of buildings referred to in the Table:—

THE TABLE

Sl.No.	*Type of building*	*Minimum rates per square metre*	*Maximum rates per square metre*
(1)	*(2)*	*(3)* Rs.	*(4)* Rs.
1.	Multistoreyed buildings accommodating residential or commercial or Information technology or industrial or institutional or combination of such activities	500	1,000
2	Commercial building, Information Technology building, Group development and Special building (not covered under Sl. No. 1)	250	500
3	Institutional building (not covered under Sl. No. 1)	100	200
4	Industrial building (not covered under Sl. No. 1)	150	300

5 *Fixation of rates of Charges.*—(1) The Director of Town and Country Planning shall fix the rates of such charges in respect of all the areas, other than the Chennai Metropolitan Planning Area, for each of the above categories of buildings, which shall not be less than the minimum and not more than the maximum as prescribed in Rule 4, taking into account the various aspects of developments including infrastructural needs. He may fix different rates for different categories of buildings or for different areas.

(2) In respect of the Chennai Metropolitan Planning Area, the Vice-Chairman, Chennai Metropolitan Development Authority shall fix the rates of such charges for each of the above categories of buildings which shall not be less than the minimum and not more than the maximum as prescribed in Rule 4, taking into account the various aspects of developments including infrastructural needs. He may fix different rates for different categories of buildings or for different areas.

6. *Mode of application for permission.*—Any person, other than any State Government or the Central Government or any local authority or the Tamil Nadu Slum Clearance Board, who intends to construct a multistorey building or a Commercial

building or information technology building or a group development or a special building or an institutional building or industrial building or a combination of two or more categories of these buildings, for which planning permission is required under the Act, shall apply to the planning authority or the local authority, as the case may be, in Form A, for the assessment of infrastructure and amenities charges payable in respect thereof, along with the application for planning permission.

7. *Determination of Infrastructure and Amenities Charges.*—The appropriate planning authority or the local authority, as the case may be, shall, on such application being made or if no such application is made, after serving a notice in writing to the person liable to such payment and after calling for a report in this behalf from the officer concerned of the planning authority or the local authority, determine whether or not, and if so, what Infrastructure and Amenities Charges is leviable in respect of a multistoreyed building or a commercial building or an information technology building or a group development or a special building or an institutional building or an industrial building or a combination of two or more categories of these buildings, or change of use of any building to commercial or information technology or institutional or industrial use, issue a provisional notice of demand for the payment of Infrastructure and Amenities Charges, to the owner or occupier in Form B.

8. *Final assessment of Infrastructure and Amenities Charges.*—The planning authority or the local authority, as the case may be, after taking into consideration the objections, if any, filed by such person in respect of Infrastructure and Amenities Charges payable by such person shall issue a notice in writing of such assessment in Form C.

9. *Payment of Infrastructure and Amenities Charges.*—Such person on receipt of the final assessment order under Rule 8 shall be liable to pay to the Planning Authority or the Local Authority, as the case may be, Infrastructure and Amenities Charges assessed:—

Sl. No.	*Number of Instalment.*	*Quantum of Infrastructure and Amenities Charges to be collected.*	*Period of payment.*
(1)	(2)	(3)	(4)
1	1st Instalment	50 per cent of the charge	At the time of final decision on the application for grant of planning permission but before the issue of the Planning Permission.
2	2nd Instalment	25 per cent of the charge	Within the end of 6 months period from the date of issue of Planning Permission.
3	3rd Instalment	25 per cent of the charge	Within one year from the date of payment of second instalment or before the issue of completion certificate whichever is earlier.

10. *Appeal.*—Any person aggrieved by the final assessment order issued under Rule 8 may, within a period of thirty days from the date on which the order was received by him, appeal against such order to the Chennai Metropolitan Development Authority in cases relating to Chennai Metropolitan Planning Area or to the Director of Town and Country Planning in cases relating to planning areas other than the Chennai Metropolitan Planning Area:

Provided that the Chennai Metropolitan Development Authority or the Director of Town and Country Planning, as the case may be, may admit an appeal preferred after the expiry of the said period, if the Chennai Metropolitan Development Authority or the Director of Town and Country Planning, as the case may be, is satisfied that the appellant had sufficient reason for not preferring the appeal within the said period. However, no such appeal shall be entertained after a period of one hundred and eighty days from the date on which the order was received by him:

Provided further that no appeal shall be entertained under this Rule unless it is accompanied by satisfactory proof of the payment of the Infrastructure and Amenities Charges admitted by the appellant to be due or 50 per cent of the assessed amount whichever is higher.

R. SELLAMUTHU,
Secretary to Government.