



ABSTRACT

Rules – Rules under section 63-D of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for levy of Shelter Charges – Notification – Issued.

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HOUSING AND URBAN DEVELOPMENT [UD4(3)] DEPARTMENT

G.O.(Ms).No.31

Dated: 31.01.2020

விகாரி, தை 17,

திருவள்ளூர் ஆண்டு 2051

ORDER:

The appended Notification shall be published in the
Tamil Nadu Government Gazette Extraordinary, dated
the 31st January, 2020..

(BY ORDER OF THE GOVERNOR)

**S.KRISHNAN,
PRINCIPAL SECRETARY TO GOVERNMENT(FAC).**

To
The Works Manager,
Government Central Press, Chennai-600 079.
The Additional Chief Secretary to Governor, Raj Bhavan,
Chennai – 600 032.
The Chief Secretary to Government, Chennai-600 009.
The Additional Chief Secretary to Government,
Finance Department, Chennai- 600 009.
The Secretary to Government,
Law Department, Chennai – 600 009.
The Director of Town and Country Planning, Chennai-600 002.
The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 600 008.
All District Collectors.

Copy to:

Deputy Secretary to Deputy Chief Minister,
Chennai-600 009.

The Chief Minister's Office, Chennai- 600 009.

The Secretary to Chief Minister, Chennai – 600 009.

The Public (SC) Department, Chennai-600 009.

SC1, SC2 Sections in Housing and Urban Development Department,
Chennai – 600 009.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER.

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31/11/20

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by clause (bb) of sub-section (2) of section 122 read with sections 63-D and 63-E 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 extent.- (1) These rules may be called the Tamil Nadu Town and Country Planning (Levy of Shelter Charges and State Shelter Fund) Rules, 2020.

(2) It 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).

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) "Affordable Housing Unit" means a housing unit where carpet area of each unit does not exceed the size for the Economically Weaker Section Unit and Low Income Group Unit specified by the Government, from time to time, and includes housing projects implemented by the Tamil Nadu Slum Clearance Board;
- (c) "Carpet Area" means the covered area of the usable rooms of a dwelling unit at any floor excluding the area of the walls;
- (d) "Committee" means the Tamil Nadu State Shelter Fund Committee constituted under rule 9;
- (e) "Dwelling unit" means an independent housing unit with separate facilities for living, cooking and sanitary requirements and may be a part of a building;
- (f) "Economically Weaker Section Housing Unit" means a housing unit which comes under the category of ordinary residential building with maximum plot extent of 32 sq.m., and in case of flatted development, carpet area of dwelling unit not exceeding 40 sq.m., or such maximum area as the Government may prescribe from time to time;
- (g) "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 and regulations prevailing 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);
- (h) "Fund" means the Tamil Nadu State Shelter Fund constituted under rule 6;

- (i) "Guideline value" means the prevailing guideline value of land in terms of rupees per square metre fixed by the Registration Department;
- (j) "Low Income Group Housing Unit" means a housing unit which comes under the category of ordinary residential building with maximum plot extent of 60 sq.m., and in case of flatted development, carpet area of dwelling unit which does not exceed 60 sq.m., or such maximum area as the Government may prescribe from time to time;
- (k) The words and expressions used and not defined in these rules but defined in the Act shall have the meaning, respectively, assigned to them in the Act.

3. Assessment and levy of Shelter charges.- Shelter charges shall be assessed and levied on the building based on the guideline value of the land.

4. Shelter charges and its application.- (1) Shelter charges shall be assessed, levied and collected from any person who undertakes or carries out any development of building, to rehabilitate the urban poor. (2) Shelter charges applicable shall be collected, for new constructions where the Floor Space Index (FSI) area exceeds 3000 sq.m., and for additions to the existing construction and the additional area exceeds 3000 sq.m., at the rates not exceeding the maximum rate and not less than the minimum rate as indicated in the Table below.-

THE TABLE

S.No.	Type of building	Minimum rate (3)	Maximum rate (4)
(1)	(2)		
(1)	Commercial Building and I.T Building	1.2% of guide line value per sq.m	3% of guide line value per sq.m
(2)	Residential and Industrial Buildings	1.1% of guide line value per sq.m	3% of guide line value per sq.m
(3)	Institutional buildings	1% of guide line value per sq.m	3% of guide line value per sq.m

(3) The crucial date for levy of shelter charges in respect of the Directorate of Town and Country Planning area is the date of issue of technical clearance by the Directorate of Town and Country Planning where it is required. In all other cases, including in respect of Chennai Metropolitan Planning area, the same is the date of raising demand notice for payment of development or infrastructure and amenities charges.

(4) Shelter charges are not payable in cases where, dwelling units for Economically Weaker Sections or Low Income Group are provided for not less than 10% of the FSI area.

(5) In cases where the dwelling units provided for Economically Weaker Sections or Low Income Group are less than 10% of the FSI area, shelter charges shall be payable at a proportionate rate for the FSI area exceeding 3000 sq.m.

(6) In cases of approved projects, where it is intended to convert Low Income Group units into regular units, it shall be permitted on payment of shelter charges at the rates covered in sub-rule (2) of rule 4 for the floor area proposed for conversion with prorated common area, subject to the condition that the revised planning permission and completion certificate shall be obtained.

5. Payment of Shelter Charges.- On receipt of the final assessment order under rule 4, the shelter charges are liable to be paid to the planning authority or the local authority, as the case may be.

6. The TamilNadu State Shelter Fund.- (1) The Government hereby constitute a fund to be called the Tamil Nadu State Shelter Fund to provide affordable housing to the poor in urban areas. The said fund shall consist of two components, namely Tier-I and Tier-II.

(2) The Tier-I component of the fund constituted under sub-rule (1) shall be credited with the proceeds of the shelter charges levied under rule 4.

(3) The Tier-I component of the fund may also be credited with grants made by the Government from time to time, transfers from other funds for the purpose and contributions, if any, received from public bodies, multilateral and other financial institutions, and corporate social responsibility related contributions under the Companies Act, 2013 (Central Act 18 of 2013).

(4) The Tier-I component of the fund shall also be credited with such other proceeds from other sources that the Government may approve.

(5) The Tier-II Shelter Fund shall be registered with the Securities and Exchange Board of India as category-I Social Alternative Investment Fund.

7. Utilization of the Fund.- The component of the fund shall be utilized for the following purposes:-

(1) Tier-I component of Shelter Fund towards Government's contribution to the Tier-II component of the Fund.

(2) To fund affordable housing unit projects through the Tamil Nadu Slum Clearance Board or the Tamil Nadu Housing Board or any other Agency, as may be designated by the Government, from time to time.

(3) To meet the State Government's share of the grant component of centrally sponsored housing schemes for the urban poor.

(4) Such other purposes related to affordable housing units, as the Government may specifically order.

8. Manner of managing the components of the State Shelter Fund.-

(1) The shelter charges collected under rule 4 shall be remitted into the

Government account through a specific receipt head of account to be created for this purpose.

(2) The balances of the Tier-I component of the fund may be maintained in the public account as part of the general cash balances of the Government or as a separate bank account with the Tamil Nadu Slum Clearance Board or the Tamil Nadu Housing Board or both or any other entity, as may be directed by the Government, from time to time.

(3) The Secretary to Government, Housing and Urban Development Department shall be the custodian of the fund to authorize releases from the fund.

(4) The Director of Town and Country Planning shall be the drawing and disbursing officer of the fund and shall maintain accounts which shall be subject to audit.

(5) The Tier-II component shall be maintained by the Tamil Nadu Infrastructure Fund Management Corporation Limited.

9. The Administration of component of the fund.- (1) The Tier-I component of the fund shall be managed by the Tamil Nadu State Shelter Fund Committee.

(2) The Committee shall consist of the following official members, namely:-

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| (i) | Secretary to Government,
Housing and Urban Development
Department | - Chairman |
| (ii) | Secretary to Government,
Finance Department | - Member |
| (iii) | Chief Executive Officer,
Tamil Nadu Infrastructure
Development Board | - Member |
| (iv) | Director of Town and
Country Planning | - Member |
| (v) | Member Secretary,
Chennai Metropolitan
Development Authority | - Member |
| (vi) | Chief Executive Officer,
Tamil Nadu Infrastructure Fund
Management Corporation Limited | - Member |
| (vii) | Managing Director,
Tamil Nadu Housing Board | - Member |
| (viii) | Managing Director,
Tamil Nadu Slum Clearance Board | - Convener |

(3) The power to sanction funds from the Fund shall vest with the Committee.

(4) The Tier-II component shall be managed by the Tamil Nadu Infrastructure Fund Management Corporation Limited.

10. Refund.- (1) In cases of non approval of planning permission by the planning authorities or withdrawal of application for planning permission by the applicant or non commencement of the project after

obtaining planning permission, the shelter charges shall be refunded by the drawing and disbursing officer of the fund, after deducting the scrutiny fee of Rs.5000/-.

(2) No interest shall be payable while refunding the shelter charges.

- 11. Appeal.**— Any person aggrieved by an order under rule 4 passed by the competent authority in Chennai Metropolitan Planning Area may prefer an appeal to the Government and in other areas to the Director of Town and Country Planning within thirty days from the date of receipt of the order:

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

- 12. Revision.**— Any person aggrieved by an order under rule 11 passed by the Director of Town and Country Planning in any area not covered under the Chennai Metropolitan Planning Area may prefer revision to the Government within thirty days from the date of receipt of the order:

Provided that the Government may admit a revision preferred after the expiration of thirty days, if they are satisfied that the appellant had sufficient cause for not preferring the revision within the said period.

- 13. Review.**— Any person aggrieved by an order passed by the Government under rule 11 in an area covered under the Chennai Metropolitan Planning Area may prefer review to the Government within thirty days from the date of receipt of the order:

Provided that the Government may admit a review preferred after the expiration of thirty days, if they are satisfied that the applicant had sufficient cause for not preferring the review within the said period.

**S.KRISHNAN,
PRINCIPAL SECRETARY TO GOVERNMENT(FAC).**

//True Copy//

SECTION OFFICER.

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31/1/20

