



ABSTRACT

Urban Development – Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules 2008 – Issued under Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1972) – Amendment – Issued – Notified.

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Housing and Urban Development [UD4(3)] Department

G.O.(Ms).No.85

Dated:16.05.2017

ஹேவிஎம்பி வருடம், வைகாசி திங்கள் 2,
திருவள்ளூர் ஆண்டு 2048

Read:

1. G.O.(Ms).No.22, Housing and Urban Development Department, dated 25.01.2008.
 2. G.O.(Ms).No.84, Housing and Urban Development Department, dated 08.04.2008.
 3. G.O.(Ms).No.161, Housing and Urban Development Department, dated 09.09.2009.
 4. G.O.(Ms).No.86, Housing and Urban Development Department, dated 28.03.2012.
 5. From the Commissioner of Town and Country Planning, Roc.9278/2007/BA1, dated 11.10.2012 and 16.10.2012.
 6. From the Commissioner of Town and Country Planning, Roc.9278/2007/BA1, dated 18.01.2013.
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ORDER:

In the Government Order 1st read above, orders were issued notifying the rules for levying Infrastructure and Amenities Charges under Tamil Nadu Town and Country Planning Act, 1971.

2. In the Government Order second read above, the powers delegated to Vice Chairman, Chennai Metropolitan Development Authority and the Commissioner of Town and Country Planning, for fixing the rates of charges were withdrawn and it was ordered that the Government shall fix the rates hitherto.

3. The Commissioner of Town and Country Planning in his letter fifth read above, had furnished the details of the proposed amendment to Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008 in order to enhance the interest rate on the outstanding amount payable towards Infrastructure and Amenities charges for consideration and orders of the Government.

The above subject was discussed in the 9th meeting of the State Infrastructure and Amenities Promotion Committee held on 27.8.2012 and the Committee has decided as follows:

"The committee perused the fund availability. In order to avoid delay in payment of Infrastructure and Amenities Charges by the applicant, the committee felt that the interest for delayed payment of Infrastructure and Amenities Charges may be raised on par with the bank interest rate of 15%".

4. The Commissioner of Town and Country Planning was requested to send a consolidated proposal for amendment in this regard as the amendments to Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008 had not been issued based on the Government Order second and third read above.

5. The Commissioner of Town and Country Planning in the letter 6th read above has stated the following:

- (i) The para 4(i) of the G.O.(Ms).No.161, Housing and Urban Development Department, dated 09.09.2009 stipulates that the minimum and maximum rates specified in rule 4 of Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008 shall be done away with. It has now been suggested that the minimum and maximum rates shall remain and amend the said rules to enhance minimum rates.
- (ii) In regard to Rule 5(1) of the G.O.(Ms).No.22, Housing and Urban Development Department, dated 25.01.2008, it provides the Director of Town and Country Planning and Vice Chairman to the Chennai Metropolitan Development Authority as the case may be, to fix the rates of charges and in accordance with Government Order second read above the powers delegated have been withdrawn and retained with the Government to fix the rates. Accordingly amendment to rule 5 has been suggested.
- (iii) Rule 9 provides for payment of charges in instalment. It has to be modified for payment to be made in one lumpsum as per order in Government Order third read above and according to the proposal in para 3 above, Rule 8 and Rule 9 have to be amended to enhance the penal interest rates.

6. The Government after careful consideration of the proposal of the Commissioner of Town and Country Planning have decided to accept the same. Accordingly, the Government hereby order that the maximum and minimum rates of Infrastructure and Amenities Charges shall remain and to amend the said rules to reduce the minimum rates already prescribed. The said rules shall also be amended to provide collection of Infrastructure and Amenities Charges in 'one lumpsum' and withdrawal of powers delegated to Commissioner of Town and Country Planning and Member Secretary, Chennai Metropolitan Development Authority for fixation of rates of Infrastructure and Amenities Charges and retaining it with the Government.

7. The Government also direct in partial modification of the orders issued in the Government Order second read above, that the Infrastructure and Amenities Charges shall be paid by the applicant within 30 days from the date of service of demand notice in Form 'C' on the Applicant, failing which in addition to the Infrastructure and Amenities Charges due, an interest at the rate of 15% per annum for the amount due shall be paid for each day beyond the said thirty days upto a period of 90 days and beyond that period of 90 days, an interest at the rate of 18% per annum for the amount due shall be paid by the Applicant instead of the interest at the rate of 6% per annum on the outstanding amount being paid now.

8. Accordingly, the Government issue the amendments as in the notification appended to this order for Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008.

9. The Works Manager, Government Central Press, Chennai-79 is directed to publish the notification appended to this order in the next issue of Tamil Nadu Government Gazette.

10. The Commissioner of Town and Country Planning and the Member Secretary, Chennai Metropolitan Development Authority are directed to pursue action accordingly.

(BY ORDER OF THE GOVERNOR)

DHARMENDRA PRATAP YADAV
SECRETARY TO GOVERNMENT

To
The Works Manager,
Government Central Press, Chennai-600 079.
The Commissioner of Town and Country Planning, Chennai-600 002.
The Member Secretary,
Chennai Metropolitan Development Authority, Chennai-600 008.
All District Collectors.
All Regional Deputy Director/Local Planning Authority,
through Commissioner of Town and Country Planning.
The Principal Secretary to Government,
Municipal Administration and Water Supply, Chennai-600 009.
The Secretary to Government,
The Law Department, Chennai-600 009.
The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department, Chennai-9.
The Additional Chief Secretary to Government,
Finance Department, Chennai-9.

Copy to:

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

SF/SC

//Forwarded/By Order//

(b). Undaunaid
Section Officer.
16/5/17

16/5/17

APPENDIX.
NOTIFICATION.

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 amendments to the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008:-

AMENDMENTS.

In the said Rules,- (1). in rule 4, for "THE TABLE", the following "TABLE" shall be substituted, namely:-

Serial Number	Type of Building	Minimum rates per square metre	Maximum rates per square metre
1)	Multistoreyed Buildings accommodating residential or commercial or Information Technology or industrial or institutional or combination of such activities.	Rs.250/-	Rs.1000/-
2)	Commercial building, Information Technology building, Group development and Special building (not covered under Serial Number.1)	Rs.125/-	Rs.500/-
3)	Institutional building (not covered under Serial Number.1)	Rs.50/-	Rs.200/-
4)	Industrial building (not covered under Serial Number.1)	Rs.75/-	Rs.300/-

(2) for rule 5, the following rule shall be substituted, namely:-

"5.Fixation of rates of charges.- The Government shall fix the rates of such charges in respect of all the areas 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. The Government may fix different rates for different categories of buildings and / or for different areas".

(3) for rule 9, the following rule shall be substituted, namely:-

"9.Payment of Infrastructure and Amenities Charges:- Such person on receipt of the final assessment order under rule 8 shall be liable to pay the Planning Authority or the Local Authority as the case

may be, infrastructure and amenities charges in one lumpsum, within thirty days from the date of service of notice in Form C. If the payment is not made within thirty days, interest at the rate of fifteen percent per annum on the amount outstanding shall be payable. The outstanding amount, if not paid within ninety days from the date of service of the notice interest at the rate of eighteen percent per annum on the amount outstanding shall be payable. Unless the amount is paid, no planning permission shall be issued".

(4) for "Form C" the following "FORM" shall be substituted, namely:-

"FORM C

(See rules 8 and 9)

Notice of Demand of Infrastructure and Amenities Charges

To

Please take notice that the building, bearing D.No.....
Street Division / Ward and Resurvey of Town Survey No.
of village Village/ Town with an extent of square metre, has
been assessed for the payment of infrastructure and amenities charges of
Rs.....(Rupees only). You are required to pay the above
sum within thirty days from the date of service of this notice. If the
payment is not made within thirty days, interest at the rate of fifteen
percent per annum on the amount outstanding shall be payable. The
outstanding amount, if not paid within ninety days from the date of
service of this notice, interest at the rate of eighteen percent per annum
on the amount outstanding shall be payable. Unless the amount is paid,
no planning permission shall be issued.

Member Secretary/
Executive Authority"

Date:
Station:

**DHARMENDRA PRATAP YADAV
SECRETARY TO GOVERNMENT**

//True Copy//

(Signature)
Section Officer, 16/5/12

(Signature)
16/5/12