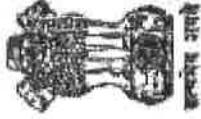


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புதுச்சேரி மாநில அரசின்

LA GAZETTE DE L'ETAT DE PONDICHERRY
THE GAZETTE OF PONDICHERRY

PART - II

சிறப்பு வெளியீடு EXTRAORDINAIRE EXTRAORDINAIRE

அதிகாரம் பெற்ற
வெளியீடு

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No.	26	Pondichéry	Mardi	1982	6
No.		Pondicherry	Tuesday	July	1982
			(15 Asadha 1904)		

GOVERNMENT OF PONDICHERRY

Health, Electricity and Works Department

(G. O. Ms. No. 46/82-Housing, dated 22nd May 1982.)

NOTIFICATION

In exercise of the powers conferred by sections 53, 54 and 55, read with clauses (n) and (o) of sub-section (2) of section 81 of the Pondicherry Town and Country Planning Act, 1959 (No. 13 of 1970) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:—

1. Short title and commencement:—(1) These rules may be called the Pondicherry Town and Country Planning (Levy of Development Charges) Rules, 1982.

(2) They shall come into force from the date of publication in the official gazette.

2. Definition:—In these rules, unless the context otherwise requires,—

(a) 'Act' means the Pondicherry Town and Country Planning Act, 1969 (No. 13 of 1970);

(b) 'Authority' means the Planning Authority constituted under sub-section (1) of section 11 of the Act;

(c) 'Change of use' means the change of use of land or building, as the case may be, from the use specified in Present Land Use Map or Present Land Use Register;

(d) 'Form' means Form appended to these rules;

(e) 'Institution of use' means putting any land or building, as the case may be, into any use for the first time;

(f) 'Miscellaneous use' includes all uses other than industrial, commercial, residential and agricultural uses;

(g) 'Residential building rate' means the rate of development charges, as may be determined by the Authority in respect of building after taking into account the building value generally obtaining in the area, for new construction, for residential use;

Provided that such rate in respect of any building shall not be determined by the Authority at less than Re. 0.50 per sq. metre and more than Rs. 2.25 per sq. metre;

(h) 'Residential land rate' means the rate of development charges, as may be determined by the Authority after taking into account the land value generally obtaining in the local area, in respect of any land for the institution of use for residential purposes.

Provided that such rate in respect of any land shall not be determined at less than Rs. 2,000 per hectare and more than Rs. 10,000 per hectare;

(i) 'Section' means section of the Act; and

(j) 'Senior Town Planner' means the Town Planner appointed by the Government under section 10.

3. Assessment of development charges:—(1) Development charges shall be assessed and levied on the institution of use or change of use of any land or building or development of any land or building.

(2) All unused vacant land shall be deemed to be land used for agriculture for purposes of assessment of levy of development charges.

4. Rates of development charges:— Subject to the provisions of section 53, development charges shall be levied for institution of use or change of use or development of the land or building, as the case may be, and shall be levied at the rates specified in the Schedule appended to these rules.

5. Mode of application, etc.:—(1) Any person, who intends to carry out any development or to institute or change use of any land or building, for which permission is required under that Act, shall apply in Form-I to the Authority for assessment of the development charges payable in respect thereof before 30 days of the commencement of the work.

(2) Notwithstanding anything contained in sub-rule (1), where the Authority is satisfied that any person is liable to pay development charges, it may serve a notice on such person calling upon him to state, within such time as may be prescribed in the notice, as to why development charges shall not

6. **Determination of development charges:**—The Authority on receipt of the application under sub-rule (1) of rule 5 or the explanation to notice issued under sub-rule (2) of the said rule shall, after obtaining such report as it may consider necessary from the Senior Town Planner, determine whether or not, and if so, what development charge is leviable in respect of the development or institution or change of use of the land or building, as the case may be, and issue a provisional notice of demand for payment of developmental charges in Form-II to the person concerned.

7. **Final assessment of development charges:**—The Authority after taking into consideration the objection, if any, that may be filed by such person in respect of the provisional notice of demand issued under rule 6, shall finally assess the development charges payable by such person and issue a notice in writing communicating such assessment in Form-III.

8. **Payment of development charges:**—The development charges shall be paid within 30 days from the date of communication of assessment order under rule 7.

9. **Appeal:**—(1) Every appeal against the order of assessment of development charges preferred under section 55 shall be made within 30 days from the date of communication of the notice of demand under rule 7.

(2) The appeal shall be in Form-IV in duplicate and shall be accompanied by the order appealed against in original or certified copy thereof.

(3) The appeal may be sent to the Board by post or may be presented to the Authority or to such authority as the Board may appoint in this behalf, by the appellant or by any person duly authorised by him.

10. **Disposal of appeal:**—The Board shall, after giving the appellant reasonable opportunity of being heard, pass such order on the appeal as it thinks fit, and communicate the order to the appellant and the Authority.

11. **Exemption:**—Notwithstanding anything contained in these rules, no development charges shall be leviable on development or institution of, or change of use of any land vested in or under the control or possession of the Central Government.

12. **Repeal of rules 68 and 69 of the Pondicherry Town and Country Planning Rules, 1974:**— Rules 68 and 69 of the Pondicherry Town and Country Planning Rules, 1974 are hereby repealed:

Provided that such repeal shall not affect the previous operation of the rules so repealed or anything duly done and suffered thereunder:

Provided further that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

N. PAJANISSAMY,

Under Secretary to Government.

SCHEDULE

(See rule 4)

Rates of development charges for institution of/change of use of or development of land or building.

Sl. No. (1)	Category of use (2)	Rate (3)
Part-I—Land		
1.	Institution or first change of use to—	
	(a) residential	Residential land rate.
	(b) Industrial	One-and-a half time the residential land rate.
	(c) Commercial	Two times the residential land rate.
	(d) Miscellaneous	Two-thirds of the residential land rate.
2.	Subsequent change of use—	
	(a) from miscellaneous to commercial	One-and-a half time the residential rate.
	(b) from miscellaneous to residential.	One-fourth residential rate.
	(c) from residential to commercial	One-fourth residential rate.
	(d) all others	Half of the residential rate.
3.	Other developments	One-tenth of the residential rate

(1) (2) (3)

Part-II—Building

1. New construction/addition to existing construction or first change of use to—
 - (a) Residential Residential building rate.
 - (b) Industrial One-and-a half time the residential building rate.
 - (c) Commercial Two times the residential building rate.
 - (d) Miscellaneous Two-thirds of the residential building rate.
2. Subsequent change of use—
 - (a) from miscellaneous to commercial One-and-a half time residential building rate.
 - (b) from miscellaneous to residential One-fourth residential rate.
 - (c) from commercial to residential One-fourth residential rate.
 - (d) all others Half the residential building rate.
3. All other developments One-tenth of the residential building rate.

FORM I

[See rule 5 (1)]

To

The Planning Authority,

Sir,

I/We (name) residing at
 (Address) hereby give notice
 for assessment of development charge as required by section 54 (1) of the Pondicherry Town and Country Planning Act, 1969. I/We intend to carry out development/erect building/change the use of land/building fromto
 in land bearing survey No.....site No.....
 House No..... etc.....

I/We enclose the following records:—

- (i) A copy of title deed.
- (ii) A site plan in quadruplicate drawn on a scale not less than 5 cm. to 1 cm. and show the Survey No. ... Municipal No. ... Municipality to which it belongs etc.
- (iii) The north line relative to the plan
- (iv) Area to be occupied by the proposed development/building.
- (v) Boundaries of the site and of any contiguous land belonging to the applicant and its position of existing developments.
- (vi) The nature of land, its present use and the use to which it is proposed to be put.

(iii) In case of construction of building the purpose of the building or part thereof (existing as well as proposed).

I/We request that the assessment of development charge for the proposed development/change of use of land/construction may be assessed and communicated to us.

Yours faithfully,

Place :

Date :

FORM II

(See rule 6)

Provisional demand notice for levy of development charges

Notice is hereby given for the information of Thiru/Tmt. the owner/occupier/person interested in the land/building bearing Survey No..... site No.....House No. under rule 6 of the Town and Country Planning (Levy of Development Charges) Rules, 1982 that the Planning Authority has assessed provisionally an amount of Rs. with respect to his/her application dated in respect of carrying out development/erection of building/change of use of land/building from to

2. If he/she has any objection to file against this demand notice he/she can do so within 15 days from the date of issue of this notice.

Place :

Date :

Member-Secretary,

Pondicherry Planning Authority

FORM III

(See rule 7)

Final Assessment Notice

Notice is hereby given for the information of Thiru/Tmt. that after considering the objections raised by him/her with reference to his/her appeal dated. under rule 7 of the Pondicherry Town and Country Planning (Levy of Development Charges) Rules, 1982, the Planning Authority has finally assessed an amount of Rs. towards development of land/building. change of use of land/building from to

2. The above development charge shall be paid within 30 days from the date of communication of the assessment order.

Place :

Date :

Member-Secretary,**Pondicherry Planning Authority.**

FORM-IV

[See rule 9 (2)]

Before the Pondicherry Town and Country Planning Board,
Pondicherry

Appeal filed under section 55 (1) of the Pondicherry Town and Country Planning Act, 1969.

Appeal No. of

1. Name(s) of applicant(s)

2. Address to which notice may be sent to the appellant(s)

Authority passing the original order in dispute.

Date on which the order was communicated.

Details of dispute.

Grounds of appeal etc.

Relief claimed in appeal.

Appellant (s)

Authorised representative, if any

Verification

I/We the appellant(s) named in the above appeal do hereby declare that what is stated therein is true to the best of my/our knowledge and belief.

Verified at to-day the day of 19.....

Appellant

Authorised representative if any