

The Orissa Gazette

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BHUBANESWAR DEVELOPMENT AUTHORITY

NOTIFICATION

The 31st December,2008

No.11166-BDA- The Government of Orissa have further extended the scheme for Regularization of Unauthorised/Deviated construction through compounding published in Orissa Gazette(Extraordinary) vide No.2535,dated the 31st December 2007 till the 30th June 2009 by incorporating certain modifications therein. The modified scheme is as under:

MODIFIED SCHEME

REGULARISATION OF UNAUTHORISED / DEVIATED CONSTRUCTIONS THROUGH COMPOUNDING

1. SHORT TITLE AND COMMENCEMENT

- i) This Scheme is called "Regularization of unauthorized / deviated constructions through compounding".
- ii) The scheme shall be applicable to Development Plan Area of Bhubaneswar Development Authority.
- iii) The scheme shall come into force from the date of its publication in the Orissa Gazette.

2. DEFINITIONS:

In the scheme, unless the context otherwise requires:

- i) "Approved Plan" means building plan approved by Bhubaneswar Development Authority, Bhubaneswar, erstwhile Bhubaneswar Regional Improvement Trust & Special Planning Authority, Urban local body, Government Agency empowered under Provision of Act./Rule from time to time;
- ii) "Unauthorised" Construction" means construction undertaken in contravention of the approved plan and without any approval / sanction of the Competent Authority;
- iii) Words and expressions used in this scheme but not defined shall have the same meaning as assigned to them in the O.D.A. Act, 1982, O.D.A. Rules, 1983 and Planning and Building Standards Regulation-2001 of Bhubaneswar Development Authority;
- iv) "Prohibited area" means construction undertaken within 1 meter set back of the property line inside the premises;

3. (A) The sub division of lay out plans undertaken unauthorisedly within the jurisdiction of Bhubaneswar Development authority shall also be covered under this scheme provided that the lay out plans fulfills the requirements of the Regulation in force. The unauthorized lay out plan shall be regularized on compounding on payment of Rs.150/- per sqm on the developed land

THE SCHEME

- i) The scheme is applicable only to unauthorized / deviated construction undertaken within the jurisdiction of Bhubaneswar Development Authority prior to the date of notification of this scheme.
- ii) The scheme is intended to give one time opportunity to Individuals/ Agencies for regularizing their unauthorized / deviated constructions by way of compounding at the rates indicated.
- iii) The unauthorized / deviated constructions undertaken after the date of publication of the scheme shall not be covered under this scheme.
- iv) No application under this scheme shall be received after expiry of a period of Six months from the date of its publication in the Orissa Gazette.

- v) The buildings with unauthorized / deviated constructions once regularised under this scheme shall not be considered for further regularisation. Those, who do not apply under the scheme within the stipulated time period shall not be eligible to avail the opportunity subsequently.
- vi) At least 50% of the Compounding fee collected shall be utilized for development purposes by the Development Authority. In case of compounding fee collected towards regularization of parking deficit area , in respect of commercial/mixed land use building the fund so collected by the Authority shall be utilized for development of parking facilities at appropriate locations.
- vii) The scheme is applicable where the Plot owner has a clear title deed and construction made is structurally safe and does not affect any public interest or interfere with any public activity.
- viii) The permission to regularize/compound construction will not conform any right, title and interest over the land.
- ix) In case of multi-storied buildings, the applicant would have to obtain N.O.C from Bhubaneswar Municipal Corporation & Fire Services and would submit a Structural Stability Certificate in the prescribed format. Apart from this, the Government have stipulated the following conditions for multi storied buildings. The following are the additional requirements in case of regularization of multistoried buildings.
 - A) The width of the adjacent road shall not be less than 12 meters.
 - B) The building must have parking space as per norms of BDA(Planning & Building Standards)Regulations,2001.
 - C) The regularization of multistoried building cases, shall be placed before the DP & BP committee and then in the Authority.
 - (D) In case of multistoried buildings with 15 mts and above height, clearance from fire safety departments, Bhubaneswar Municipal

Corporation and structural stability certificate from a Registered Structural engineer / firm shall be submitted before regularization such construction.

- (X) The differential amount already deposited by the applicants under the ongoing scheme shall be refunded by the Authority.

Note: The above stipulations are over & above the general restrictions regarding encroachment of roads, nallah, drainage channels and sarbasadharana land, which can not be regularized by compounding.

4. RESTRICTIONS ON COMPOUNDING

Compounding of an offence pertaining to unauthorised construction shall not be done in case:

- i) Where construction has been undertaken on Government land or land belonging to local body or land not owned by the person undertaking such development;
 - ii) Where construction has been undertaken unauthorisedly within the prohibited limits of any protected or archaeological monument declared area as such by Archaeological Survey of India/ State Archaeological Department, government of Orissa. However, any construction undertaken within the above area shall also be compounded on submission of clearance from the ASI Authority in respect of height restrictions.
 - iii) Where construction has been undertaken unauthorisedly violating the requirement of parking space for Commercial/ Group housing projects.
 - iv) Where construction has been undertaken over public / private road and on the alignment of the natural drainage channel identified by the Development Authority.
 - v) Where construction has been undertaken violating the height limitation for the area notified by the Airport Authority, Archaeological Survey of India, State Archaeology (specified by the ASI/State Deptt. Of Archaeology) and heritage zone
 - vi) Where the plot does not have any authenticated access / approach to the plot.
 - vii) Where the kism of land is not converted to non-agriculture.
 - viii) Where the land on which the building situates, is not in conformity with the land use in the Development Plan and Zoning Regulation
 - ix) Regulation enshrined in the Bhubaneswar Development Authority (Planning & Building Standards) Regulations-2001.
 - x) Where construction of multistoried building has been undertaken after the publication of BDA (P & B.S.) Regulation 2001.
- (IX) Where construction of multistoried building has been undertaken after the publication of BDA (P & B.S.) Regulation 2001.

5. COMPOUNDING RATE:

- (A) Compounding Rates for various categories shall be as follows;

Situations	Rate of compounding fee in Rs. / Sft			
	Residential/ Institutional	Group Housing	Commercial, Industrial	Central Govt., State Govt., Public Sector Undertaking
Construction undertaken deviating approved plan beyond the norms of regulations for the unauthorized portion	25	40	50	01
Construction undertaken without approval of plan but violating norms	30	50	100	01

Note: (i) The scheme and rates will be valid for a period of six months from the date of notification of this Regulation in the Orissa Gazette.

(ii) The above compounding rate shall be applicable for unauthorized/deviated construction up to 2.5 FAR and in case of FAR exceeding 2.5 and up to 3.00 the compounding fee shall be charged double the above rate. No deviation shall be regularized if, the FAR exceeds 3.00

(B) In case of regularization of construction undertaken in respect of plot size upto 1000 sft with maximum built up area of 1000 sft. A lump sum compounding fee of Rs.5000 shall be charged.

(C) In case of buildings used for commercial/mixed occupancy having deficit in parking requirements as per the Building Regulations in force, the deficit parking shall be regularized on payment of Rs.1,000 per sft.

(D) Where construction has been undertaken inside 1 mtr. Setback on three sides, no objection Certificate from the adjoining neighbours shall be submitted. However, for the plots having a maximum width of 30'.00" and a maximum area of 1500 Sft., the regularization of construction shall be considered without insisting upon NOC from neighbours.

The NOC from the neighbours shall not be required where the applicants his/her neighbours have undertaken construction within the prohibited zone. In such cases, additional compounding fee of Rs.300/- per sft. Shall be charged for the construction undertaken within the prohibited zone. If NOC from the neighbours have submitted the above additional compounding fee shall not be charged.

(E) In case of buildings with three and more floors within 15 mts height (Except self occupied four storied residential building), 'Structural Stability Certificate' shall have to be submitted.

(F) The application for regularisation of unauthorised construction shall be filled in and submitted to Bhubaneswar Development Authority within a period of six months from the date of publication of this notification in Orissa Gazette as per procedure detailed below at clause -6.

- (G) Bhubaneswar Development Authority shall not accept any application if the same is not authenticated by an Architect,/Engineers registered with Council of Architecture, India/Institute of Engineers(India) and empanelled with BDA.
- (H) The deposit of compounding amount shall be in addition to the scrutiny fee required to be deposited as per Rule-18 of O.D.A. Rules 1983. The rates of scrutiny fee are furnished at Annexure-1

6. APPLICATION PROCEDURE

The intending plot owners/developers desirous of availing the Scheme shall apply in the prescribed Form-A along with the following documents within six months from the date of publication of this Scheme in the Orissa Gazette.

- Four copies of building plans as per actual construction at site showing site plan, layout plan, floor plan, four side elevations, drainage and sewerage disposal plan etc. duly signed by the plot owner / developer and the Architect.
- Copy of ownership document of land.
- Copy of the approved plan and approval letter, if any.
- Affidavit in the prescribed Form-B regarding peaceful possession of the land and construction undertaken at site.
- Certificate in prescribed Form-C on Structural Stability of the building by a Structural Engineer as the case may be .
- The applicant has to submit the photograph of the building/house from two angles duly signed by the applicant and attested by the concerned architect with date. The applicant shall have to affix his own recent photograph on the body of the application and the affidavit to be submitted to the Authority.
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7. FEES

- (a) **Scrutiny Fee:** The applicant shall have to pay the scrutiny fee as per the rates prescribed in ODA Rules, 1983, as per Annexure-I.
- (b) **Compounding Fee:** The application shall be accompanied by self assessed compounding fee as per the rates specified at clause- 5(A). The scrutiny fee and the compounding fee shall be deposited with BDA in one installment only in the form of two separate bank drafts drawn in any nationalised bank payable at Bhubaneswar in favour of "Bhubaneswar Development Authority". The differential amount, if any, shall be paid within 30 days from the date of receipt of intimation from BDA. Extra amount, if any, shall be refunded without interest.

8. PENALTIES

- In the event of misrepresentation or / and suppression of facts, the compounding fee shall be forfeited and the permission for regularization so issued shall be revoked.
- The matter shall be reported to the Council of Architecture, New Delhi for cancellation of the license / registration of the concerned architect. This shall also warrant criminal prosecution against the applicant / architect.

9. MISCELLANEOUS

- Applications, complete in all respects, shall be dealt with on "first-cum-first -served" basis and disposed off within a maximum period of six months from the date of submission of the application.

- Ten groups consisting of representatives of Bhubaneswar Development Authority, Public Health Engineering Deptt./ Municipal Engineer will form a panel to take up random checking of the construction on the site.
- The Authority reserves the right to initiate proceedings against unauthorised / deviated constructions under the ODA Act, 1982 where the cases cannot be regularized under this Scheme.
- Any person aggrieved by the decision of the Authority may prefer appeal under section 18 and 91 of the Orissa Development Authorities Act, 1982 and the decision of the Appellate Authority shall be final.
- Summary of the cases disposed of under the Scheme shall be published through a public notice as provided in the relevant Regulation of the Authority.

**APPLICATION FOR REGULARISATION OF UN AUTHORISED / DEVIATED
CONSTRUCTION OF BUILDING WITHIN DEVELOPMENT PLAN AREA OF
BHUBANESWAR DEVELOPMENT AUTHORITY**

(Form to be filled in by the applicant in block letters)

FOR OFFICE USE

NAME:
PRESENT POSTAL ADDRESS:
(FOR CORRESPONDENCE)

Registration no:
Fees realised in Rs:
i. Scrutiny fee:
draft no & date:
ii. Compounding fee:
draft no & date :

TEL. NO.

**To,
The Vice-Chairman,
Bhubaneswar Development Authority,
Bhubaneswar.**

Affix recent
photograph of the
applicant with
signature on the body
of the photograph.

Sir,

I/We hereby apply for regularisation of unauthorised/deviated construction as mentioned below:

- Name of the applicant:
- Applicant's interest in land with
Records of rights : Owner Power of Attorney holder
- Plot No. :
- Area in Sft. :
- Mouza :
- Nature of ownership
(lease hold/ sthitiban) :
- Category of the building
(Referred to categories detailed at clause 5-A of the Scheme)
- Land use in C.D.P. :
- Kisam of the land :
- Approach road : Private Public
- Road width :
- Whether connected to
existing public road : Yes No
- Distance from A.S.I. protected monuments :
Within 100 Mtrs. :
Upto 300 Mtrs. :
Beyond 300 mtrs. :
- Whether coming within Airport funnel zone? if yes;
Distance from runway end :
- Whether coming within Airport Transition zone? if yes
Distance from boundary of the Airport :
- Height of the existing building :
- Total deviation in Sft.
(Please refer Form-D) :
- Documents/plans furnished : (√) (X)
- 1. Copy of ownership document :

2. Copy of kism conversion certificate/
money receipt for conversion , if necessary :
3. Four ammonia print copies of plan as per
actual construction at site :
4. Photo copy of approved plan and
approval letter, if any :
5. Affidavit (in the Form-B) :
6. Photographs of the building from two
angles existing at the time of application,
signed by the applicant and attested by
the Architect with date :
7. Structural Stability Certificate (in Form-C)
from a Structural Engineer in
case of building exceeding two floors :
8. Land use Map to be obtained from BDA's
GIS counter :
9. Deposit details:

i. Scrutiny fee: Amount in Rs. Draft No.
 Drawee Bank/Branch

ii. Compounding fee : Amount in Rs. Draft No.
 Drawee Bank/Branch

Date:
Place:-

Signature of the Architect
Name:
Regn. No.:
Postal address:

Tel. No:

Signature of the applicant(s)
Name:
Postal address

Tel. No:

AFFIDAVIT

(To be sworn by the applicant)

I/We, Sri / Smt. _____ aged _____
 years, Son / daughter / wife of Sri / Smt. _____
 of _____ village
 _____ P.S. _____ Dist.
 _____ do hereby solemnly affirm as follows:

1. That I/We have obtained a plot/building by way of purchase/lease/gift/family partition/court decree from _____ of village _____ measuring an area _____ Ac. _____ vide deed no. _____ dt. _____ the details of which are given in the schedule below.

SCHEDULE OF PROPERTY

Name of the Mouza/Village :
 Tahasil :
 Sabak/Hal plot no. :
 Khata no. :
 Area :
 Layout plot (Drawing) no. :
 Approved by BRIT/BDA vide letter no. _____ dated _____

BOUNDED BY (Please mention plot numbers/road)

Eastern side : Western side :
 Northern side : Southern side:

2. That from the date of acquisition, I/We am/are in lawful and peaceful possession over the above plot.
3. That I/we have not constructed the building or any part there of beyond my /our largely owned land.
4. That I/We have not encroached any Govt. land or any other land abutting or contiguous to my aforesaid land.
5. That the plan submitted for regularisation is exactly as per the actual construction at site.
6. That the information furnished in the application form and documents submitted along with application are correct.
7. That the restrictions, imposed in Para 4(four) of the scheme are not applicable to this proposal.
8. That I we undertake the responsibility of structural safety of the building and BDA shall in no way be held accountable for any structural failure of the building.
9. That in the event of any suppression and/or misrepresentation of facts in the application, the Authority has got every right to refuse the permission/ revoke the permission and forfeit the compounding fee deposited by me/us and I/We shall be liable for criminal prosecution.

Identified by:

Deponent

FORM-C

STRUCTURAL STABILITY CERTIFICATE

This is to certify that I/We have checked the structural stability of the existing storey building constructed over the plot no.
Mouza..... The existing construction of the building is structurally safe as per the provision of the National Building Code of India taking into account the safety factors especially for cyclone, earthquake and other natural calamities.

Date :-
Place :-

Signature with seal of Structural Engineer
Name:
Regn. No.:
Office postal address:

Ph. No.:

Signature of the applicant
Name:

Postal Address:
Tel. No.:

B U I L D I N G D E T A I L S A N D C A L C U L A T I O N S H E E T

Sl. No	Category	Actual construction at site			Provision as per Regulation			Provision as per approved plan if any			V I O L A T I O N S						
											Construction undertaken deviating approved plan but beyond norms of Regulation-2001			Construction undertaken without approval and violating the norms of Regulation-2001			TOTAL
		A	B	C	A	B	C	A	B	C	A	B	C				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1	Front setback																
2	Rear set back																
3	Right side set back																
4	Left side setback																
5	F.A.R.																
6	Height in ft.																
7	Stilt / Basement																
8	Ground floor																
9	First floor																
10	Second floor																
11	Third floor																
12	Fourth floor																
13	Fifth floor																
14	Sixth floor																
15	Seventh floor																
16	Eighth floor																
17	Parking area in sq ft																
18	Total deviation in Sq. Ft.(upto 2.5 FAR)																
	FAR beyond 2.5 up to 3.0																
19	Compounding rate in Rs.(upto 2.5 FAR)																
	FAR beyond 2.5 up to 3.0																
20	Total compounding fee in Rs.																

F O R M - D

PLOT NO.:

REVENUE MOUZA:

PLOT AREA IN SQ. FT. :

- A. Residential other than Group Housing
- B. Institutional, Commercial, Industrial, Group Housing and other types (to be specified).
- C. Central Govt., State Govt., Public Sector Undertakings and Nationalized Banks.

UNDERTAKING

Certified that the above information in the calculation statement is correct. We undertake that if at any time the above information or statement are found to be incorrect, fraudulent or there is any suppression of fact, we shall be liable for criminal prosecution as per law.

FOR OFFICE USE:

Signature of the Architect
Name in Block letter:
Registration No.
Date:

Signature of the Applicant
Name in Block letter:
Address
Date:

Signature of the Verifying Officer
Name in Block letter:
Designation:
Date:

Signature of the Countersigning Officer
Name in Block letter:
Designation:
Date:

Signature of the Approving Officer
Name in Block letter:
Designation:
Date:

AFFIDAVIT
(NOC from neighbour)

(By the Owner of the neighbouring plot)

I/We, Sri/Smt..... Aged.....
Son / daughter / wife of Sri / Smt.
Village..... P.O..... P.S.
Dist..... do hereby solemnly affirm as follows.

That, I/We own a plot of land/building bearing No. of Village/ Unit
.....P.O.....P.S..... on the
North/South/East/West side of Plot No/House No. of
Village/Scheme..... owned by Sri/Smt.
..... aged.....
Son / daughter / wife of Sri / Smt.
Village..... P.O..... P.S.
Dist.....

That, I/We have no objection for the construction undertaken by Sri/Smt
..... over above plot with less than 1 metre/Zero
setback on the North/South/East/West side of my/our plot/ house.

That, this affidavit is required to be produced before the BDA for regularization of
construction undertaken over above plot by Sri/Smt in
Village/ Unit..... under the provisions of Clause 72(2) of BDA (P & B S
) Regulations 2001 (Amended 2007).

That, the facts stated above are true to the best of my knowledge and belief.

Identified by:

DEPONENT

ANNEXURE-I

SCRUTINY FEE

Sl. No.	Details of construction and area	Fee in Rupees
1	2	3
(A)	Fee for development of land	@ Rs. 0.50 per Sq. mtr.
(B)	Fee for building operation	
(i)	For residential building (covered area on all floors) (a) Upto 100 Sq. mtrs. (b) Above 100 and upto 150 sq. mtrs. (c) Above 150 and up to 300 Sq. mtrs. (d) For every additional 50 sq. mtrs. or part thereof	150.00 225.00 300.00 300.00
(ii)	For commercial buildings (Business, Mercantile, Shops, Hotels / Assembly Buildings , Show Rooms, Business Offices, Godowns, Ware Houses, Banks, Cinemas, Theatres, Clubs etc. (Covered area on all floors) (a) Up to 20 Sq. mtrs (b) Above 20 and Upto 50 sq. mtr. (c) For every additional 50 sq. mtr or part thereof.	250.00 375.00 500.00
(iii)	For Industrial building(Covered area on all floors) (a) Upto 150 sq. mtr. (b) For every additional 50 Sq. mtrs or part there of.	750.00 500.00
(iv)	For public buildings (Educational, Religious, Charitable, Government or all local body uses) (Covered area on all floors).	@ 0.50 per Sq. mtr