

THE TELANGANA STATE BUILDING PERMISSION APPROVAL AND SELF CERTIFICATION SYSTEM (TS-bPASS) ACT, 2020

TELENGANA

India

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AN ACT TO PROVIDE SPEEDY APPROVAL OF LAYOUTS / BUILDING PERMISSIONS IN A TRANSPARENT AND TIME BOUND MANNER AND STRICT ENFORCEMENT AGAINST UNAUTHORISED DEVELOPMENTS, CONSTRUCTIONS IN THE STATE OF TELANGANA AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO. Be it enacted by the Legislature of the State of Telangana in the Seventy-first Year of the Republic of India as follows:-

Chapter I PRELIMINARY

1. Short title, extent and commencement.

(1) This Act may be called the “TELANGANA STATE BUILDING PERMISSION APPROVAL AND SELF CERTIFICATION SYSTEM (TS-bPASS) ACT, 2020”. (2) It extends to the whole of the State of Telangana. (3) It shall come into force on such date as the State Government may by notification in the Telangana State Gazette, appoint.

2. Definitions.

In this Act, unless the context otherwise requires, - (1) “Acknowledgement” means the acknowledgement issued under section 17 of this Act; (2) “Application Form” means the online form for submission of application for Certificate of Registration / Instant Building Approval / Building Permission / approval, as may be prescribed; (3) “Authorized Representative of the Nodal Agency”

means Additional Collectors (Local Bodies) / Additional Collector of District / any other officer as notified for all Municipalities / Municipal Corporations vested in concerned District;(4)“Check List” means the list as may be prescribed in the application under this Act;(5)“Clearances” means grant or issue of no-objection certificate, allotments, consents, approvals, permissions, registrations, enrollments, licenses and the like, by any competent authority or authorities, under the provisions of this Act;(6)“Commissioner” means the Commissioner of the Municipality or of the Municipal Corporation;(7)“Company” means a company as defined in the Companies Act, 2013, and includes any foreign company;(8)“Competent Authority” means the Commissioner of the concerned Municipality / Municipal Corporation as the case may be;(9)“Development” means the carrying out of any activity of construction or building, or other operations in, or over, or under land or water, or the making of any material changes or otherwise, in any building or land or any part thereof, or in the use of any building or land, and includes any repairs or redevelopment and layout and sub-division of any land and the words “to develop” shall be construed accordingly;(10)“District Collector” means the District Collector incharge of a District;(11)“District Committee” means the “District TS-bPASS Committee” constituted under section 3 of this Act;(12)“District Level TS-bPASS Committee” is the District Level Committee (Single Window Committee) constituted by the Government under section 3 of this Act;(13)“Fee Receipts” means online payment receipt or the original challan receipts issued by the Government Treasury as a proof of payment or demand drafts issued by a Scheduled Commercial Bank;(14)“Form for informing deemed approval” means the format (including online) in which the deemed approval is issued;(15)“Government” means the Government of Telangana;(16)“High-rise building” means and includes all buildings with 18 meters or more in height measured from the average level of the central line of street on which the site abuts, staircase rooms, lift rooms, chimneys, elevated tanks above the topmost floor and architectural features are excluded from the height of such building;(17)“Land” includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislation over any street;(18)“Licensed Technical Personnel” is a Licensed Architect or Engineer or Town Planner or Structural Engineer or Surveyor or any other technical person as prescribed to plan, design and supervise for carrying out layout and building developmental activities, and also to issue certificate of supervision of such a development of land and building in municipal areas;(19)“Master Plan” means a comprehensive plan showing therein the existing and proposed locations and general layout of (a) arterial streets and transportation lines,(b)residential areas, (c) commercial areas, (d) industrial areas, (e) educational institutions, (f) public parks, playgrounds and other recreational places, (g) public and semi-public buildings, and (h) any other places put to any specified use or earmarked and proposed to be used for any of the purposes as mentioned in this definition and as provided under this Act;(20)“Nodal Agency” means the agency notified at the State level or at the District level under section 5 of this Act;(21)“Notification” means a notification published in the Telangana Gazette and the word ‘notified’ should be construed accordingly;(22)“Owner” means and includes,-(i)the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;(ii)the person for the time being in charge of the animal or vehicle in connection with which the word is used;(23)“Prescribed” means prescribed by the rules made under this Act;(24)“Register of Applications” means the Register prescribed in which the

details of the applications are entered;(25)“Right to clearances under TS-bPASS” means a system bestowed for clearances, same as in the lines of Right to Information Act, which enables imposing of penal action on officers responsible for delay;(26)“Self-Certification” means an official statement that a person make about himself, especially while applying for municipal services;(27)“Self-Declaration” means the act of declaring something that is stated or made known in an official or public way by the individual;(28)“Single Window System” is a facility to process the applications for permission through online by streamlining the different processes and approvals, in order to act as a single point of contact for requesting various services, submission of documents and payment of fees as prescribed;(29)“State Committee” means the “State TS-bPASS Committee” constituted under section 4 of this Act;(30)“Time Limit” means the number of working days within which a decision has to be taken by the concerned Municipality/Municipal Corporation or any line Department involved in granting NOCs/clearances, from the date of receipt of application;(31)“Telangana State Building Permission Approval and Self-Certification System (TS-bPASS)” means a body constituted under this Act meant for according clearances and approval for manufacturing proposals;(32)The words and expressions used in this Act, but not defined shall have the meanings assigned to them in the relevant Acts.

Chapter II

CONSTITUTION, POWERS AND FUNCTIONS OF THE DISTRICT COMMITTEES, STATE COMMITTEE AND NODAL AGENCIES

3. Constitution, powers and functions of District Committee.

(1)The State Government may, by notifications, constitute a “District Level TS-bPASS Committee” for each district / GHMC, which shall consist of the District Collector as the Chairman and Commissioner GHMC as Chairman in case of GHMC, Additional Collector as Member-Convener and District Level / Regional Level officials of relevant departments as members for such term as may be specified in the notification.(2)The District Level Committee shall be the Competent Authority at the district level and exercise the following powers and perform the following functions namely:-(i)to meet at such times and places as the Chairman of the Committee may decide and shall transact business as per the procedure as may prescribed;(ii)to review and monitor the processing of applications by the competent authorities;(iii)to forward cases with remarks and relevant documents to the State Committee for decision;(iv)to invite competent authorities or experts, who are not members of the Committee, as special invitees for any meeting of the District Committee as desired by the Chairman of the Committee;(v)the Member of the District Committee shall attend the meeting convened under clause (i) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting;(vi)such other powers and functions as may be prescribed;(vii)monitoring and reviewing in District performance with respect to clearances and permissions in all ULBs within the District;(viii)monitoring the disposal of all applications received under TS-bPASS strictly within the prescribed time line;(ix)keeping record of dashboard and MIS reports pertaining to all applications received under TS-bPASS;(x)review of rejected cases/reasons for delay in approvals and ensuring disposals of applications in stipulated time period as per the provisions of this Act, building rules

and prescribed procedures;(xi)reporting to Government with respect to status/ pendency of applications received under TS-bPASS;(xii)constituting the post verification teams drawing the officials from the following Departments, Roads and Buildings Department, Panchayat Raj Department, Irrigation Department to conduct post verification of site conditions; title aspects, technical aspects and violations if any, with reference to the information furnished by the applicant at the time of obtaining building permission through online. In case of GHMC, the special task force headed by the Zonal Commissioner shall constitute post verification teams as prescribed;(xiii)managing the activities of post verification teams;(xiv)constituting required number of enforcement squads (demolition squads) duly evaluating the requirement depending on the quantum of construction activity in the Municipalities/ Municipal Corporations in the District;(xv)monitor the complaints received from the citizens and their redressal by all the line Departments / Agencies involved in issuing Building/Layout permissions or clearances;(xvi)the District level TS-bPASS Committee shall meet twice in a month preferably first and third week or alternatively second and fourth week of every month as decided by the Chairman of the Committee;(xvii)the District Level TS-bPASS Committee will act as a District Task Force (DTF) at District level to detect and monitor the unauthorized constructions, unauthorized layouts and take timely enforcement action. In respect of GHMC, there will be a special task force constituted for each zone headed by Zonal Commissioner.

4. Constitution, powers and functions of State Committee

(1)The Government may, by notification, constitute a State Committee known as the “State TS-bPASS Committee”, which shall consist of Principal Secretary / Secretary MA&UD as the Chairman and the Commissioner and Director of Municipal Administration as the Member-Convener with HODs of the relevant departments as other members for such term as may be specified in the notification.(2)The State Committee shall be the Competent Authority at the State Level and exercise the following powers and perform the following functions namely:-(i)to meet at such times and places as the Chairman of the Committee may decide and shall transact business as per the procedure as may be prescribed;(ii)to review and monitor the processing of applications by the Competent authorities and District Committees and to forward the orders of the competent authority to the applicant;(iii)to forward specific cases with remarks and relevant documents to the State Government for decision;(iv)to invite competent authorities or experts, who are not members of the Committee, as special invitees for any meeting as desired by the Chairman of the State Committee;(v)the Member of the State Committee shall attend the meeting convened under clause (i) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting;(vi)such other powers and functions as may be prescribed from time to time;(vii)monitoring and reviewing the Departmental (line departments) performance with respect to clearances / permissions and issue necessary instructions to the District Level TS-bPASS Committee/ULBs line Department to expedite the approvals under TS-bPASS;(viii)review the functioning of District Level TS-bPASS Committees, District Task Force (DTF), PMU and Chasing Cell and issue necessary instructions as may be required for implementation of TS-bPASS.

5. Constitution, powers and functions of Nodal Agency.

The State Government may, by notification, appoint a Nodal Agency at the State level for implementation of TS-bPASS and to coordinate with District Collectors, Members of TS-bPASS Committee and to provide necessary logistic support/secretarial support/ administrative clearances for implementation of TS-bPASS in the State.

Chapter III

DEVELOPMENT OF LAND AND CONSTRUCTION OF BUILDING

6. Development of Land and making of Layout.

(1)The applications for Layouts will be processed through the Self-Certification System in accordance with the Layout rules, and as notified in the Master Plan or Detailed Planning Scheme or Local Area Plan, in the manner as may be prescribed. Once all requisite documents are submitted and required fee is paid through a web-based online system, the tentative Layout Plan shall be approved within a period of 21 days and will be communicated online in order to carry out the infrastructure activities and provision of amenities in the defined time frame.(2)There shall be a District Level Committee which will verify, in the manner as may be prescribed, the actual development and implementation of the layout and whether it is in conformity with the tentative layout approval as given in sub-section (1).(3)The Government may constitute a Layout Approval Committee for every district under the Chairmanship of District Collector with Superintendent Engineers or Executive Engineers of Roads and Buildings Department, Panchayat Raj Department and Irrigation Department to process the application for Approved Layout Plan, in the manner as may be prescribed. In case of GHMC, the committee will be headed by the Commissioner, GHMC.(4)Upon completion of the Layout, the owner or developer, shall submit online application along with the self certification duly attested by Licensed Technical Personnel, in the manner as prescribed declaring that the development in the layout is as per norms. The developer shall also register all the roads and open spaces in the Layout in favor of Municipality. This is a pre-condition to be eligible to get the final layout approval. Based on the self certification of completion and upon registering the open spaces including roads in favor of the municipality, the approved layout plan shall be processed and approved by the layout approval committee constituted under sub-section (3) and shall be issued online to the developer.(5)In case, the layout was obtained by making a false statement or misrepresentation of any material facts, the same shall be revoked as per the procedure, as may be prescribed.(6)Government may constitute special task force at the District level / GHMC level to take action against unauthorized layouts in the manner as prescribed. The special task force at District level / GHMC shall inspect the unauthorized layouts and take action against all such unauthorized layouts.

7. Approval of Building permissions.

(1)No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed, and no addition or alteration shall be made to an existing building

without the self certification based declarations or the required approval in the manner prescribed, relating to the use of building sites or the construction or reconstruction of buildings: Provided that the Government may exempt certain buildings from taking building permission under this section, in the manner prescribed. (2) For plot size upto 75 square yards (63 square meters), and the construction of ground or ground plus one floor, will not require any permission. The applicant however need to register online with a token amount of Rs.1 and duly self certifying his title, the size of the plot and floors, it shall also not require a completion certificate or occupancy certificate. Any plot bigger than 75 sq yards cannot be split for this purpose or this provision cannot be misused for taking up constructions in government or prohibited or disputed land and action as prescribed shall be initiated for violations noticed. (3) Plot size upto 500 square meters and height upto 10 meters: The permission applications for all the individual residential buildings having plot area of 500 square meters and less and building height of 10 meters as specified, shall be processed through an online based Self-Certification System in accordance with the Master Plan or Detailed Planning Scheme or Local Area Plan and the building rules and in the manner prescribed, and upon furnishing all required information details shall get instant online approval. (4) The onus to ensure authenticity of self-certification and compliance with the self-certification lies with the applicant, who shall be held personally accountable and liable in case of false declaration and action shall be initiated against the said person, as prescribed. (5) The owner or developer shall along with the building application form, submit an undertaking that in case of any actual construction made by him or her in violation of sanctioned plan, the Government or the Commissioner or the Agency authorized by him or her shall take-up the demolition without issuance of any notice. Further, the District level committee may verify the documents so submitted, and in case of any misrepresentation or false statement, the action shall be taken as prescribed. (6) Citizens shall be encouraged to bring to the notice of Municipality and District Collector cases where unauthorized construction or construction in violation of or in excess of permissions, in the manner prescribed. The identity of such informers shall be kept confidential. All such cases shall be examined within a week from such information and appropriate action initiated. The informant shall be incentivized in all such cases where the information furnished by him is found to be correct. (7) Plot size above 500 square meters and height above 10 meters: There shall be a single window system in case of applications for building permission in plots of area above 500 square meters and height above 10 meters and all Commercial Buildings, High Rise Buildings, Group Development Schemes, Group Housing, Apartment Complexes, Multiplexes, Non Residential Buildings and other such constructions, which require multiple NOCs, one common application form shall be submitted through web based online system as prescribed. (8) The online application has to be submitted with all requisite documents as may be prescribed. The online system shall not accept the application unless all such documents are submitted. Such documents upon submission shall be examined by the single window committee set up for this purpose and shortfalls or incompleteness or cases where further information or clarification is needed shall be communicated to the applicant within 10 days from the date of applying, in such manner, as may be prescribed. (9) In all other cases, the applications for building permissions accompanied by all valid and required documents, as required and prescribed, shall be sanctioned within 21 days and in such manner, as may be prescribed. (10) If no order is issued on the building application within the time prescribed, then the approval will be deemed to have been issued, as may be prescribed. The official concerned shall be liable for disciplinary action, if there has been a delay in arriving at a decision within the time period. (11) The

permission issued under deemed clause can be revoked by the commissioner within 21 days from the date of deemed approval if it is found that deemed approval has been obtained by mis-representation of the facts or false statements, and/or against the building rules, regulations and Master Plan land use provisions.

8. Occupancy Certificate.

(1) In case of non-high rise buildings constructed in plots above 200 square meters and less than 500 square meters, the Occupancy Certificate will be issued through online based on the Self Certification submitted by the Owner or Builder in the prescribed proforma duly attested by the Licensed Technical Personnel, stating that the building has been constructed as per the sanctioned plan and as per rules and regulations in force. (2) The onus to ensure authenticity of self-declaration and compliance with the Self-Certification lies on the Owner, Applicant and Licensed Technical Personnel, who shall all be held personally responsible and accountable in case of false declaration, and the Owner, Applicant and the Licensed Technical Personnel, will be liable for punishment as provided in section 9. (3) In case of High rise Buildings and Buildings constructed in plots 500 square meters and above, the applicant shall submit online Self Certification in the prescribed proforma duly attested by the Licensed Technical Personnel, that the building has been constructed as per the sanctioned plan and as per rules and regulations in force and based on the Self Certification, Occupancy Certificate and mortgage shall be issued within 15 days from the date of receipt of application.

9. Penalty for misrepresentation of the facts.

The onus to ensure authenticity of self-declaration and compliance with the Self-Certification lies with the Owner, Applicant and Licensed Technical Personnel. He/she will be held personally responsible and accountable in case of false declaration, the Applicant and the Licensed Technical Personnel will be liable for punishment which includes imprisonment upto three years, levy of penalty, demolition or taking over or sealing of the property without any notice besides cancelling the Licenses of License Technical Personnel (LTP) and forfeiting the mortgaged plots in case of layout or mortgaged built up area flats in case of buildings.

10. Enforcement.

(1) Government may constitute a special task force at the District level / GHMC level to detect and monitor the unauthorized constructions and take timely enforcement action in the manner as prescribed. (2) Upon detection of construction or reconstruction of any building which has been commenced without obtaining the permission of Commissioner or carried out or completed otherwise than in accordance with the sanctioned Master Plan or Detailed Town Planning Scheme or Local Area Plan or in breach of any of the provisions of this Act, or any rule or regulation or bye-laws made under this act, the Commissioner or the Agency authorized by him shall take up the demolition of the unlawfully executed work and recover the cost incurred for doing so, from the owner. (3) The Registration Authority shall not register any Building or Structure or part of the Building without the production of sanctioned plan approved by the Municipality. (4) The electricity

and water supply connection shall be given to buildings which have obtained necessary authorization in the manner as prescribed.(5)During the construction of the Building the owner or Builder shall upload the photographs at different stages of the construction as prescribed.(6)Whenever a complaint or case is brought by any Citizen regarding the unauthorized construction or constructions in deviation to the sanctioned plan, it shall be examined within a week from its receipt and necessary action initiated.

Chapter IV

MISCELLANEOUS

11. Combined Application Form (CAF).

(1)It shall be competent for the Government to prescribe combined application forms which may consist of,-(a)forms under Central enactments without any change; and(b)existing forms or new forms in lieu of the existing forms under State enactments.(2)All Departments or Authorities concerned shall accept such application forms for processing and issue of required clearances.

12. Filing of Application Forms.

All applications for clearances shall be submitted with the required fees in the prescribed manner to the competent authority.

13. Power to call additional information.

On receipt of application, the competent authority shall have power to obtain further additional information from the applicant as required by him, while furnishing a copy of the same to the Nodal Agency.

14. Self-Certification.

(1)Every applicant shall furnish a 'Self-Certification' at the time of submitting application form to the Competent Authority, undertaking in such form and manner as may be prescribed, that he shall comply with the applicable provisions of the relevant Acts and the rules made there under.(2)The self-certification furnished by the applicant shall be accepted by the concerned Departments and Authorities for the purpose of issue and granting clearance/ permissions.

15. Time Limits for processing of applications.

Notwithstanding anything contained in any State law for the time being in force,-(1)The Government may lay down the procedure for processing and disposal of applications.(2)The Competent Authority may ask for additional information at any time before the expiry of the period stipulated for the disposal of such clearance:Provided that such request for additional information

should be made only once by the competent authority. After receipt of the additional information, the Competent Authority shall pass orders on the application before the expiry of the stipulated time from the date of receipt of such additional information.

16. List of Deemed Approvals.

(1) While prescribing time limits, the State Government may notify the clearances in respect of which failure of the competent authority to pass final orders on the application within the stipulated time shall result in deemed approval. (2) The applicant may proceed to execute the work or take other action following the provisional or deemed approval given at by the Competent Authority, but not so as to contravene any of the provisions of the Acts or rules or bye-laws applicable to such clearances.

17. Acknowledgement and information of rejection of application.

The appropriate Competent Authorities shall acknowledge the receipt of application, the date on which the application was received by the Competent Authority and inform the applicant within the time, in the case of rejection of application.

18. Review of District level cases.

Notwithstanding anything contained in any State law, for the time being in force, - (1) The District Committee may, either suo-motu or on an application, examine any order passed by any competent authority, rejecting any clearance or approving it with modification, and if the District Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the State Committee with remarks and relevant documents for a decision; (2) The State Committee shall examine all cases referred to it by the District Committee and pass appropriate orders; (3) The decision taken by the State Committee shall be binding on the District Committee and the respective Competent Authorities.

19. Review of State Level cases.

Notwithstanding anything contained in any State law, for the time being in force, the State Committee may, either suo-motu or on an application, examine any order passed by any competent authority, rejecting any clearance or approving it with modification, and if the State Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Government with remarks and relevant documents for a decision.

20. Exemption.

The State Government may, by notification, exempt any clearances from any of the provisions of the Act.

21. Penalty.

Any applicant who fails to comply with the conditions or undertaking in self-certification given to the Nodal Agency or other department or authorities shall be punishable with fine as prescribed by government from time to time as well as rectification of the defect.

22. Right to clearances under TS-bPASS.

(1) Provision of “Right to Clearances under TS-bPASS” system to the applicant to know the reasons for delay and to cause the imposition of penalties to the designated officers of the competent authority. (2) The State Government may, by notification, create a “Grievance Redressal Mechanism” to effectively deal with the grievances that may be filed by applicants under the TS- bPASS process.

23. Offences by Companies, etc.,

(1) Where an offence under this Act is committed by a Company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or that commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation: For the purpose of this section—(a) “Company” means a company as defined in the Companies Act, 2013, and includes any foreign company; (b) “Director” in relation to a firm means a partner in the firm.

24. Act to override other Laws.

(1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law. (2) The provisions of this Act will supersede the relevant provisions of Greater Hyderabad Municipal Corporation Act and Hyderabad Metropolitan Development Authority Act relating to building permissions and enforcement.

25. Powers to remove doubts or difficulties.

If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

26. Powers to give directions.

The State Government may, from time to time, issue to the State Committee or the District Committees such general or special directions of policy as they may deem necessary or expedient for the purpose of carrying out the objects of this Act and the said State Committee or the District Committees, as the case may be, shall be bound to follow and act upon such directions.

27. Savings.

The provisions of this Act shall not apply to any clearances required under Central enactments.

28. Power to make rules.

(1)The Government may by notification make rules for carrying out all or any of the purposes of this Act;(2)Every rule made under this Act, shall immediately after it is made be laid before the Legislature of the State, if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.