

# **The U.P. (Regulation of Building Operations) Regulations, 1960**

UTTAR PRADESH

India

## **The U.P. (Regulation of Building Operations) Regulations, 1960**

### **Rule**

### **THE-U-P-REGULATION-OF-BUILDING-OPERATIONS-REGULATIONS-1 of 1960**

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The U.P. (Regulation of Building Operations) Regulations, 1960 Published Vide Notification No. U.O.86-H/37 - 50(20) H-59, dated 23.07.1960. In exercise of the powers conferred by Section 19 of the U.P. (Regulation of Building Operations) Act, 1958 (U.P. Act No. 34 of 1958), the Governor is pleased to issue the following Regulations for all Regulated Area:

## **Chapter I**

### **General**

#### **1. Short title. -**

(1) These Regulations may be called the Uttar Pradesh (Regulation of Building Operations) Regulations, 1960. (2) They shall come into force with effect from August 1, 1960.

#### **2. Definitions. -**

In these Regulations, unless the context otherwise requires—(a) "Act" means the Uttar Pradesh (Regulation of Building Operations) Act, 1958. (b) "Colony" means an area of land which is developed or proposed to be developed by a colonizer for the purposes of sub-dividing it into plots for residential, commercial, industrial and other uses; (c) "Colonizer" means an individual or company, association or body of individuals, whether incorporated or not (including a co-operative society) owning or acquiring, whether by purchase or otherwise, any area of land for sub-division into plots for sale or lease for construction of buildings thereon or erecting buildings on these plots and for selling or leasing out such plots with the buildings.

### 3. Conduct of business by the Authority. -

(1)The Controlling Authority shall meet and shall from time to time make such arrangements, not inconsistent with the Act, with respect to the place, day, hours, notice, management and adjournment of its meetings and generally with respect to the transaction of business, as it may think fit, subject to the following provisions namely -(a)an ordinary meeting shall be held at least once in every quarter;(b)the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members, call an extra-ordinary meeting;(c)four members shall constitute the quorum for the transaction of business at any meeting:Provided that when a meeting is adjourned for want of quorum no quorum shall be necessary in the adjourned or further adjourned meeting for the transaction of the business which could not be taken up for want of quorum;(d)the meeting shall be presided over by the Chairman, unless absent and in that case by one of the members present who may be chosen at the meeting;(e)all questions shall be decided by a majority of votes of the members present and voting, the person presiding having a second or casting vote in all cases of equality of votes;(f)if a poll be demanded, the names of the members voting and the nature of their vote shall be recorded by the person presiding;(g)minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next meeting by the person presiding at such meeting and shall be open to inspection by any member during office hours;(h)all orders and other instructions made and executed in the name of the Controlling Authority shall be authenticated by the signature of the Prescribed Authority or by any other member of the Controlling Authority authorised by it in this behalf.(2)No person shall be entitled to object to the minutes of a meeting unless he was present at such meeting.

## Chapter II

### Permission For Development Of Land

#### 4. Application for permission. -

(1)An application referred to in Section 7 to the Act shall be made in Form 'A' of Schedule I to these Regulations to be obtained from the Prescribed Authority on payment of such charge not exceeding Rs. 1 per form, as the Controlling Authority may fix.(2)The application shall be accompanied by such plans and statements as may be required by the Prescribed Authority for the proper consideration of the application.The applicant shall pay the following fee along with the application:

Use	Description	Rate of fee Rs.
(i) Residential building	(a) For a building having a total covered area up to 2,000sq. ft. on all the floors	10
(b) For a building having a total covered area of more than 2,000 sq. ft, on all the	20	

floors

(ii) Commercial building	(a) For a building having a total covered area up to 1,250sq. ft. on all the floors.	30
(b) For every additional 1,000 sq. ft. or part thereof of covered area on all the floors		15
(iii) Residential-cum-commercial building	The fee shall be determined according to the rates prescribed in times (i) and (ii) above, on the basis of the area proposed to be used for any of the two purposes.	
(iv) Building to be used for religious, educational or charitable purposes	(a) For a building having a total covered area up to 2,000sq. ft. on all the floors	10
(b) For a building having a total covered area up to 2,000sq. ft. on all the floors		15
(v) Industrial building	(a) For a building having a total covered area up to 2,000sq. ft. on all the floors	20
(b) For every additional 1,000 sq. ft. or part thereof of covered area on all the floors		5
(vi) Plan for development of site	(a) For an area up to 50 acres covered in 50 the layout	50
(b) For every additional 50 acres of or part thereof covered in the layout		25

Provided that in the areas where a local authority charges a fee for the grant of permission to undertake or carry out the development of site or to erect, re-erect or make any material change in any building, no fee shall be charged for that purpose under these Regulations: Provided further that the Government departments and local authorities shall be exempt from the payments of the above fee.

## 5. Principles under which applications for permission under the Act are to be granted. -

(1) The Prescribed Authority while granting or refusing permission for development and construction within the regulated areas shall, as far as may be, be guided by the following Principles: Where an application is made by an individual owner of land for construction of a building on a plot of land not included within a colony-(i) in areas which have been surveyed and of which a layout accepted by the Prescribed Authority has been prepared and/or where in the opinion of the Controlling Authority there is otherwise, no objection to the grant of permission, for erecting a building may be granted subject to the condition-(a) that it shall follow the architectural standard, if any, fixed for the purpose; (b) that the building plans are passed as required by the appropriate local authority having jurisdiction over that land under its building bye-laws; and (c) that the building to be constructed shall be used for the specific purpose for which the permission is granted; (ii) [ (a) when an application as aforesaid is for construction of a building on a plot of land included within a colony no permission shall be granted, to erect a building unless the colonizer has

executed an agreement referred to in clause (i) of sub-regulation (2) for the internal development of the land and also for the external development in connection therewith: [Substituted by Notification No. 2671(1)/37-3-78/GZB-61, dated 21.07.1972.] Provided that in cases where the colonizer has not executed the agreement, permission to erect buildings within the colony may be granted to individual owners of plots on the condition that they deposit with the Controlling Authority such amount as may be specified by the Controlling Authority to cover the proportionate cost of internal development of the land within the colony and proportionate costs of external development in connection therewith;](b)Permission for erecting buildings in areas which have not been surveyed and for which lay-out plans have not been prepared, shall not ordinary be granted unless the area is a compact area and if is' possible in the opinion of the Prescribed Authority to accommodate it in the lay-out plan of the locality if and when it is prepared. In all such cases the decision of the Prescribed Authority shall be final.(c)An application for permission to erect a building on an area which does not conform to the layout or where the site is earmarked for roads, parks or other public utility services or any area which is in the opinion of the prescribed Authority not capable of fitting in the general lay-out of the locality, shall be rejected.(d)An application from any individual for the use of land other than for the erection of a building shall state the specific purpose for which the land will be used and will be sanctioned or rejected by the Prescribed Authority in its discretion.(2)An application for permission to develop an area of land as a colony may be granted subject, as may be, to the following conditions -(i)[ he enters into an agreement with the local body concerned for such internal development of the land and external development in connection therewith to the satisfaction of the Prescribed Authority as the Controlling Authority may require.] [Substituted by Notification No. 2671(1)/37-3-78/GZB-61, dated 21.07.1972.]Explanation. I. - The internal development of the land includes-(a)levelling of land,(b)roads,(c)stream water drains,(d)street lighting,(e)water supply,(f)provision of open spaces for parks, playgrounds and the like,(g)sewerage;(h)earmarking and leaving out open site for schools, dispensaries, community centres and other public utility services.Explanation II. - The external development means the works, within or beyond the limits of the colony, required to be done for the satisfactory completion and functioning of any of the items of internal development of the colony.(ii)[ if so required by the Controlling Authority he deposits a sum specified by the local body as a guarantee for the carrying out of development in accordance with the standard laid down by the Controlling Authority, provided that this sum may be refunded either in a lump sum or by installment as and when the Controlling Authority is satisfied that the various items of internal development and external development have been carried out,] [Substituted by Notification No. 2671(1)/37-3-78/GZB-61, dated 21.7.1972.](iii)he undertakes to transfer to the State Government free of cost the total land in the colony under roads, public parks and other public utility services including the land set apart for schools, hospitals and similar public institutions provided that, in the case of land set apart for schools, hospitals, community centres and other public utility services, the Controlling Authority may require the colonizer to transfer such land to a person or institution including local body, on such terms and condition as the Controlling Authority may lay down,(iv)he undertakes to be responsible for the maintenance of services including sanitation of the colony until such time as the Prescribed Authority or the local body take over such services.Explanation. - Normally the period, for which the colonizer may be required to be responsible for the maintenance of the services, will not exceed twelve months after the issue of the completion certificate by the Prescribed Authority.(v)[\* \* \*] [Deleted by Notification No. 2671 (1)/37-3-78/GZB-61, dated 21.7.1972.](vi)he

ensures that the deed of sale or lease entered into by him with the purchaser of plot of land in the colony shall include amongst its term such term or terms as the Controlling Authority may lay down.(3)An application referred to in Regulation 4(1) of the Regulation shall be rejected if the proposed layout is considered suitable or if the area proposed to be developed is not considered suitable for a residential colony.

## **Chapter III**

### **Permission For Development Or Erection, Etc.**

#### **6.**

In deciding applications under Section 7 of the Act, the Prescribed Authority shall generally be guided by such directions as may be given by the Controlling Authority and the State Government, from time to time under Sections 5 and 14 of the Act, respectively.

## **Chapter IV**

### **Service Of Notice And Procedure For Communication, Etc.**

#### **7.**

(1)The grant or refusal of permission shall be communicated to the applicant in writing by personal service or by post under certificate of posting at the address given in his application.(2)A notice under Section 10 of the Act for the party to appear and show cause as to why the unauthorised construction should not be demolished shall be given in Form "B" appended with Schedule I.(3)When a notice under any of the provisions of the Act is to be given to or served on the owner or occupier of any property and he is unknown, it shall be given or served -(a)by delivering a written notice to some person on the property, or should there be no such person to whom it can be delivered, by affixing it at some conspicuous part of the property;or(b)by putting into the post a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given without any further name or description, and by publication in a local newspaper.(4)Notice of demolition shall be given in Form "C" appended to Schedule I.(5)The owner shall be deemed to have been given an opportunity of hearing if he or his authorised agent fails to appear despite services of notice in one of the modes provided in foregoing clauses of Regulations.

## **Chapter V**

### **Grant Of Copies Of Records**

8.

The Prescribed Authority may, in its discretion, allow the issue of copies of documents on payment of fees specified in Schedule III.

## Chapter VI

### Fee On Appeals Preferred To Controlling Authority

9.

The rate of fees on an appeal preferred to Controlling Authority under sub-section (2) of Section 15 of the Act shall be half the fee prescribed in subpara (2) of Para 4 under Chapter II of the regulations.

I

FORM 'A' Form of application under sub-section (1) of Section 7 of the U.P. (Regulation of Building Operations) Act, 1958 [See Chapter II, Regulation 4(1)] To, The Prescribed Authority, Regulated area..... Dated..... 20..... Sir, I/We beg to apply for permission (a) to undertake or carry out the development of the site described below, (b) to erect building/buildings on the site described below, (c) to make or extend any excavation on the site described below, (d) to layout any means of access to the road described below. I/We attach a site-plan in triplicate (blue prints or regular plans on oil cloth) showing the position of the site proposed to be developed or excavated or the plot proposed to be built upon in relation to its surroundings and the sanctioned layout, if any. I/We submit a site-plan in triplicate or regular plans (on oil cloth), showing elevations and specifications of the proposed building as required by the Municipal bye-laws applicable to my/our area. I am/We are the owner/owners, lessees, of the land, for which I am/We are applying.

#### 1. Description of the land:

(1) Area of the plot in square yards. (2) Its Municipal number or details and description. If rural area, the Khasra number, etc. (3) Purpose for which the building would be used, e.g., the uses of the land. (4) If plans sanctioned by the local body (Give true copy of sanction order with a copy of the sanctioned plan).

#### 2. Description of road.

Yours faithfully, Signature. FORM 'B' Show Cause Notice Prescribed Authority, Regulated Area..... No..... the..... 20..... To,..... Notice under proviso to Section 10 of the Uttar Pradesh (Regulation of Building Operations) Act, 1958 Whereas you have commenced/are carrying on/have completed the erection of a building consisting of..... and situate at without permission of the Controlling Authority/ Prescribed Authority as required under

Section 6 of the U.P. (Regulation of Building Operations) Act, 1958. You are hereby required to show cause on.....at.....in the office of the Prescribed Authority as to why an order for demolition of the aforesaid construction be not made. You may appear personally or through your duly authorised agent. Notes. - Your attention is also drawn to Section 9(1) of the said Act under which you are liable to punishment (for construction without permission of the Authority as required under Section 6 of the said Act) with fine which may extend to Rs. 10,000 (ten thousand rupees) and in the case of a continuing offence, with a further fine which may extend to Rs. 500 (Five hundred rupees) for every day during which such offence continues after conviction for the first commission of the offence. Prescribed Authority Regulated Area.....FORM 'C' Demolition Notice Prescribed Authority, Regulated Area.....No.....the.....20.....To,.....Order of demolition of building under Section 10 of the U.P. (Regulation of Building Operations) Act, 1958 Whereas you have commenced/are carrying on/have completed the erection of building consisting of.....and situate at.....; And whereas you were given an opportunity to be heard and show cause on.....as to why an order for demolition of the aforesaid erection be not made; And whereas you failed to show cause/or have shown no sufficient cause against the issue of such order; You are hereby required to demolish the aforesaid erection within a period of seven days from the date of receipt of this order, failing which this Authority may itself cause the erection to be demolished and the expenses of such demolition shall be recoverable from you as arrears of land revenue. Prescribed Authority Regulated Area.....FORM 'D' Prescribed Authority, Regulated Area.....Report regarding unauthorised construction

- 1. Probable date of commencement of work.**
- 2. Date when detected.**
- 3. Locality.**
- 4. Description of construction taken in hand.**
- 5. Name and address of the lessee or builder.**
- 6. Action proposed.**
- 7. Recommendation with designation of the reporting agency.**

When notice under Section 10 of the U.P. (Regulation of Building Operation) Act, 1958, is to issue the notice should be attached for signature and orders solicited for pasting the notice at site if notice is evaded. Signature of the Reporting Agency Prescribed Authority Orders of Prescribed Authority.

## II

### Proforma Of Plans Register

Serial No	File No.	Name of the applicant	Site particulars	Date of receipt of building application	Gist of final order	Date of return of plan with order to applicant	Fees, if any paid with number and date of deposit	Remarks
1	2	3	4	5	6	7	8	9

### Proforma Of Notice Register

Serial No.	File No.	Name of unauthorised Builder	Site particulars	Description of unauthorised construction	Date of issue of show cause	Date of service of notice	Date fixed for hearing	Date of issue of demolition notice	Date of service of demolition notice	Date of demolition
1	2	3	4	5	6	7	8	9	10	11

## III

(See Chapter V) Fees of plans :- (i) For ordinary copy of a plan for which a tracing has to be prepared - On Ferro paper - At a rate of Rs. 5 per square foot of ferro paper or part thereof for the first copy of Re. 0.75 per square foot or part thereof for every subsequent copy. On Ozalid paper - At a rate of Rs. 5 per square foot of ozalid paper or part thereof for the first copy and Re. 1 per square foot or part thereof for every subsequent copy. (ii) for a copy of a plan for which a tracing exists in the Authorities office - On Ferro paper - Re. 0.70 per square foot of ferro paper or part thereof. On Ozalid paper - Re. 1 per square foot of ozalid paper or part thereof. (iii) Where a person presents an exact copy of a plan on the record of the Authority and desires it to be attested as a true copy of the plan - Rs. 5 per plan. In case an applicant wants the copies of the plans urgently in addition to the copying and other charge listed above, an additional fee of Rs. 5 per plan in case of (i) above and Re. 1 per plan in case of (ii) and (iii) above would be leviable. Fees for copying of English, Hindi or Urdu records - (i) For every 200 words or under - Re. 0.75. (ii) For every additional 100 words or fraction thereof - Re. 0.37. In case an applicant desires a copy of the above documents urgently, he shall be charged twice the normal rates :- (a) Preparation of copies of documents shall not be undertaken unless the prescribed fee has been deposited by the applicant in the office of the Prescribed Authority. (b) Copying fee once paid shall not be refunded unless an application for refund is made before arrangements to make the copy of the document have been made. (c) An urgent copy should



ordinarily be made available within two days of the receipt of the application and deposit of prescribed fees.