

Bareilly Development Authority Composition of Offences Bye-Laws, 1983

UTTAR PRADESH

India

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Rule

BAREILLY-DEVELOPMENT-AUTHORITY-COMPOSITION-OF-OFFENCES of 1983

- Published on 31 January 1984
- Commenced on 31 January 1984
- [This is the version of this document from 31 January 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

Bareilly Development Authority Composition of Offences Bye-Laws, 1983 Published in U.P. Gazette, Extra., dated 31st January, 1984, vide Notification No. 5007/37-2-6 DA-81, dated 28th January, 1984 In exercise of the powers under clause (bb) of Section 57 of the Uttar Pradesh Urban Planning and Development Act, 1973 (President's Act No. 11 of 1973) as re-enacted with modification by the Uttar Pradesh President's Acts (re-enactment with Modifications) Act, 1974 (U.P. Act No. 30 of 1974), the Bareilly Development Authority, with the previous approval of the State Government, hereby makes the following bye-laws to lay down guiding principles for composition of offences under Section 32 of the Act:

1. Short title and commencement.

(1) These bye-laws may be called the Bareilly Development Authority Composition of Offences Bye-Laws, 1983. (2) They shall extend to the whole of the Bareilly Development area. (3) They shall come into force with effect from the date of publication in the Gazette.

2. Granting or refusing permission.

- The granting or refusing to grant permission to compound an offence by or under the Act, the Development Authority or any officer authorised by it in this behalf by general or special order shall take into account the following factors: (1) Whether the offence relates to any development not in conformity with the land-use proposals contained in the Master Plan, and its effect? (2) Whether the offence relates to an encroachment on any Government or public land and its effect? (3) Whether the

offence relates to a projection on any Government or public land and its effect ?(4)Whether the offence relates to the colouring of any house abutting an arterial road against the prescribed colour and its effect ?(5)Whether the permission has earlier been allowed or refused and its effect ?(6)Whether reasonable efforts were made to procure permission to construct before carrying out the building activity ?(7)Whether the construction has been done on basement, semi-basement, ground, first or subsequent floors and its effect on the adjoining area ?

3. Schedule of composition fee.

- The fee for different types of offences arising from different type of unauthorised construction/developments, to be compounded under Section 32 shall be as laid down in Schedule I annexed herewith:Provided that for areas earmarked for commercial, industrial, mercantile and office use, the rates of such fee shall be one and a half times of the rates given in Schedule I.

4. Separate compounding fee.

- If in any offence, the unauthorised construction falls in more than one type unauthorised construction the compounding fee may be charged by adding for every type of unauthorised construction.

5. Consolidated statement of compounded developments.

- The offences which have been compounded shall be tabulated in a register in the form prescribed in Schedule II annexed hereto and a consolidated statement in the said form shall be submitted to the next meeting of the Development Authority for its information.

I

(Bye-Law No. 3)Composition Fee

Type of unauthorised construction/ development	Amount of composition fee where the unauthorised construction/development has been undertaken or carried out-
1	(a) without the permission, approval or sanction, referred to in Section 14; (b) in contravention of any condition subject to which such permission, approval or sanction was granted.
2	Rs. 300 per square metre of the area covered on each floor plus double the cost of land (present market value), with a minimum fee of Rs. 2,000 to a maximum up to Rs. 10,000.
1. Construction within the front setback.	

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| 2. | Construction within the side setback. | Rs. 200 per square metre of the area covered on each floor plus the cost of land (present market value) with a minimum fee of Rs. 1,500 to a maximum up to Rs. 10,000. |
| 3. | Construction within the rear setback. | Rs. 150 per square metre of the area covered on each floor plus the cost of land (present market value) with a minimum fee of Rs. 1,000 to a maximum up to Rs. 10,000. |
| 4. | If the plot coverage is more than the prescribed coverage. | Rs. 150 per square metre of the area exceeding the prescribed limits plus cost of land (present market value) with a minimum fee of Rs. 1,000 to a maximum up to Rs. 10,000. |
| 5. | If the clear height inside the room is less than the prescribed height. | (a) height reduction up to 15 per cent Rs. 200 per square metre of room areas;
(b) height reduction more than 15 per cent Rs. 300 per square metre of room area; with a minimum fee of Rs. 1,000 to a maximum up to Rs. 10,000. |
| 6. | If the area of room is less than the prescribed area. | Rs. 200 per square metre for the area by which the room is less than prescribed area with a minimum of Rs. 1,500 to a maximum up to Rs. 10,000. |
| 7. | Room does not have minimum ventilation prescribed. | (a) window area is reduced up to 50 per cent Rs. 50 per square metre of the room area;
(b) window area is reduced by more than 50 per cent Rs. 100 per square metre of the room area, with a minimum fee of Rs. 2,000 to a maximum up to Rs. 10,000. |
| 8. | Construction of compound wall where sub-division not legally sanctioned. | (a) if the height is below 1.5 metre 0.5 paise per running metre;
(b) if the height is above 1.5 metre Rs. 2.00 per running metre;
with a minimum fee of Rs. 2,000 to a maximum up to Rs. 10,000. |
| 9. | Construction made where sub-division is sanctioned or area is defined. | (a) if the height is below 1.5 metre 0.30 paise per running metre;
(b) if the height is above 1.5 metre Rs. 1.50 per running metre;
with a minimum of Rs. 1,500 to a maximum up to Rs. 10,000. |
| 10. | Development would not have been in violation of the laws if the applicant had abided by the provision of Section 15 of | Rs. 100.00 per square metre of the covered area with a minimum fee of Rs. 2,500 to a maximum up to Rs. 10,000. |

the Act.

- Development relates to excavation, Rs. 200 per square metre of the covered area with a
 11. storm waterdrain, etc. which is not minimum fee of Rs. 1,500 to a maximum fee up to Rs.
 covered in categories 1 to 10 above. 10,000.

II

Bareilly Development Authority Statement of unauthorised construction/developments which have been compounded during the period from.....

SI. No.	Name and address of the owner	Location of unauthorised construction	Category No. of Schedule I under which unauthorised construction/development is covered	Mode of calculation of composition fee	Total amount of composition fee according to columns 4 and 5 which the owner has to pay
1	2	3	4	5	6
Date of order under Section 32	Amount of composition paid by the owner	Date of payment of composition fee	Balance, if	Reasons, any if any for any deviation from column 6	Remarks
7	8	9	10	11	12