Lucknow Industrial Development Areas (Composition of Offences) Regulation, 2017

UTTAR PRADESH India

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Rule

LUCKNOW-INDUSTRIAL-DEVELOPMENT-AREAS-COMPOSITION-OF-0 of 2017

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Lucknow Industrial Development Areas (Composition of Offences) Regulation, 2017Published vide Notification No. 38/77-4-18-62LC-17, dated 4.1.2018No. 38/LXXVII-4-18-62LC-17. - In exercise of the powers under sub-section (2) of Section 9 of the Uttar Pradesh Industrial Area development Act, 1976 (U.P. Act 6 of 1976) read with Section 32 of the Uttar Pradesh Urban Planning and Development Act, 1973 as made applicable under Section 12 of the said Act of 1976 and all other powers enabling him in this behalf and with the approval of State Government, the Lucknow Industrial Development Authority makes the following regulations to prescribe guidelines for the composition of offences.

1. Short title and commencement.

(1)These regulations may be called the Lucknow Industrial Development Areas (Composition of Offences) Regulation, 2017.(2)They shall extend to entire Lucknow Industrial Development area.(3)They shall come into force with effect from the date of their publication in the Gazette.

2. Definition.

- In these regulations unless the context otherwise requires,-(a)"Act" means the Uttar Pradesh Industrial Area Development Act, 1976;(b)"Authority" means Lucknow Industrial Development Authority;(c)"Board" means the Lucknow Industrial Development Authority Board:(d)"Schedule" means the schedule appended to these regulations.

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3. Composition of offences.

(1)Action regarding the composition of offences may be taken by Chief Executive Officer, Lucknow Industrial Development Authority or an officer authorised by the special order under Section 32 of the Uttar Pradesh Urban Planning and Development Act, 1973 before it is instituted under the provisions of the Act.(2)Composition of offence regarding the worth composing construction can be conducted with the condition that the accused will not continue the offence regarding the non-composable construction and it will be concluded within the stipulated period, which will not be for more than 30 days as directed by officer to order to mitigate the said composable offence or non-composable illegal construction or development work of the Authority will be at liberty for re-precaution and demolition against him or his construction work.

4. To give permission or reject to give permission.

(1) The Chief Executive Officer, Lucknow Industrial Development Authority or any officer authorised by him for giving permission or rejecting permission for the composition of illegal construction or development work will ensure that-(a)Where illegal construction work has been conducted as on basement, semi-basement, ground floor, first floor or subsequent floors and what is its effect on structural safety, lighting and ventilation; (b) has the basement been constructed with more than admissible limit, if yes, what is its effect on the adjacent properties and existing structural facilities;(c)has it been rejected ever before the permission of construction work, if yes, what is its validity of composition in the present reference; (d) is it against the existing building construction guidelines, if yes, what is its effect;(e)is the construction work is affected with Uttar Pradesh Road Side Land Control Act, 1945 if yes, whether a no objection has been obtained from the competent authority for this purpose.(2) The composition of following offences shall not be taken into consideration-(a)Construction work done on the land related with or reserved for public and semi-public amenities services and utilities such as road, railway line, park, green belts etc.;(b)Construction work done against the land use prescribed in the master plan or personal development plan or layout plan or lease;(c)Construction work done on the plot or in the house situated under such illegal land sub-division which has not been regularised so far;(d)Construction work done on the Government or public land without the permission of concerning department;(e)Construction work done on the disputed land;(f)Construction work done under the area reserved for stilt floor and parking;(g)Construction work done without anti earthquake provisions in the houses with more than three stones including ground floor or with height more than 12 metres and with infrastructural facilities together with land coverage of more than 500 square metres;(h)Construction work done without fire control provision and minimum prescribed setbacks according to the building construction and development bye-laws in the house with more than four floors or in the houses with more than 15 metres height and special houses such as education, assembly, institutional, industrial and group houses and houses with emergency use and such other houses whose ground coverage is more than 500 square metres.(i)Construction work done without having obtained no objection certificate by local fire control authority in such formerly constructed houses in which infrastructural addition/alteration or reconstruction has been done as a result of which ground coverage, floor area ratio, height, set back and consolidation of house have been adversely affected;(j)Construction work with more than 10 per cent height of permissible

height without alteration in the number of floors under plot development provision;(k)In the condition of minimum area, minimum height and internal height of the resisable room under the plot development ten per cent less and in the condition of lighting and ventilation area of such houses are more than 10 per cent less in accordance with minimum prescribed standards in which mechanical ventilation has not been provided, in such situation construction works done; (1) Construction work done in violation of the height of the house situated in the heritage zone, preserved monuments, civil aviation area or height prohibited area;(m)Construction work done without the provision of required parking according to the prescribed standards in the Lucknow Industrial Development area building regulations;(n)Construction work done under the area reserved for common service and on the land of common ownership adjacent to group housing and other multi storied buildings;(o)Construction work done without the provision of roof top rain water harvesting in such types of houses whose areas are 300 square meters or more;(p)Construction work done on the land covered with ponds reservoirs rivers, drainage system etc. intered in the revenue records or marked master plan/zonal plan/layout plan;(q)Construction work done without installation of solar water heating plants in the residential houses having the area of 500 square metres or more in accordance with the Lucknow Industrial Development Area Building Regulations, 2009;(r)Construction work done in violation of the Lucknow Industrial Development area building regulations for the safety, utility and facility of the persons with physical disability under the public houses and the public facility sites.

5.

Valid provided that construction and invalid construction will be outlined separately in the map in accordance with the Lucknow Industrial Development Area Building Regulations, 2009 un-authorised construction on the front-side an in the set back of back side may be considered for composition only in the contiguity of the main building and additional construction to the land coverage area and basement area will be composable to the extent given as under-(a)Construction work up to 25 per cent of the total area of the front set back but with maximum 10 metres width;(b)Construction work (in addition to permissible 40 per cent) with up to maximum 10 per cent of the set back area of the back side in the residential buildings under plot development scheme;(c)Construction work up to maximum 25 per cent of the breadth of the side set backs of the residential buildings under plot development scheme; (d) Construction work up to maximum 10 per cent of the total area of the plot of land under the prescribed restriction for composition respectively given in clauses (a), (b) and (c) in front, rear and side set-backs in addition to permissible land coverage in the other buildings such as vocational, industrial, official, institutional and community facilities buildings under the plot of land development scheme; (e) Additional construction work up to 10 per cent of the permissible land coverage without deduction in the minimum set back required for fire safety in the group housing, multi storied, vocational, official and institutional buildings;(f)Construction work up to maximum 10 per cent of the permissible basement area for all types of buildings such as plot land development, group housing vocational, official, institutional, industrial etc.;(g)Construction work done up to the permissible limit of purchasable floor area ratio with the approval of the Board on the recommendation of the committee constituted by the Chief Executive Officer for group housing, vocational, official and semi-public/community facilities in constructed area, development area and new/undeveloped area;(h)Construction work up to

maximum 20 per cent of the permissible limit under the basement;(i)Construction work up to maximum 10 per cent of the permissible limit of the height of compound wall.(j)Construction work up to maximum 10 per cent of the permissible limit without alteration in the number of the floors under plot of the land development;(k)Maximum numbers of composable units in addition to the permissible units in the group housing on the basis of the area of the plot of land will be as given below-(i)Maximum one unit in the plot of land development of land;(ii)Proportionate units against the percentage of additional floor area ratio/purchasable floor area ratio composable in group housing.(l)Construction work done in accordance with generally admissible and conditionally admissible works/utilities in the guidelines effective master plan zoning regulations in all the buildings of the land utilities.

6. Schedule of Composition Fee.

- Composition fee for the different types of illegal construction and development works shall be decided in accordance with the rates given in the schedule.

7. Computation of Composition Fee.

(1)If in any case any composable construction work comes under more than one types of illegal construction works the composition fee will be charged together with the fee due for illegal construction work. The composition fee will be charged separately for every floor but composition fee will not be payable separately as floor area ratio for composable land coverage.(2)For the composition of illegal construction the composition fee will be deposited by the constructor in a lump sum or in the instalments as may be determined by the Board in accordance with composition map and the schedule. Other fee prescribed by the agency and affidavit for the demolition of the non composable part of the building will also deposited and thereafter action for composition map will be taken. Composition map will be issued after being deposited the total money of composition fee. Conditions regarding the approval of the map by the authorised officer for composition shall be marked on the map.

8.

Building or any part thereof, which comes under composition limit marked in the map submitted for the composition, will not be demolished but there will be no restriction on the demolition of the non composable part of the building according to the by laws of the development authority.

9.

The proceedings will be concluded regarding the part of the building having composed after the sanction of map. If the order has been passed regarding the demolition of the composed part of the building then it will be deemed to be expired. The rest part will be removed by the constructor himself otherwise it shall be demolished by the Development Authority and the expenses incurred on such demolition will be recovered by constructor in accordance with the byelaws.

10. Recovery of Composition Fee.

- The amount of composition fee charged under sub-regulation (2) of Regulation 6 will be deposited by the constructor in a lump sum or in instalments including interest thereon as may be determind by the Authority and proceeding of the composition will be completed only after payment of the entire amount of composition fee including interest. Separate rules may be framed by the authority for the purpose of fixation and payment of the instalments together with interest thereon.

11. Composite details of the construction work composed for.

- The details of the illegal construction composed for will be enlisted in the form prescribed by the authorised officer for the purpose of composition and its composite details will be put up for information in the meeting of the Board.

12.

Application under consideration for composition will be disposed of under the provisions of these regulations.

13.

The composition fee charged under sub-regulation (2) of Regulation 6 and the expenses incurred on the action for demolition taken by the Authority under Regulation 9 will be recovered according to adopted Section 40 of the Uttar Pradesh Urban Planning and Development Act, 1973 in the Act. Note. - (1) If the applicant does not apply properly to get the facility of composition, the Authority will take proper action for the demolition of illegal construction.(2)Where it will be necessary to get no objection certificates through department of fire, archeology, Air Port Authority of India, National Highway Authority of India, Public Works Department, Environment Directorate, U.P. Pollution Control Board etc. action for composition will be considered only after getting no objection certificates therefrom.(3) Value of the land will be estimated on the day of the approval of composition map at the prevailing rate fixed by the Authority. Where said rate is not available of such circle rate, the rate prescribed by the District Magistrate shall be applicable only residential rate of the land will be for the computation of composition fee for every type of construction.(4)Land value will be charged compulsorily for one time at the time of computation of composition fee in accordance with the rate given in the schedule but it will not be charged for subsequent/higher floors.(5)The composition fee for composable construction in mixed land use will be charged on the nature of the use of land.(6)Composition fee will also be charged on the rate prescribed in the schedule in addition to the fee payable according to the rule for purchasable floor area ratio but purchasable floor area ratio fee will not be charged. (7) Provision for additional parking facility will be mandatory according to the rule against composable floor area ratio/purchasable floor area ratio. *(8)The use of illegal construction done in the basement will be computed in the floor area ratio on being different from permissible use in the Lucknow Industrial Development Area Building Regulations, 2009 and the illegal construction will be composable on the nature of the use with the

condition that parking facility is available in, the plot of land according the standards prescribed in the said regulations.(9)Projection work such as projection, balcony etc. will be composable in the area of set back only to the extent of composition prescribed for.(10)If the illegal construction work is not demolished by the applicant in the prescribed period in accordance with the affidavit for the demolition of composable part of the building. The demolition charges will be recovered from the applicant after the demolition by the Authority within the stipulated period. If the demolition charges are not paid by the applicant in the stipulated period then it will be recovered as arrear of land revenue by the agency.

Sl. No.	Nature of Construction	Schedule of composition fee (Rule V-4)				
Rate of Compounding fee for different landuses		(Ruie V-4)				
		Residential	Commercial	Offices	Industrial	Facilities/
1	2 Construction	3		4	5	6
1	without permission underpermissible Ground Coverage and Floor Area Ratio	1.1	Rs 18 for all type of construction up to plotarea 100 sqm	Two times of Residential	1.5 times of Residential	
		1.2	Rs 28 per sq.mtr. for all type of constructionup to plot area 101-300 sq.mtr	As above	As above	As above
		1.3	Rs 37 per sq.mtr. for all type ot constructionup to plot area 301-500 sq.mtr	As above	As above	As above
		1.4	Rs 46 per sq.mtr. for all type °fconstruction up to plot area	As above	As above	As above

		1.5	500-2000 sq.mtr Rs 46 per sq.mtr. Area more than 2000 sq./mtr/onthe plot of Group Housing for all type of construction	As above	As above	As above
		1.6	Rs 92000 per Unit for compoundable Units morethan permissible Units.	-	-	-
2.	Additional Floor Area Ratio within permissibleGround Converges	plotted development and Group housing and 50 percent of	Rs 368 per sq.mtr and 100 per cent of requiredland Value for additional Floor Area Ration.	75 per cent of requiredland Value for additional	sq.mtr and 40 per cent of drequiredland Value for	sq.mtr and per cent of drequiredla Value for additional
3	buildingin each direction	100 per cent of	200 per cent of land Value	150 per cent of land Value	40 per cent of land Value	50 per cen land Value
		-	200 per cent of land Value	150 per cent of land	40 per cent of land	50 per cen land Value

				Value	Value	
	2-Side set back	75 per cent of land Value	150 per cent of land Value	100 per cent of land Value	40 per cent of land Value	50 per cen land Value
	3-Rear set back	50 per cent of land Value	100 per cent of land Value	75 per cent of land Value	20 per cent of land Value	25 per cen land Value
4	Construction of basement more than permissiblelimit	50 per cent of land Value	100 per cent of land Value	75 per cent of land Value	20 per cent of land Value	25 per cen land Value
5	The Height of Room is lower than permissibleheight	Rs 184 per sq.mtr on the area of room	Rs 368 per sq.mtr on the area of room	Rs 276 per sq.mtr on the area of room	Rs 92 per sq.mtr on the area of room	Rs 138 per sq.mtr on tarea of roo
6	The width of room is lower than permissiblewidth	Rs 92 per sq.mtr on the area of room	Rs 184 per sq.mtr on the area of room	Rs 138 per sq.mtr on the area of room	Rs 37 per sq.mtr on the area of room	Rs 46 per sq.mtr on t
7	The area of room is less than approved area	Rs 92 per sq.mtr on the area of room	Rs 184 per sq.mtr on the area of room	Rs 138 per sq.mtr on the area of room	Rs 37 per sq.mtr on the area of room	Rs 46 per sq.mtr on t area of roo
8	The area of lighting and ventilation is less than approvedarea for room	Rs 92 per sq.mtr on the area of room	Rs 184 per sq.mtr on the area of room	Rs 138 per sq.mtr on the area of room	Rs 37 per sq.mtr on the area of room	Rs 46 per sq.mtr on t area of roo
9	More Height of compound wall instead of approvedheight	Rs 92 per running meter, minimum Rs 92000	Rs 184 per running meter, minimum Rs 18400	Rs 276 per running meter, minimum Rs 13800	Rs 37 per running meter, minimum Rs 1840	Rs 46 per running m minimum 4600
10	Without permission Layout/ Development workwhich is according to bylaws	1 per cent of land value on saleable area	2 per cent of land value on saleable area	1.5 per cent of land value on saleable area	0.40 per cent of land value on saleable area	0.50 per co land value saleable ar
11.	Layout up to one acre which cannot	Two time of land value on the area				

be approved as per which is less than as

rule per norm, area of

road, park, open

land and

communityfacility.

In such matters

action will be taken accordingto the

more than one acre which cannotbe guidelines issued by the Government

approved as per regarding

Area of Layout

12.

rule the regularisation of the unauthorised

colonies.

Note.- 1. Composition fee will be charged at the rate of Rs 368 per sq.mtr. on other illegal construction which is against both the directions and byelaws or the construction which is not sanctioned (such as porch balcony and projection etc.) in addition to the above types of constructions.

- 2. Ten per cent of enforcement fee in addition to the enforcement fee due according to the rule foi composition of generally and conditionally permissible works and utilities according to the master plan zoning regulations will be charged.
- 3. The rate of composition fee for such charitable institutions, w hich are exempted under Section 80(g) of Income Tax Act, 1961 and for facilities and services provided by public sector bodies and for educational institutions will be 50 per cent of the housing rate prescribed in Column No. 7 of the said schedule.
- 4. Composition fee at the rate of Rs 4600 per metre will be charged without alteration in the number of the floors in process of the development of plot of land, in case, the height of building exceeds 10 per cent of the admissible height.
- 5. The rates for composition of unauthorised construction, which are not based on land value but are prescribed on per square metre, will be updated by the authority every year on cost index basis.