

The Banda Development Authority Composition of Offences Bye-Laws, 1983

UTTAR PRADESH

India

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Rule

THE-BANDA-DEVELOPMENT-AUTHORITY-COMPOSITION-OF-OFFENCES BYE-LAWS OF 1983

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1. Short title, extent and commencement.

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

2. In granting, refusing to grant 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, semibasement,

ground, first or subsequent floors and its effects on the adjoining area ?

3. Schedule of Composition Fee.

- The fee for different types of offences arising from different type of unauthorised constructions/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, merchantile and office use, the rates of such fees 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 of 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 at the next meeting of the Development Authority for its information.

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(Bye-Law No. 3)Composition Fee

Type of unauthorised construction/ development	Amount of composition free where the unauthorised construction/development has been undertaken or carried out :	
(a)		without the permission, approval of sanction, referred to in Section 14.
(b)		in contravention of any condition subject to which such permission, approval or sanction was granted.
(1)	(2)	
1. Construction within the front set-back	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 of upto Rs. 10,000.	
2.		

	Construction within the side set-back.		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 upto Rs. 10,000.	
3.	Construction within the rear set-back.		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 upto Rs. 10,000.	
4.	If the plot coverage is the 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 upto Rs. 10,000.	
5.	If the clear height inside the room is less than the prescribed height.	(a)		height reduction upto 15 per cent Rs. 200 per square metre of room area ;
		(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 upto 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 upto 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.	Constitution 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 runningmetre;
- with a minimum lee of Rs. 2,000 to a maximum up to Rs.10,000.
- Construction made where
9. sub-division is sanctioned (a) If the height is below 1.5 metre - 0.30 paise per runningmetre;
- or area isdefined. (b) If the height is above 1.5 metre - Rs. 1.50 per runningmetre;
- with a minimum of Rs. 1,500 to a maximum up to Rs. 10,000.
- Development would not been in violation of the
10. laws if theapplicant had Rs. 100 per square metre of the covered area with a minimumfee of Rs. 2,500 to a maximum up to Rs. 10,000.
- added by the provisions of Section 15 of the Act.
- Development relates to excavation, storm
11. water-drain, etc.which is Rs. 200 per square metre of the covered area with a minimumof Rs. 1,500 to a maximum fee up to Rs. 10,000.
- not covered in categories 1 to 10 above.

II

Banda Development AuthorityStatement of unauthorised construction/development 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 whichunauthorised construction/development is covered	Mode of calculation of composition fee	Total amount of composition fee according toColumns 4 and 5 which the owner has to pay
1	2	3	4	5	6
Date of order under Section 32	Amount of composition fee paid by the owner	Date of payment of composition fee	Balance, if any	Reasons if any, for any deviations from Column 6	Remarks

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