

## **CHAPTER – 12**

### **ADDITIONAL CONSTRUCTION**

As per the Ministry of W&H's letter No. G-25017/1/70-L. Vol. III dt. 12.4.1976, the policy regarding additional construction shall be as under:-

- (i) Additional construction shall be permitted free of chares upto 30% of the existing covered accommodation subject to the conveyable permissible under the Municipal bye-laws in force at the time of additional construction. This concession shall be valid for two years from the 10<sup>th</sup> December, 1963.
- (ii) From 5.10.1967 in the case of future leases, no additional ground rent shall be leviable in respect of additional construction made within a period of five years from the date of execution of the lease deed provided it is within the permissible limit under the Municipal bye-laws at the time of lease. In the case of existing lease, no extra ground rent shall be leviable if permissible coverage as on the date of lease is completed within a period of three years.
- (iii) The above concession shall be given on the following conditions:-
  - (a) Where supplementary leases were executed before 5<sup>th</sup> October, 1967.
  - (b) Where the lessee had accepted the terms for additional construction and paid Rs. 5/- for preparation of the Supplementary Lease Deeds and also paid the Ist instalment of additional ground rent before 5.10.1967.
- (iv) Basement not exceeding 200 sq. ft. in area shall be permitted in residential premises without recovery of additional charges provided it is used for installation of air-conditioning plant or for storing house hold materials. If at any time it is found that the basement has been let out either for residential or business purposes, the lessee shall be required to pay additional charges at the usual rates. In order to

safeguard Government's interests in this regard a suitable undertaking shall be obtained from the lessee before the plans are sanctioned by the Land and

Development Officer. Where the area of basement exceeds 200 sq. ft. additional ground rent shall be recovered for the area in excess of 200 sq. ft.

(v) (a) With effect from 15.1.70, additional construction upto the permissible limits under the Municipal bye-laws as on the date of the lease shall be allowed at any time during the currency of the lease without recovery of additional charges provided that in cases where land had been allotted or sold prior to 1.4.1965 the bye-laws of the local body concerned as obtaining prior to that date only shall be applied for this purpose regardless of the fact whether the leases have been executed or not.

(b) Provided further that in the case of residential leases, the concession shall be limited to construction upto 2 ½ storeyed and that in case where there were no municipal bye-laws in

force at the time of the execution of the lease deeds, the limits as provided in the Municipal bye-laws as and when they came into force subsequently for the first time shall apply.

(c) Additional Ground Rent which is already being recovered on account of additional construction with reference to the orders that have been in force prior to the issue of these orders shall continue to be recovered upto 14.1.1970. This additional ground rent shall be reduced w.e.f. 15.1.1970 to the extent as admissible under these orders vide sub para (a) above. However, the additional ground rent fixed in accordance with this Ministry's letter No. 27/6/63-L dated 10<sup>th</sup> December, 1963 shall not be altered to the disadvantage of the Lessee by the application of these orders. The lessee shall, however, be allowed with effect from January 15<sup>th</sup>, 1970 such reduction in the existing additional ground rent as may become admissible vide sub-para (a) above.

(d) No refund of the amount already re-covered on account of additional ground rent shall be allowed in any case.

(v) From 17.4.1976 in respect of residential premises only, no additional ground rent shall be recovered for additional construction upto 33 1/3% over and above the total construction which was permissible at the time of lease provided such construction is permitted under Municipal bye-laws on the date of construction.

In cases on properties built on plots measuring upto 100 sq. yds. where there is a marginal excess construction over and above 33 1/3 % benefit but the additional construction is within the Municipal bye-laws on the date of construction such marginal excess coverage upto 5 sq.ft. shall be condoned and no A.G.R. shall be recovered, provided this is within the permissible coverable allowed by the Municipal Bodies under their bye-laws. [Min. of W&H 40 NO. 4626-LD/79 dated 26.6.1971]

After the ground rent is revised the additional ground rent recovered previously for additional construction already made shall not be recovered in addition to the revised ground rent.

Additional Ground Rent if any, shall be recovered from the date of completion certificate or actual occupation whichever is earlier.

Any Supplementary Lease executed by the lessee for payment of additional ground rent for additional construction shall be cancelled in the event of proposed construction not having been undertaken by the lessee and additional ground rent if any, will be refunded to the lessee.