

Uttar Pradesh Shashan
Avas Evam Shahri Niyojan Anubhag-3

In pursuance of the provisions of clause (3) of Article-348 of Constitution, the Governor is pleased to order the publication of the following English translation of notification no...../8-3-14-194 Vividh/14 dated.....December, 2014

NOTIFICATION

No. /Eight-3-14-194 Vividh/14
Lucknow: Dated: December, 2014

In exercise of the powers under section-55 read with sub-section (1) of section 38-A of the Uttar Pradesh Urban Planning and Development Act, 1973 (U.P. Act no. 11 of 1973), the Governor is pleased to make the following rules:-

The Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Land Use Conversion Charge) Rules, 2014

- | | |
|---|---|
| Short title, commencement and extent | <p>1. (1) These rules may be called the Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Land Use Conversion Charge) Rules, 2014.</p> <p>(2) They shall come into force with effect from the date of their publication in the Gazette.</p> <p>(3) They shall be applicable to all the development areas.</p> |
| Definitions | <p>2. (1) In these Rules, unless the context otherwise requires,-</p> <p>(a) "Act" means the Uttar Pradesh Urban Planning and Development Act, 1973.</p> <p>(b) "Applicant" means any person making an application for conversion of land use under section-13 of the Act.</p> <p>(c) "Circle Rate" means the rate notified by the District Magistrate for assessment of stamp duty under the Indian Stamp Act, 1899 on the transaction of land in respective circles.</p> <p>(d) "Telescopic basis" means calculation in accordance with the illustration given under rule-4.</p> <p>(2) Words and expressions, not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.</p> |
| Levy of Land Use Conversion Charge
(sub-section(1) of section-38-A) | <p>3. Where in any development area the land use of a particular land is changed as a result of amendment of Master Plan or Zonal Development Plan under section-13 of the Act, the Authority shall be entitled to levy land use conversion charge on the owner of such land in the manner and at such rates mentioned in rule 4:</p> <p style="padding-left: 40px;">Provided that land use conversion charge shall not be levied in the following circumstances:-</p> <p>(i) Where the land use of a particular land is changed as a result of coming into operation of Master Plan or Zonal Development Plan.</p> |

- (ii) Where land is owned by the Central Government, the State Government or a Local Authority.
- (iii) Where total or partial exemption from payment of land use conversion charge has been granted by the State Government under the Act, the land use conversion charge to the extent of exemption,

Assessment and rates of Land Use Conversion Charge

(sub-section-1 of section-38-A)

4. (1) The land use conversion charge shall be assessed and collected on the basis of gross area of the land parcel multiplied by the circle rate of that particular land and the percentage as given in Schedule-"A" annexed hereto and the multiplication factor given below:-

Area of Land Parcel (Hectares)	Multiplication Factor
Up to 0.25	1.0
More than 0.25 upto 1.0	0.9
More than 1.0 upto 5.0	0.8
More than 5.0 upto 10.0	0.7
More than 10.0	0.6

- Note :** (i) The land use conversion charge shall be calculated on telescopic basis; e.g., land use conversion charge for a land parcel of 15.0 hectares shall be calculated as given below :

$$\{(0.25 \times 1) + (1 - 0.25) \times 0.9 + (5 - 1) \times 0.8 + (10 - 5) \times 0.7 + (15 - 10) \times 0.6\} \times \text{circle rate} \times \text{applicable percentage given in Schedule-A.}$$

- (ii) No discount in circle rate based on land area shall be admissible.
- (2) Land use conversion charge shall be calculated by the Authority taking into account the circle rate of existing use of land as applicable on the date of final decision of the Board of the Authority.

Explanation

In case there are more than one circle rate in a particular area, then land use conversion charge shall be calculated on the basis of existing use of land. For example, if there are separate circle rates for agriculture and residential land in an area and existing use of land is agriculture, then circle rate of agricultural land will apply. Similarly, if existing use of land is residential, then circle rate of residential land will apply. In case there is only one circle rate, then the same will apply.

- (3) In case circle rates for the following land uses are not available, the same shall be calculated through the

formula given below:-

Land use	Formula
(a) Public and Semi- public Facilities	$0.75xA+0.25XR$
(b) Traffic and Transportation	$0.50xA+0.50XR$
(c) Industrial	$0.25xA+0.75XR$
(d) Offices	$0.50xR+0.50XC$
(e) Mixed use	$0.25xR+0.75XC$
Where:	
A= Circle Rate of agricultural land	
R= Circle Rate of residential land	
C= Circle Rate of commercial land	

**Procedure for
Land Use
Conversion**
(section-13)

- 5.** (1) The applicant shall submit application in the form appended to these rules to the Vice-Chairman of the Authority along with following documents :
- (a) Details of land (as the case may be):-
 - (i) Name of revenue village, tehsil and district, gata numbers, gata-wise area and shajra map on 1:4000 scale in case of undeveloped area.
 - (ii) Plot number, area in hectares and name of locality along with a site plan on 1:1000 scale in case of built-up/developed area.
 - (b) Certified copy of ownership/sale deed.
 - (c) Land use in the prevailing master plan/zonal development plan, as the case may be.
 - (d) Land use proposed for conversion.
 - (e) Application fee @Rs. 1000/- per hectare or part thereof, subject to a minimum of Rs. 1000/-
- (2) After scrutiny of the application, if in the opinion of the Authority the amendment is of the nature specified in sub-section (1) of section-13 of the Act, following procedure shall be followed:-
- (a) The Authority shall place the application in its Board meeting for appropriate decision.
 - (b) In case of approval of the application, the Authority shall publish a notice in two newspapers having circulation in the development area inviting objections and suggestions in accordance with sub-section (3) of section-13 of the Act. The minimum duration for submission of objections and suggestions shall be 15 days from the date of publication of the notice.

- (c) Objections and suggestions, if any, received shall be considered within 30 days from the last date of receipt by a committee constituted by the State Government. The report and recommendations of the committee shall be placed before the Board of the Authority in its next meeting for final decision.
 - (d) In case of approval under sub-rule(c) the Authority shall calculate the amount of land use conversion charge and issue demand notice within 15 days to the applicant for payment of the same.
- (3) For amendments other than specified under sub-section (1) of section-13 of the Act, following procedure shall be followed:-
- (a) The Authority shall place the application in its Board meeting for appropriate decision.
Provided that such application shall be forwarded to the State Government directly as have been granted exemption from seeking approval of the Board.
 - (b) In case of approval, the Authority shall forward the proposal to the State Government within 15 days from the decision of the Board along with its recommendation.
 - (c) After the receipt of concurrence from State Government, the Authority shall publish a notice in two newspapers having circulation in the development area inviting objections and suggestions in accordance with sub-section (3) of section-13 of the Act. The minimum duration for submission of objections and suggestions shall be 15 days from the date of publication of the notice.
 - (d) Objections and suggestions, if any, received shall be considered within 30 days from the last date of receipt by a committee constituted by the State Government. The report and recommendations of the committee shall be placed before the Board of the Authority in its next meeting for final decision.
 - (e) The Authority shall forward its recommendation to the State Government within 15 days from the date of decision of the Board.
 - (f) The State Government shall inform its decision to the Authority and the Authority shall intimate the applicant accordingly.
 - (g) In case of approval under sub-rule (b), the Authority shall calculate the amount of land use conversion charge and issue demand notice within 15 days to the applicant for payment of the same.

**Payment of
Land Use
Conversion
Charge**

(sub-section(1) of
section-38-A)

6. (1) The applicant shall be liable to pay the entire sum of land use conversion charge within three months from the date of issue of demand notice.

Provided that the Vice-Chairman of the Authority may permit payment of land use conversion charge in four quarterly installments along with simple interest @ 12% per annum subject to the condition that the applicant shall have to deposit the entire sum within one year:

Provided further that the Authority may on an application by the applicant grant another one year for such payment.

- (2) The applicant fails to pay the entire sum of land use conversion charge within the stipulated period or extended period, as the case may be, the permission granted shall be deemed to have lapsed.

**Publication of
Land Use
Conversion**

(sub-section(4) of
section-13)

7. (1) For amendment of the nature specified under sub-section(1) of section-13 of the Act, the Authority, after deposit of entire sum of land use conversion charge, by the applicant shall publish the amendment in accordance with sub-section(4) of section-13 of the Act in two newspapers having circulation in the development area and also inform the applicant. The Authority shall report to the State Government the full particulars of such amendment within 30 days of the date on which such amendment comes into operation.

- (2) For amendments other than specified under sub-section (1) of section-13 of the Act, the Authority shall intimate the State Government after applicant has deposited entire sum of land use conversion charge. On receipt of such intimation, the State Government shall issue final notification in accordance with sub-section (4) of section-13 of the Act.

**Infrastructure
Development
Fund**

(sub-section-1 of
section 38-A)

8. All money collected as land use conversion charge shall be credited to a separate bank account to be known as 'Infrastructure Development Fund'.

**Annual
statement of
land use
conversion
charge**

(sub-section-1 of
section 38-A)

9. The Vice-Chairman of the Authority shall furnish to the Board of the Authority a statement in respect of land use conversion charge for the preceding year containing information regarding the total amount collected by the Authority as land use conversion charge and details of its utilization. Such statement shall be furnished as far as possible in the first meeting of the Board of the Authority to be held every financial year and its copy shall also be sent to the State Government.

2- These rules (including English version) shall be adopted under the provisions of their respective Acts by the 27 Development Authorities, 05 Special Area Development Authorities, U.P. Housing and Development Board (functional in 54 towns at present) and 74 Regulated Areas constituted for carrying out planned urban development in the State.

3- Following G.O.s issued by the Housing and Urban Planning Department regarding conversion of land use shall stand superceded :-

- (i) G.O. No. 3712/9-8-3-2000-26 L.U.C./91, dated 21.08.2001
- (ii) G.O. No. 473/9-Aa-3-26 L.U.C./91, dated 04.02.2002
- (iii) G.O. No. 3351/9-Aa-3-2004-12 Vi./2004, dated 23.08.2004
- (iv) G.O. No. 4988/8-3-2006-05 Mha./2005, dated 18.10.2006
- (v) G.O. No. 204/8-3-09-20 L.U.C./91 dated, 21.01.2010
- (vi) G.O. No. 1735/8-1-2010-38 Vividh./10, dated 23.04.2010

**Enclosure :Schedule 'A' mentioned in Rule-4
Application form mentioned in Rule-5(1)**

(Sada Kant)
Principal Secretary

Schedule "A"

(See rule-4)

Sl. No.	Existing Land Use	Land use conversion charge as percentage of Circle Rate					
		Proposed land Use					
		Public and Semi-Public Facilities, Services and Utilities including Traffic and Transportation	Industrial	Residential	Offices	Mixed	Commercial
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1.	Agriculture, Parks, Open Spaces & Green Belt	20%	35%	50%	100%	125%	150%
2.	Public & Semi-Public Facilities, Services and Utilities including Traffic and Transportation	NA	20%	40%	75%	100%	125%
3.	Industrial	Nil	NA	25%	75%	90%	110%
4.	Residential	Nil	Nil	NA	50%	75%	100%
5.	Offices	Nil	Nil	Nil	NA	30%	50%
6.	Mixed	Nil	Nil	Nil	Nil	NA	25%
7.	Commercial	Nil	Nil	Nil	Nil	Nil	NA

FORM**Application for Conversion of Land Use**

Rule-5 (1)

To,

The Vice-Chairman,

..... Development Authority,

.....

Sub : Application for Conversion of Land Use.

I/we the undersigned hereby apply for conversion of land use from
 (land use in the prevailing master plan/zonal development plan)
 to (Proposed land use for conversion) of the land
 parcel/plot bearing details as given below:-

(a) Name of the revenue village/tehsil and district.....

(b) Details of land :-

Sl.No.	Gata numbers	Area (Hectares)
1.		
2.		
3.		
4.		
5.		
	Total Area	

(c) Shajra Map on 1:4000 scale showing the gata numbers proposed for land use conversion or site plan on 1:1000 scale showing the land proposed for land use conversion, whichever is applicable (Attach copy of Shajra Map/site plan).

(d) Key Map showing the location and existing land use of the proposed site as per the prevailing master plan/zonal development plan (Attach copy).

(e) Demand draft No..... dated.....drawn on.....(Name of the Bank) for Rs.....(Rupees.....only) as application fee. (@Rs. 1000/- per hectare or part thereof, subject to a minimum of Rs. 1000/-)

(f) Photo copy of sale deed:- (Attach copy)

(g) Any other details which the applicant desires to furnish.....

2. I/we hereby agree to pay land use conversion charge to the Authority as per the applicable rules.

Encl.:-

(1)

Name and address of Applicant

(2)

.....

(3)

.....

(4)

.....

Signature & Date

.....

(Sada Kant)
Principal Secretary