

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.....dated.....

NOTIFICATION

No. /Eight-1-.....

Lucknow: Dated; , 2014

In exercise of the powers under clause (c) of sub-section (2) of section-55 read with sub-section (2-A) of Section-15 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, namely:-

The Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Development Fee) Rules, 2014

Short title, commencement and extent

1. (1) These rules may be called the Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Development Fee) Rules, 2014.
- (2) They shall come into force with effect from the date of their publication in the Gazette.
- (3) They shall be applicable to all the Development Areas.

Definitions

2. (1) in these Rules, unless the context otherwise requires:
 - (a) 'Act' means the Uttar Pradesh Urban Planning and Development Act, 1973;
 - (b) 'Applicant' means any person or body making an application under section-15 of the Act to obtain permission referred to in section-14 of the Act;
 - (c) 'Building Permit' means authorization to proceed with construction or re-construction of a specific building at a particular site in accordance with the building plan approved by the Authority;
 - (d) 'Built-up Area' means the area within a development area as shown in the master plan or which has been delineated as such by the Authority;
 - (e) 'Developed Area' means the area within a development area where all facilities like road, water supply, drainage, sewerage, electricity, solid waste disposal, parks and open spaces and community facilities, etc. have been provided in accordance with an approved layout plan and has been delineated as such by the Authority;

- (f) 'Development Permit' means authorization to proceed with development or re-development of a specific parcel of land in accordance with the lay-out plan approved by the Authority;
- (g) 'Dwelling Unit' means an independent housing unit with separate facilities for living, cooking and sanitary requirements;
- (h) 'Floor Area Ratio' (FAR) means the quotient obtained by dividing the total covered area (plinth area) on all floors by the area of the plot;
- (i) 'Group Housing' means group or multi-storied buildings having one or more independent dwelling units on each floor where land, open spaces, circulation area and common facilities are jointly owned;
- (j) 'Purchasable FAR' means additional FAR (over and above the permissible FAR) which may be purchased by an applicant on payment of specified charges in accordance with the provisions of the Building Bye-laws of the Authority;
- (k) 'Purchasable Dwelling Units' mean additional dwelling units (over and above the permissible dwelling units) which may be purchased by an applicant on payment of charges as specified in the Building Bye-laws of the Authority;
- (l) 'Redevelopment' means rehabilitation or new construction on a site by renovating or replacing pre-existing uses with new development or construction in accordance with a layout plan approved by the Authority;
- (m) 'Layout Plan' means a plan showing sub-division of any land or portion thereof into more than one plot or parcel for the purpose of sale or otherwise;
- (n) 'Salable Land' means the developed land in a lay-out plan excluding the area under roads, parks and open spaces, green belt and other such land which is generally not salable;
- (o) 'Undeveloped Area' means the area within a development area other than 'built-up' and 'developed area'.
- (2) Words and expressions, not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

**Levy of
Development
Fee**

(sub-section 2-A
of section-15)

3. The development fee shall be levied in accordance with these rules where an application is submitted to the Authority for obtaining development permit or building permit.

Provided that no development fee shall be levied in the following circumstances:-

- (i) Where an application is submitted for building permit on a plot situated within a lay out approved by the Competent Authority and for which development fee or city development charge has already been paid, provided there is no increase in the density.

Explanation:

it is clarified that where an application is submitted for sub-division of a plot or construction of four or more dwelling units on a plot with three or less pre-existing dwelling units, it shall not be exempt from payment of development fee.

- (ii) Where an application is submitted for building permit on a plot allotted by the Authority in respect of which the cost of development has already been realized by the Authority.
- (iii) Where an application is submitted for development permit on a land for which the applicant is liable to pay city development charge.
- (iv) Where an application is submitted exclusively for grant of purchasable FAR or purchasable dwelling units.
- (v) Where an application is submitted within validity period for revision of building permit or development permit granted earlier and for which development fee has already been paid.

Provided that where an application is submitted after the expiry of validity period of building permit or development permit granted earlier, development fee at the rate applicable on the date of such application shall be levied after adjusting the development fee paid earlier.

Provided further that in case the land area under revised plan increases, the applicant shall be liable to pay the development fee at the rate applicable on the date of application for such increased land area in accordance with these rules.

- (vi) Where total or partial exemption from payment of development fee has been granted by the State Government under the Act, the development fee to the extent of exemption shall not be leviable.

Assessment of Development Fee

(sub-section 2-A of section-15)

4. (1) On an application submitted under rule-3 for building permit or development permit in the development area, the development fee shall be assessed and collected on the basis of gross area of the land parcel multiplied by the rates as set out in Schedule 'A' appended to these rules and the multiplication factor as specified below:-

Area of land parcel (Hectares)	Multiplication Factor
Up to 0.2	1.0
More than 0.2 and up to 01	0.9
More than 01 and up to 05	0.8
More than 05 and up to 10	0.6
More than 10	0.4

Provided that in case any part of land parcel owned by the applicant is earmarked for road, park and open space or green belt in the master plan or zonal development plan, the development fee shall be calculated after deducting the area of such land from the gross area of the scheme subject to the condition that the entire land parcel has to be contiguous and the applicant undertakes to develop such land as road, park and open space or green belt as the case may be, at his own cost.

Explanation:

- (a) For the purpose of this rule, the rates set out in Schedule 'A' shall mean the rates applicable on the date of submission of application to the Authority.
- (b) Only such land earmarked for road, park and open space or green belt in the master plan or zonal development plan may be included in the application for development permit as is owned by the applicant.
- (2) In case of an application for sub-division of a plot within approved lay-out plan anywhere in the development area for which development fee has already been paid, the development fee shall be assessed and collected in accordance

with sub-rule(1).

- (3) In case of an application for building permit for four or more dwelling units/apartments including group housing anywhere in the development area, the development fee up to a density of 100 dwelling units per hectare shall be 100% of the development fee as calculated in sub-rule (1) and 5% higher for every additional 25 dwelling units or part thereof as per the table given below:-

Density (No. of dwelling units per Hectare)	Percent of Development Fee as calculated in 4(1) above
Up to 100	100
Above 100 and up to 125	105
Above 125 and up to 150	110
Above 150 and up to 175	115
Above 175 and up to 200	120
And so on (i.e.,5% more for every additional 25 dwelling units or part thereof)	
Above 325 and up to maximum 330	150

- (4) In case of an application for building permit in the built-up area other than those covered under the provisions of sub-rule (2) and (3), the development fee shall be 10% of the development fee as calculated in sub-rule (1).
- (5) In case of an application for development permit anywhere in the development area, the applicant shall carry out the internal development works at his own cost and furnish a performance guarantee against the internal development works by mortgaging 20% of the saleable land (excluding the land earmarked for Economically Weaker Section and Low Income Group housing and 10 percent land mortgaged as performance guarantee against construction of these houses, wherever applicable) in favour of the Authority. The land thus mortgaged, shall be released in proportion to completion of internal development works. In case of any default by the applicant,

the Authority may invoke the performance guarantee and carry out the internal development works either itself or through such agency as it deems fit.

Rates of Development Fee

(sub-section (2-A) of section-15)

5. The rates for development fee in the development area or a particular part thereof shall be as mentioned in the Schedule 'A'.

Provided that in case of special amenity or impact-oriented or zone-based development (e.g., transit-oriented development along mass transit corridors), an additional development fee not exceeding 25 percent of the development fee prescribed in the Schedule 'A', may also be levied.

Payment of Development Fee

(sub-section 2-A of section-15)

6. Subject to the provisions of the Act and these rules, the applicant shall pay the full amount of development fee, as levied by the Authority, prior to the grant of permission under section-15 of the Act;

Provided that for a plot size of more than five hectares (50,000 sqm.), the Vice-Chairman of the Authority may permit payment of development fee in installments over a time period of maximum 2 years with 12 percent annual rate of simple interest, if the applicant furnishes a bank guarantee equivalent to the total amount due or alternatively mortgages saleable land in favour of the Authority as security against the total amount due. The bank guarantee or the mortgaged land shall be released after the payment of full amount of development fee.

Provided further that in case of default in the timely payment of installments, the applicant shall be liable to pay a penal interest at the rate of 15 percent per annum compounded annually.

Infrastructure Development Fund

(sub-section 2-A of section-15)

7. All money collected as development fee shall be credited to a separate bank account to be known as 'Infrastructure Development Fund'.

Revision of rates of Development Fee

(sub-section 2-A of section-15)

8. The rates of development fee shall be revised annually by the Vice-chairman of the Authority with effect from 1st of April every calendar year in conformity with the Central Public Works Department Cost Index.

Provided that if the Central Public Works Department Cost Index is not available, the rates of development fee shall be revised by the Authority on the basis of such equivalent index as may be notified by the State Government in this regard.

Provided further that apart from the Central Public Works Department Cost Index, the Authority may revise the rates from time to time by recording the reasons thereof.

Recovery of arrears

(section-40)

- 9.** Any amount due to the Authority on account of the development fee under these rules shall be recovered in accordance with the provisions of section-40 of the Act.

Annual statement of Development Fee

(sub-section 2-A of section-15)

- 10.** The Vice-Chairman of the Authority shall furnish to the Board of the Authority a statement in respect of Development Fund for the preceding year, which shall contain information regarding the total amount collected by the Authority as the development fee 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.

Schedule 'A'

(See Rule-5)

Sl. No.	Development Area	Development Fee (Rs. Per Sqm.)
1.	Ghaziabad	2500
2.	Lucknow, Kanpur, Agra	1400
3.	Varanasi, Allahabad, Meerut	1000
4.	Moradabad, Bareilly, Aligarh, Gorakhpur, Bulandshahar, Khurja, Hapur-Pilkhua, Baghpat-Barot-Khekra, Saharanpur, Mathura-Vrindavan, Jhansi,	700
5.	Muzaffarnagar, Firozabad-Shikohabad, Ayodhya-Faizabad, Raebareli, Banda, Rampur, Unnao-Shuklaganj, Urai, Azamgarh	400