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NOTIFICATIONS BY GOVERNMENT

HOUSING AND URBAN DEVELOPMENT DEPARTMENT**The Tamil Nadu Assessment and Collection of a amount for Exemption of Buildings Rules, 2012.**

[G.O. (Ms.) No. 235, Housing and Urban Development [UD4(1)], 30th October 2012.]

No. SRO A-33/2012.—In exercise of the powers conferred by clause (bb) of sub-section (2) of Section 122 read with Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor of Tamil Nadu hereby makes the following rules:—

RULES

1. Short Title and Application.—(1) These rules may be called the Tamil Nadu Assessment and Collection of a amount for Exemption of Buildings Rules, 2012.

(2) They shall be applicable to the areas covered by the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) as per sub-section (2) of Section 1 of the said Act.

2. Definition.—In these rules, unless the context otherwise requires;

(a) “Act” means the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1971);

(b) “amount for exemption” means an amount collected under these rules for exempting the development of any building or class of buildings referred to in Section 113-C of the Act;

(c) “Competent Authority” means.—

(i) in the case of the Town Panchayats and Village Panchayats In Chennai Metropolitan Area, the Chief Planner of Chennai Metropolitan Development Authority or an authority designated by him;

(ii) in the case of a Municipal Corporation, the Commissioner of the said Corporation;

(iii) in the case of a Municipality, the Municipal Commissioner of the said Municipality;

(iv) In the case of a Town Panchayat or Village Panchayat outside Chennai Metropolitan Area, the Member-Secretary of the Local Planning Authority or the New Town Development Authority functioning under the Town and Country Planning Department or the Regional Deputy Director of Town and Country Planning department or the Regional Assistant Director of Town and Country Planning Department, as the case may be;

(d) “floor space index (FSI)” means the quotient obtained by dividing the total covered area (plinth) on all floors excepting the areas specifically exempted under the respective rules, prevailing as on the 1st July 2007 in the respective areas, by the plot area which includes part of the site used as exclusive passage. (FSI=Total covered area on all floors ÷ Plot area);

(e) “Guidelines” means the Tamil Nadu Guidelines for the Exemption of Buildings and Assessment and Collection of amount for Exemption, 2012;

(f) “guideline value” means the prevailing guideline value of a land in terms of rupees per square metre fixed by the Registration Department of the State of Tamil Nadu, as prevalent on the date of filing application;

(g) “group development” means the building defined as group development in the respective rules prevailing as on the 1st July 2007 in the respective areas;

(h) “multi-storied building” means the building defined as multistoried building in the respective rules prevailing as on the 1st July 2007 in the respective areas;

(i) “ordinary building” means “ordinary building” means a building, which does not fall within the definition of special building, group development or multi-storied building defined in the respective rules prevailing as on the 1st July 2007 in the respective areas;

(j) “road or street width” means the whole extent of space within the boundaries of the road or street measured at right angles to the course of direction of such road or street; road width measurements for the above, shall be of the road as designed and laid;

(k) “setback” means open space across front or sides or rear of a plot between the building and street alignment or boundary of the plot, as the case may be;

(l) "special building" means the building defined as special building the respective rules prevailing as on the 1st July 2007 in the respective areas;

(m) other terms used in these rules, unless the context otherwise requires, shall have the meaning as defined under Section 2 of the Act, or as defined under guideline 2 of the Guidelines or any other law relating to local authorities for the time being in force or in any other rule or by-law or regulation made thereunder or in the respective rules prevailing as on the 1st July 2007 in the respective areas;

3. Assessment of amount to be collected for exemption.—(1) The unauthorised or deviated development shall be considered in its entirety for its classification as per the respective rules prevailing as on the 1st July 2007 in the respective areas.

(a) Where the Unauthorised or deviated development is not in conformity with the respective rules prevailing as on the 1st July 2007 in the respective areas, amount for exemption shall be levied for the unauthorised or deviated floor area in respect of Floor Space Index, setback spaces and road or street width regulations, as prescribed in sub-rule (2) of rule 4;

(b) In cases of deviated developments, already approved part of the existing development shall not be liable for levy of amount for exemption, provided the usage approved in the plan remains the same and is permissible at the site.

(2) When any development is made without prior approval or in excess of earlier approval, but the whole development is in conformity with the relevant rules prevailing as on the 1st July 2007, in the respective areas, in such case, only development charges and other charges normally leviable at current rates are leviable and collectable. In that case, any previous fees or charges remitted shall be duly adjusted or subtracted, on proof of remittance.

4. Levy of amount for exemption.—(1) The amount for exemption shall be assessed and levied, separately for the development exempted under Section 113-C of the Act over and above the ordinary fees or charges normally leviable, as the case may be, from time to time by the competent authority.

(2) The deviations or violations with reference to the Act or the relevant rules prevailing as on the 1st July 2007 in the respective areas shall be the basis for assessing and levy of the amount for exemption. The amount for exemption shall be levied as specified below:-

(a) Road or street width violation: Extent of violation in respect of minimum required road width shall not exceed 20%. Where a building has been constructed on a plot abutting a road or street width not conforming to the minimum requirement for the type of constructed building whether it is an ordinary building or a special building or a group development or a multistoreyed building and if the shortage in width of the road or street works out to 20% or less, then the proportionate land area for the road width violation shall be calculated by multiplying the shortage in width of road in metre with the width of the site in metre.

For example,—(i) If a building has been constructed abutting a road of width less than 5.6 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 7.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 5.6 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the required road width is 5.6 metre and the short fall is 1.4 metre, and if the width of the site is 8.0 metre, then the shortage in land area for the width violation is calculated as 1.4 metre x 8.0 metre=11.2 square metre.

(ii) If a building has been constructed abutting a road of width less than 7.2 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 9.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 7.2 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the road width is 7.2 metre with the shortage of 1.8 metre and if the width of the site is 12.0 metre, then the shortage in land area for the road width violation is calculated as 1.8 metre x 12.0 metre =21.6 square metre.

(iii) If a building has been constructed abutting a road of width less than 8.0 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 10.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 8.0 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the road width is 8.0 metre with the shortage of 2.0 metre and if the width of the site is 15.0 metre, then the shortage in land area for the road width violation is calculated as 2.0 metre x 15.0 metre =30.0 square metre.

(iv) If a building has been constructed abutting a road of width less than 14.4 metre and whereas the minimum required width of the road as per the respective rules prevailing as on the 1st July 2007 in the respective areas is 18.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the width of the road is more than 20%. In the above case, if the road width is 14.4 metre and above, it will qualify for assessment of amount for exemption. In qualifying case, if the road width is 14.4 metre with the shortage of 3.6 metre and if the width of the site is 25 metre, then the shortage in land area for the road width violation is calculated as 3.6 metre x 25 metre=90.0 square metre.

The amount for exemption for the road or street width violation shall be assessed as a product of the shortage in land area in square metre and a multiple of the guideline value. The rate of amount for exemption for various uses and types of buildings shall be as specified in Table-I, appended to these rules.

(b) *Front, rear and side setback violation:* The front, rear and side setback violations shall not exceed 50% of the required minimum respective setback spaces as per the respective rules prevailing as on the 1st July 2007 in the respective areas. If the floor area has been constructed in violation of the required minimum respective setback spaces, then the excess floor area constructed is related to the proportionate land extent.

For example.—(i) If a building has been constructed with the front setback less than 1.5 metre and whereas the minimum required front setback as per the respective rules prevailing on 1st July 2007 in the respective areas is 3.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the front setback space is more than 50%. In the above case, if the available front set back is 1.5 metre and above, then it will qualify for assessment of amount for exemption. In qualifying case, if the minimum front setback is 1.5 metre or more, then the additional floor area constructed in violation of front setback space in each floor of the building shall be calculated.

(ii) If a building has been constructed with the rear setback less than 2.25 metre and whereas the minimum required rear setback as per the respective rules prevailing as on 1st July 2007 in the respective areas is 4.5 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the rear setback space is more than 50%. In the above case, if the available rear set back is 2.25 metre and above, then it will qualify for assessment of amount for exemption. In qualifying case, if the minimum rear setback is 2.25 metre or more, then the additional floor area in violation of rear setback space in each floor of the building shall be calculated.

(iii) If a building has been constructed with the one side setback less than 1.5 metre and whereas the minimum required side setback as per the respective rules prevailing as on 1st July 2007 in the respective areas is 3.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the side setback space is more than 50%. In the above case, if the available one side set back is 1.5 metre and above, then it will qualify for assessment of amount for exemption. In qualifying case, if the minimum side setback is 1.5 metre or more, then the additional floor area in violation of side setback space in each floor of the building shall be calculated.

(iv) If a building has been constructed with the other one side setback less than 1.5 metre and whereas the minimum required other side setback as per the respective rules prevailing as on 1st July 2007 in the respective areas is 3.0 metre for the particular use and type of the building, then the case will not qualify for assessment of amount for exemption under these rules and the application shall be rejected as the shortage in the other side setback space is more than 50%. In the above case, if the available other side set back is 1.5 metre and above, then it will qualify for assessment of amount for exemption. In the qualifying case, if the minimum other side setback is 1.5 metre or more, then the additional floor area in violation of other side setback space in each floor of the building shall be calculated.

The total additional floor area constructed in violation of the front, rear and side setback spaces calculated as above is related to the proportionate land area. The amount for exemption shall be assessed as the product of the proportionate land area for setback space violation under sub-clause (c) of rule 4 and a multiple of the guideline value. The rate of amount for exemption for various uses and types of buildings shall be as specified in Table-II, appended to these rules.

(c) *Floor Space Index (FSI) violation:* Floor Space index violation shall not exceed 50% of the maximum allowable limit. If any additional floor area has been constructed in violation of maximum floor space index prescribed in the respective rules prevailing as on the 1st July 2007 in the respective areas, the additional floor area is related to the proportionate land area.

For example,- (i) In case where normally permissible Floor Space Index is 1.5, for every 1 square metre of additional floor area constructed, the related land area for Floor space index violation shall be $1 \div 1.5$ or 0.66 square metre. Therefore, for every 1 square metre of additional floor area constructed, the proportionate land area for setback space violation shall be 0.66 square metre.

(ii) In case where Normally Permissible Floor Space Index is 2.0 to 2.5, for every 1 square metre of additional floor area constructed, the proportionate land required will be $1 \div 2.0 = 0.5$ square metre to $1 \div 2.5 = 0.40$ square metre.

The amount for exemption shall be assessed as the product of the proportionate land area for Floor space index violation worked out as above, and a multiple of the guideline value. The rate of amount for exemption for various uses and types of buildings shall be as specified in Table-III, appended to these rules.

APPENDIX

TABLE-I

[See rule 4(2)(a)]

Rate of amount for exemption for road or street width violation

Serial Number (1)	Usage (2)	Ordinary building (3)	Special building (4)	Multi-storeyed building (5)
1	Residential use	---	1.0 x the guideline value of the shortage land area calculated for road width violation	1.25 x the guideline value of the shortage land area calculated for road width violation
2	Commercial use	---	1.5 x the guideline value of the shortage land area calculated for road width violation	2.0 x the guideline value of the shortage land area calculated for road width violation
3	Uses other than residential and commercial	0.5 x the guideline Value of the shortage land area calculated for road width violation	1.25 x the guideline value of the shortage land area calculated for road width violation	1.5 x the guideline value of the shortage land area calculated for road width violation

TABLE-II

[See rule 4(2)(b)]

Rate of amount for exemption for setback spaces violation not amounting to FSI violation

Serial Number (1)	Usage (2)	Ordinary building (3)	Special building (4)	Multistoreyed building (5)
1	Residential use	0.25 x the guideline value of equivalent land for the violated floor area	0.60 x the guideline value of equivalent land for the violated floor area	0.75 x the guideline value of equivalent land for the violated floor area.
2	Commercial use	0.75 x the guideline value of equivalent land for the violated floor area	1.00 x the guideline value of equivalent land for the violated floor area	1.25 x the guideline value of equivalent land for the violated floor area.
3	Uses other than residential and commercial	0.40 x the guideline value of equivalent land for the violated floor area	0.75 x the guideline value of equivalent land for the violated floor area	1.00 x the guideline value of equivalent land for the violated floor area.

Amount for exemption shall be levied at 25% of the above rates in respect of cases involving setback violations amounting to floor space violations.

TABLE-III

[See rule 4(2)(c)]

Rate of amount for exemption for FSI violation

Serial Number (1)	Usage (2)	Ordinary building (3)	Special building (4)	Multistoreyed building (5)
1.	Residential	0.50 x the guideline value equivalent land for the violated floor area	1.25 x the guideline value equivalent land for the violated floor area	1.50 x the guideline value equivalent land for the violated floor area.
2.	Commercial	1.50 x the guideline value equivalent land for the violated floor area	2.00 x the guideline value equivalent land for the violated floor area	2.50 x the guideline value equivalent land for the violated floor area.
3.	Uses other than residential and commercial	0.75 x the guideline value equivalent land for the violated floor area	1.50 x the guideline value equivalent land for the violated floor area	2.00 x the guideline value equivalent land for the violated floor area.

K. PHANINDRA REDDY,
Secretary to Government.

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT.

The Tamil Nadu Information Commission (Appeal Procedure) Rules, 2012.

[G.O. Ms. No. 137, Personnel and Administrative Reforms (A.R.III), 3rd September 2012,
Avani 18, Thiruvalluvar Aandu-2043.]

No. SRO A-34/2012.—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of Section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Tamil Nadu hereby makes the following Rules, namely:—

RULES

1. Short title and commencement.—(1) These rules may be called the Tamil Nadu Information Commission (Appeal Procedure) Rules, 2012.

(2) They shall come into force on the 3rd September 2012.

2. Definitions.—In these Rules, unless the context otherwise requires,

(a) "Act" means the Right to Information Act, 2005 (Central Act 22 of 2005);

(b) "Section" means section of the Act;

(c) "Commission" means the Tamil Nadu Information Commission;

(d) words and expressions used in these Rules and not defined in the Act, shall have the meanings assigned to them in the Act.

3. Contents of appeal.—(1) An appeal to the Commission shall contain the following particulars, namely:—

(i) name and address of the appellant;

(ii) name and address of the Public Information Officer against the decision of whom the appeal is preferred;

(iii) name and address of the appellate Authority against the decision of whom the appeal is preferred;

(iv) information sought in the petition under the Act;

- (v) particulars of the order including number, if any, against which the appeal is preferred;
- (vi) brief facts leading to the appeal;
- (vii) prayer and grounds for such prayer;

(viii) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Public Information Officer/Appellate Authority to whom the application was made;

- (ix) verification by the appellant; and
- (x) any other information which the commission may deem necessary for deciding the appeal.

(2) The appeals shall be addressed only to the Tamil Nadu Information Commission and shall not be addressed to the names of the Chief Information Commissioner or the Information Commissioner.

4. Documents to accompany appeal.—Every appeal made to the Commission shall be accompanied by the following documents, namely:—

- (i) self-attested copies of the orders or documents against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal;
- (iii) copy of petition given to the Public Information Officer;
- (iv) copy of appeal given to the Appellate Authority;
- (v) copy of reply or information furnished by the Public Information Officer;
- (vi) copy of reply or information furnished by the Appellate Authority;
- (vii) in case of alleged incomplete or incorrect information, the details thereof;
- (viii) an index of the documents referred to in the appeal;

5. Procedure in deciding appeal.—(1) In deciding the appeal, the Commission may,—

- (i) hear oral or written evidence on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear Public Information Officer, Assistant Public Information Officer or such senior officer who decide the first appeal, or such person against whom the complaint is made, as the case may be;
- (v) hear third party;
- (vi) receive evidence on affidavits from Public Information Officer, Assistant Public Information Officer, such senior officer who decided the first appeal, such person against whom the complaint lies or the third party;
- (vii) issue orders or directions based on available documents or evidences without personal enquiry, if the Commission is satisfied about the adequacy of such material;
- (viii) initiate an inquiry if it is satisfied that there are reasonable grounds to inquire into the matter and issue orders;
- (ix) conduct inquiry in the Head quarters of the Commission or in the offices established at other places in the State with the previous approval of the State Government;
- (x) conduct inquiry through video conference also.

2. In case the Commission decides to impose penalty, reasonable opportunity shall be given to Public Information Officer and Other Officers, including the time sought by them to defend their case in another date.

6. Service of notice by Commission.—Notice to be issued by the Commission may be served in any of the following modes, namely:—

- (i) service by the party itself;
- (ii) by hand delivery through Process Server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of Office or Department.

7. Personal presence of the appellant or complainant.—(1) The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least seven clear days before that date.

(2) The appellant or the complainant, as the case may be, shall be present. in person at the time of hearing of the appeal or complaint by the Commission.

(3) Where the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, then, the Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit:

Provided the appellant or the complainant, as the case may be, should inform the commission the reasons for not attending the hearing in writing or through any other mode of communication in advance before the hearing is taken up.

(4) The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.

8. Personal presence of the Public Information Officer.—(1) The Public Information Officer or Assistant Public Information Officer or such senior officer who decided the first appeal, such person against whom the complaint lies, shall in every case, be informed of the date of hearing at least seven days before that date.

(2) The Public Information Officer or Assistant Public Information Officer or such senior officer, who is summoned by the Commission, shall invariably be present in person. The Commission may at its discretion permit an authorized representative, but such a representative shall be an officer of sufficient seniority.

(3) Where the Commission is satisfied that there are compelling circumstances such as, attending flood relief works, epidemic control measures and containing of law and order problem for the Public Information Officer or Assistant Public Information Officer or such senior officer or the other officials summoned for not attending the hearing of the Commission, the Commission may give another opportunity of being heard. The reason shall invariably be intimated to the Commission in advance, by the officials. Routine excuses shall not be entertained by the Commission.

9. Order of the Commission.—Order of the Commission shall be in writing, duly authenticated by the Registrar or any other officer authorized by the Commission, for this purpose.

10. Limitation Period.—The Commission shall not admit any complaint on the non-compliance of the order of the Commission by the Public Authority, unless it is filed by the appellant within a period of one year from the date of such order issued by the Commission.

M. KUTRALINGAM,
Principal Secretary to Government.