



ABSTRACT

Urban Development – Infrastructure and Amenities Charges – Revised rates of charges and mode of payment – Orders – Issued.

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HOUSING AND URBAN DEVELOPMENT (UD 4(1)) DEPARTMENT

G.O.Ms.No.161

Dated 09.09.2009

Read:

1. G.O.Ms.No.191, Housing and Urban Development Department, dated 01.06.2007.
2. G.O.Ms.No.4, Housing and Urban Development Department, dated 04.01.2008.
3. G.O.Ms.No.22, Housing and Urban Development Department, dated 25.01.2008.
4. G.O.Ms.No.84, Housing and Urban Development Department, dated 08.04.2008.

Read also:

5. From the President, Confederation of Real Estate Developers' Associations of India, Representation No.TN/061/08-09, dated Nil.
6. From the Commissioner of Town and Country Planning, Letter No.15071/2009/BA1, dated 31.07.2009.
7. From the Additional Chief Secretary and Vice-Chairperson, Chennai Metropolitan Development Authority, Letter No.C3/12933/07, dated 31.07.2009.

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ORDER:-

In the G.O. first read above, the Government have directed that the Infrastructure and Basic Amenities charges shall be collected for different categories of building on the rates indicated therein.

2. In the G.O. fourth read above, the Government have directed that the maximum and minimum rates of Infrastructure and Amenities charges shall continue to be the same as prescribed under Rule 4 of the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules 2008, as indicated therein. As per orders issued therein, the charges shall be collected in 3 instalments as prescribed under Rule 9 of the above Rules viz.50%, 25% and 25% as first, second and third instalments respectively. The Government also directed that in respect of the Chennai Metropolitan Area and Chengalpattu Region, the maximum rates of the charges shall be fixed and collected, in respect of the Coimbatore and Tiruppur Local Planning areas and Kurichi New Town Development area 75% of the maximum rates of charges and in respect of the other areas 50% of the maximum rates of charges shall be fixed and collected.

3. In his representation fifth read above, the President of Confederation of Real Estate Developers' Associations of India has represented that the levy of charges is over and above the development charges that is collected under various other heads and that in other States the rates are much lower. Pointing out that the real estate market is very much depressed and the sales have dipped as a result of high rates of interest on home loans, he has requested that the Infrastructure and Amenities charges for the various types of buildings may be reduced; that the charges may be made effective from 08.04.2008, the date of issue of G.O. in the reference fourth read above and that Infrastructure and Amenities charges may be paid in two instalments.

4. The Government have examined the request in para 3 above in the light of the reports sent to the Commissioner of Town and Country Planning and the Additional Chief Secretary and Vice-Chairperson, Chennai Metropolitan Development Authority in their letters 6th and 7th read above. The Government took note of the slump in the construction industry, the need to provide relief to construction industry while at the same time recognising the need for generating funds and the need to give impetus to the residential construction which will ultimately benefit the general public. The Government after careful consideration direct as follows:-

- i) The minimum and maximum rates specified in the rule 4 of Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules 2008 shall be done away with.
- ii) The Infrastructure and Amenities charges for different categories in different areas shall be as given in the table below:

shall be as given in the table below.

S. No	Type of Building	Chennai Metropolitan Development Authority	Commissioner of Town and Country Planning			Other areas
		Chennai Metropolitan Area	Chengalpattu Region	Coimbatore, Tirupur and Kurichi		
		(Rates per sq.mtr.)				
1.	<u>Multi Storeyed Building</u> commercial or Information Technology or Industrial or Institutional or Combination of such activities	500	500	375	250	
2.	<u>Multi storeyed residential</u>	250	250	250	250	
3.	<u>Other than Multi Storeyed Building</u> Commercial building, Information Technology building, Group Development and Special Building.	250	250	190	125	
4.	Institutional building (not covered under S.No.1)	100	100	75	50	
5.	Industrial building (not covered under S.No.1)	150	150	112.50	75	

- iii) The Infrastructure and Amenities charges shall be paid in one lumpsum, before issue of Planning Permission.

- iv) The above rates of Infrastructure and Amenities charges shall take place with immediate effect.
- v) The revised rates of Infrastructure and Amenities charges shall be revised at a later date whenever necessity arises.

5. Orders already issued in the G.O. 4th read above shall stand modified to the extent indicated in para 4 above. The Member-Secretary, Chennai Metropolitan Development Authority and the Commissioner of Town and Country Planning are directed to pursue action accordingly.

6. The Commissioner of Town and Country Planning is directed to send necessary proposal on amendment to the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules 2008 to Government accordingly.

(By Order of the Governor)

Surjit K. Chaudhary,
Principal Secretary to Government.

To

The Commissioner of Town and Country Planning, Chennai – 2.

The Additional Chief Secretary and Vice-Chairperson,
Chennai Metropolitan Development Authority, Chennai – 8.

All District Collectors.

The Regional Deputy Directors / Joint Director of all Regional Local Planning Authorities,
through Commissioner of Town and Country Planning, Chennai – 2.

The Secretary to Government,
Municipal Administration and Water Supply Department, Chennai – 9.

The Principal Secretary to Government,
Rural Development and Panchayat Raj Department, Chennai – 9.

The Principal Secretary to Government,
Finance Department, Chennai – 9.

The President,
Confederation of Real Estate Developers' Associations of India,
"Challa Mall", 11, Sir Thiagaraya Road,
T.Nagar, Chennai – 17.

Copy to:-

The Secretary to Chief Minister, Chennai – 9.

The Private Secretary to Chief Secretary to Government, Chennai – 9.

The Personal Assistant to Minister (Information), Chennai – 9.

The Private Secretary to Principal Secretary to Government,
Housing and Urban Development Department, Chennai – 9.

The Public (SC) Department, Chennai – 9.

Sf / Sc.

Forwarded / By Order

P. S. Chaudhary
9-9-09
Section Officer.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

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Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

TAMIL NADU TOWN AND COUNTRY PLANNING (LEVY OF INFRASTRUCTURE AND AMENITIES CHARGES)
RULES, 2008

[G.O. Ms. No. 22, Housing and Urban Development (UD4-1), 25th January 2008.]

No. SRO A-2(b)/2008.

In exercise of the powers conferred by clause (bb) of sub-section (2) of Section 122 read with Section 63-B 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 commencement.*—(1) These Rules may be called the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008.

(2) It shall be deemed to have come into force on the 12th day of November 2007.

2. *Definitions.*—(1) 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 1972);

(b) "Officer concerned of the planning authority or the local authority" means any person nominated by the planning authority or the local authority for the purpose of Section 63-B of the Act and Rule 7;

(c) "Group development" means accommodation for residential or commercial or industrial or institutional or combination of such activities, housed in two or more blocks of buildings in a particular site, irrespective of whether these structures are interconnected or not. Any interlink between these structures in terms of connecting corridors shall not be construed as making any two structures into one block. However, if these blocks are connected solidly by atleast one-third of the width of any one block in the connecting side, then such blocks shall be construed as a single block;

(d) "infrastructure" means the sum of technical installations and social institutions creating a basis for human activities. Specifically it is the physical equipment needed to provide services such as transport, power, water supply sewerage, drainage, communications and access;

(e) "local authority" means—

(i) a Municipal Corporation established under any law for the time being in force; or

(ii) a Municipal Council or a Third Grade Municipality or a Town Panchayat constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994);

(f) "multistoreyed building" means a building having more than 4 floors including the ground floor or if the ground floor is used for parking under stilts, then excluding the ground floor, whose height is 15 metres or more;

(g) "special building" means a building having more than two floors but not exceeding 4 floors inclusive of ground floor or a building with basement or stilt floor and 4 floors or a residential building having more than 4 dwelling units or a building accommodating commercial or industrial or institutional or combination of such activities with a floor area exceeding 300 square metres.

(2) The words and expression used in these Rules and not defined, but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. *Assessment and Levy of Infrastructure and Amenities Charges.*—Infrastructure and amenities charges shall be assessed and levied separately on the institution of use or change of use of land or building, or all development of any land or building.

4. *Infrastructure and Amenities Charges.*—The infrastructure and amenities charges shall be collected for new constructions, additions to existing constructions and change of use of existing buildings at the rates not exceeding the maximum rate and not less than the minimum rates indicated in the Table below, in case of different categories of buildings referred to in the Table:—

THE TABLE

Sl.No.	Type of building	Minimum rates per square metre (3) Rs.	Maximum rates per square metre (4) Rs.
(1)	(2)		
1.	Multistoreyed buildings accommodating residential or commercial or Information technology or industrial or institutional or combination of such activities	500	1,000
2	Commercial building, Information Technology building, Group development and Special building (not covered under Sl. No. 1)	250	500
3	Institutional building (not covered under Sl. No. 1)	100	200
4	Industrial building (not covered under Sl. No. 1)	150	300

5 *Fixation of rates of Charges.*—(1) The Director of Town and Country Planning shall fix the rates of such charges in respect of all the areas, other than the Chennai Metropolitan Planning Area, for each of the above categories of buildings, which shall not be less than the minimum and not more than the maximum as prescribed in Rule 4, taking into account the various aspects of developments including infrastructural needs. He may fix different rates for different categories of buildings or for different areas.

(2) In respect of the Chennai Metropolitan Planning Area, the Vice Chairman, Chennai Metropolitan Development Authority shall fix the rates of such charges for each of the above categories of buildings which shall not be less than the minimum and not more than the maximum as prescribed in Rule 4, taking into account the various aspects of developments including infrastructural needs. He may fix different rates for different categories of buildings or for different areas.

6. *Mode of application for permission.*—Any person, other than any State Government or the Central Government or any local authority or the Tamil Nadu Slum Clearance Board, who intends to construct a multistorey building or a Commercial

building or information technology building or a group development or a special building or an institutional building or industrial building or a combination of two or more categories of these buildings, for which planning permission is required under the Act, shall apply to the planning authority or the local authority, as the case may be, in Form A, for the assessment of infrastructure and amenities charges payable in respect thereof, along with the application for planning Permission.

7. *Determination of Infrastructure and Amenities Charges.*—The appropriate planning authority or the local authority, as the case may be, shall, on such application being made or if no such application is made, after serving a notice in writing on the person liable to such payment and after calling for a report in this behalf from the officer concerned of the planning authority or the local authority, determine whether or not, and if so, what Infrastructure and Amenities Charges is leviable in respect of a multistoreyed building or a commercial building or an information technology building or a group development or a special building or an institutional building or an industrial building or a combination of two or more categories of these buildings, or change of use of any building to commercial or information technology or institutional industrial use, issue a provisional notice of demand for the payment of Infrastructure and Amenities Charges; to the owner or occupier in Form B.

8. *Final assessment of Infrastructure and Amenities Charges.*—The planning authority or the local authority, as the case may be, after taking into consideration the objections, if any, filed by such person in respect of Infrastructure and Amenities charges payable by such person shall issue a notice in writing of such assessment in Form C.

9. *Payment of Infrastructure and Amenities Charges.*—Such person on receipt of the final assessment order under Rule 8 shall be liable to pay to the Planning Authority or the Local Authority, as the case may be, Infrastructure and Amenities Charges assessed:—

Sl. No.	Number of Instalment.	Quantum of Infrastructure and Amenities Charges to be collected.	Period of payment.
(1)	(2)	(3)	(4)
1	1st Instalment	50 per cent of the charge	At the time of final decision on the application for grant of planning permission but before the issue of the Planning Permission.
2	2nd Instalment	25 per cent of the charge	Within the end of 6 months period from the date of issue of Planning Permission.
3	3rd Instalment	25 per cent of the charge	Within one year from the date of payment of second instalment or before the issue of completion certificate whichever is earlier.

10. *Appeal.*—Any person aggrieved by the final assessment order issued under Rule 8 may, within a period of thirty days from the date on which the order was received by him, appeal against such order to the Chennai Metropolitan Development Authority in cases relating to Chennai Metropolitan Planning Area or to the Director of Town and Country Planning in cases relating to planning areas other than the Chennai Metropolitan Planning Area:

Provided that the Chennai Metropolitan Development Authority or the Director of Town and Country Planning, as the case may be, may admit an appeal preferred after the expiry of the said period, if the Chennai Metropolitan Development Authority or the Director of Town and Country Planning, as the case may be, is satisfied that the appellant had sufficient reason for not preferring the appeal within the said period. However, no such appeal shall be entertained after a period of one hundred and eighty days from the date on which the order was received by him:

Provided further that no appeal shall be entertained under this Rule unless it is accompanied by satisfactory proof of the payment of the Infrastructure and Amenities Charges admitted by the appellant to be due or 50 per cent of the assessed amount whichever is higher.

R. SELLAMUTHU,
Secretary to Government.

FORM A

(See Rule 6)

Application for Assessment of Infrastructure and Amenities Charges.

To

The Planning Authority or the Local Authority.

Sir,

I intend to develop commercial building / information technology building / institutional building / industrial building, institute/change the use of the building as to commercial / information technology / institutional / industrial as per details furnished in the statement below for which permission is required under the Act. I hereby request that you will be pleased to assess the liability for the levy of Infrastructure and Amenities Charges and to determine the Infrastructure and Amenities Charges payable and communicate the same to me.

1. (a) Name of the owner/occupier of the building
- (b) Full address
- (c) Name of the applicant
- (d) Date of application for permission
2. Description of the building for which infrastructure and basic amenities charge has to be assessed—
 - (a) Door Number
 - (b) Survey Number and sub-division number, if any
 - (c) Name of the Street
 - (d) Name of the Division or Ward
 - (e) Village or Town
3. Building—
 - (i) Plinth area of the building
 - (ii) Present use—Residential/industrial/commercial/miscellaneous.
 - (iii) Use proposed—Commercial/information technology/institutional / industrial
 - (iv) Nature of the building—multistoreyed / non-multistoreyed
4. Any other particulars supporting the application

Yours faithfully,

Date:
Station:

Signature of the applicant