

# The Odisha Gazette

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## HOUSING & URBAN DEVELOPMENT DEPARTMENT

### NOTIFICATION

The 6th August, 2019

**S.R.O. No. 273/2019**— Whereas, in exercise of the powers conferred by Section 124 of the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982), the 9 (nine) Development Authorities of the State i.e. Bhubaneswar Development Authority, Cuttack Development Authority, Berhampur Development Authority, Sambalpur Development Authority, Rourkela Development Authority, Puri-Konark Development Authority, Paradeep Development Authority, Kalinga Nagar Development Authority and Talcher-Angul- Meramandali Development Authority, with the approval of the State Government, have notified their Planning & Building Standards Regulations for regulating the development and building construction activities being undertaken within their respective jurisdictions;

And, whereas, provisions have been made in all the above said Planning & Building Standards Regulations which empowers State Government to formulate a scheme for compounding the deviations related to unauthorized constructions;

And, whereas, a scheme for Regularisation of Unauthorised Constructions, 2018 was notified vide notification No.15646/HUD., dated the 20 th June, 2018 published in the Extraordinary issue of the *Odisha Gazette* No.987 dated 20th June, 2018 which was in force initially for a period of six months and has been extended in two spells for a further period of six months each;

And, whereas, in view of the low response from the general public and after deliberation and discussion, it is considered necessary to bring some changes in the Scheme for greater acceptance and benefit of the general public;

And, whereas, it is felt necessary to give further opportunity for regularising the unauthorized constructions within the framework of standards prescribed for fire safety and structural stability, so as to bring all such development within regulatory framework of Development Authorities and thereby reducing the risks arising out of unregulated development.

Now, therefore, in exercise of such provisions and in supersession of the Scheme for Regularisation of Unauthorised Constructions, 2018 except in respect of things done or omitted to be done before such supersession, the State Government do hereby make the following scheme namely:—

**1. Short title, extent and commencement :—** (1) This scheme may be called the Scheme for Regularization of Unauthorized Constructions, 2019.

(2) It extends to all development areas of the State declared as such under the provisions of sub-section (1) of Section 3 of the Odisha Development Authorities Act, 1982.

(3) It shall come into force from the date of its publication in the *Odisha Gazette*.

**2. Definitions:—**

(1) In the scheme, unless the context otherwise requires,—

- (i) "Act" means the Odisha Development Authorities Act, 1982; (Odisha Act 14 of 1982);
- (ii) "applicant" means any person who applies under this Scheme to get the unauthorized constructions regularized;
- (iii) "approved plan" means building plan approved by the Competent Authority;
- (iv) "clinical establishment" means clinical establishment as defined under clause (b) of Section 2 of the Odisha Clinical Establishment (Control and Regulation) Act, 1991.
- (v) "competent authority" means the Development Authority, Regional Improvement Trust and Special Planning Authority, Urban Local Bodies or other Government Agency which is or was empowered to approve building plan under the provisions of the relevant Act, rules and regulations governing such Authority;
- (vi) "Form" means Form appended to this Scheme;
- (vii) "Unauthorized constructions" means constructions undertaken in contravention of the approved plan or without any approval by the Competent Authority.

(2) Words and expressions used in this scheme but not defined shall have the same meaning as assigned to them in the Act or the rules and regulations made thereunder.

**3. Applicability:—** (1) The Scheme intends to give an opportunity to every person for regularizing unauthorized constructions undertaken within the Development area, prior to the date of the commencement of the Scheme, by way of compounding on payment of fee at the rate prescribed in this scheme.

(2) The Scheme is applicable only to such unauthorized constructions that are structurally safe and do not affect any public interest or safety or interfere with any public activity.

(3) The relaxation provided in the Notification of the Government of Odisha in the Housing & Urban Development Department No. 12226, dated the 30th May, 2017 in respect of regularization of the sub-divided plots or layouts over which the unauthorized construction has been undertaken shall also be made applicable under this Scheme.

(4) The scheme shall also be applicable to all applications received under the Scheme for Regularization of Unauthorized Constructions, 2018 including subsequent extensions of the scheme.

**4. Application Procedure:—** (1) Any person who intends to get the unauthorized constructions regularized under this Scheme shall apply to the concerned Development Authority in Form-A accompanied with the fees as prescribed in the Odisha Development Authorities (Common Application Form) Rules, 2016, within six months, unless extended otherwise by the State Government from the date on which this Scheme has come into force, with the following documents, namely:—

- (a) four copies of building plans as per actual construction at site showing site plan, layout plan, floor plan, four side elevations, drainage and sewerage disposal plan, etc. duly signed by the plot owner or Developer and the Architect or Technical person as per the provisions of the Planning and Building Standards Regulations of respective Development Authority;
- (b) copy of ownership document of land;
- (c) copy of approved plan and approval letter, if any;
- (d) affidavit in Form-B regarding peaceful possession of the land and construction undertaken at site;

- (e) photograph of the building from two angles duly signed by the applicant and attested by the concerned Architect or registered technical person with date;
- (f) site inspection report duly signed with date by the applicant and the Architect registered with Council of Architecture, India or registered Technical Person under the Odisha Development Authority (Common Application Form) Rules, 2016;
- (g) Certificates or Clearances or No Objection Certificates, as the case may be, relating to,—
  - (i) fire safety in cases where same is required as per the provisions of the Odisha Fire Prevention and Safety Rules, 2017, if any;
  - (ii) structural safety as per Planning and Building Standards Regulations of the respective Development Authority in Form-C;
  - (iii) peripheral infrastructure development in applicable cases from urban local body;
  - (h) No Objection Certificate in the form of affidavit from the concerned neighbour, if the person regularizes unauthorized constructions with nil setback on any side of the plot in Form-D:

Provided that No Objection Certificate shall not be required if the neighbour himself is a violator of setback norms laid down in the Planning and Building Standards Regulations:

Provided further that plots having a maximum area of 300 square meters shall be considered for regularization without insisting upon No Objection Certificate from neighbours.

- (i) Other No Objection Certificates as required for particular category of buildings as per planning and building standard regulations of respective Authority, e.g., building require clearance from Archeological Survey of India, Airport Authority of India, State Environmental Impact Assessment Authority, etc.

**NOTE:** The application needs to be mandatorily authenticated by Architect registered with the Council of Architecture, India or other technical persons registered under the Odisha Development Authorities (Common Application Form), Rules, 2016 including the compounding calculation sheet in Form-E.

(2) All other provisions of application procedure as per the Planning and Building Standards Regulations of respective Development Authority shall apply, *mutatis mutandis*.

(3) The applications under this Scheme shall be disposed of within six months from the receipt of complete application, as per the delegation of powers notified by the concerned Development Authority for the purpose of approval of Building Plan.

**5. Restrictions on regularization.—** (1) The unauthorized constructions shall not be regularized in the following cases, namely:—

- (a) Where construction has been undertaken on the Government land or land belonging to local body or land not owned by the person undertaking such development;
- (b) Where construction has been undertaken over public or private road or on the alignment of any of the natural drainage, channel or any drains proposed in the Development Plan or otherwise;
- (c) Where construction has been undertaken in violation of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010:

Provided that such constructions can be regularized if No Objection Certificate from the concerned Authority is produced.

- (d) Where construction has been undertaken in violation of the height restrictions notified by the Airports Authority of India:

Provided that such constructions can be regularized if No Objection Certificates from the concerned Authority is produced;

- (e) Where construction has been undertaken in violation of the prescribed norms of Planning and Building Standards Regulations of respective Development Authorities not specifically relaxed in this Scheme;

- (f) Where construction has been undertaken in violation of the zoning regulations governing Environmentally-sensitive zone, open space use zone or any other special land use zone as identified in the respective Development Plan;
- (g) Where construction has been undertaken in violation of any norms of Eco-sensitive zone notified by Forest & Environment Department:  

Provided that such constructions can be regularized if No Objection Certificate from the concerned Authority is produced;
- (h) Where construction has been undertaken in violation of coastal regulation zone or any other special restriction made in the Planning and Building Standard Regulation of the concerned Authority.

**EXAMPLE :**

- (i) In open space use zone area the coverage and height of the Building shall not exceed 40 % and 7 meters, respectively.
- (ii) In environmental sensitive zone, the minimum plot area is to be 4000 square meter, coverage should not exceed 40 % and the approach road should not be less than 12 metres.
- (iii) The height of the building on Grand Road and up to a distance of 100 metres on either side of the Grand Road in Puri shall not exceed 12 meters.
- (i) Where construction has been undertaken in sweet water zone restricting construction through a notification; and
- (j) Where the plot does not have any authenticated access or approach to the plot.
- (k) Where construction or usage of land or Building has been undertaken in violation of conditions of lease in case of leasehold land leased by Government in the General Administration & Public Grievances Department, Revenue & Disaster Management Department or any other Public Agencies.

(2) The general restrictions on permission as per the Planning and Building Standards Regulations of Development Authorities shall prevail while considering the regularization of Special Buildings.

**6. Relaxation of Planning and Building norms:—** (1) In case of Non high-rise and high-rise buildings, the unauthorized constructions may be regularized as per the Planning norms specified in the Table-I below:

**TABLE-I**

| Sl. No.    | Buildings Type                                                                                                  | Minimum Planning Norms to be met |                                                                                                       |                                                                                                                                                           |
|------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                 | Ground Coverage                  | Setback                                                                                               | Parking                                                                                                                                                   |
| (1)        | (2)                                                                                                             | (3)                              | (4)                                                                                                   | (5)                                                                                                                                                       |
| <b>(a)</b> | <b>Non-High Rise</b>                                                                                            |                                  |                                                                                                       |                                                                                                                                                           |
|            | (i) Residential                                                                                                 |                                  |                                                                                                       |                                                                                                                                                           |
|            | Plotted development up to 300 square metres of plot area                                                        | up to 100%                       | NA                                                                                                    | NA                                                                                                                                                        |
|            | Plotted development >300 square metres of plot area                                                             | up to 75%                        | NA                                                                                                    | NA                                                                                                                                                        |
|            | Apartments                                                                                                      | NA                               | 1.5 m. setback in all sides.                                                                          | 50% of parking requirement & consent of Residents' Welfare association/ Apartment owners                                                                  |
|            | (ii) Commercial                                                                                                 |                                  |                                                                                                       |                                                                                                                                                           |
|            | up to 300 square metres of plot area                                                                            | up to 100%                       | NA                                                                                                    | Nil                                                                                                                                                       |
|            | >300 square metres of plot area and up to 500 sqm.                                                              | up to 75%                        | NA                                                                                                    | 25% of parking requirement                                                                                                                                |
|            | >500 square metres of plot area                                                                                 | up to 70%                        | 1.5 m. setback in all sides.                                                                          | 50% of parking requirement                                                                                                                                |
|            | For Malls, shopping complexes and mercantile buildings of height 9 m. or more and less than 15 m.               | up to 70%                        | Minimum 3.0 meter setback at least on any two sides except front side.                                | 50% of parking requirement                                                                                                                                |
|            | For Business or office buildings/ Hotels, Lodgings and Guest houses of height 12 m. or more and less than 15 m. | up to 70%                        | Minimum 3.0 meter setback at least on any two sides except front side.                                | 50% of parking requirement                                                                                                                                |
| <b>(b)</b> | <b>High Rise building</b>                                                                                       |                                  |                                                                                                       |                                                                                                                                                           |
|            | Building Height of 15 m. or more and upto 18 m.<br><br>(for all category of buildings)                          | —                                | 1.5 m. setback on all side and minimum 4.5 meter setback at least on any two sides except front side. | For Residential Building 50% of parking requirement & consent of Residents' Welfare Association<br><br>For Commercial Building 50% of parking requirement |
|            | Building Height above 18 m. and upto 21 m.<br><br>(for all category of buildings)                               | —                                | Minimum 4.5 meter setback on all sides.                                                               | For Residential Building 50% of parking requirement & consent of Residents' Welfare Association<br><br>For Commercial Building 50% of parking requirement |
|            | Building height above 21m.                                                                                      | -                                | Minimum 6m. setback on all sides                                                                      | For Residential Building 50% of parking requirement & consent of Residents' Welfare Association<br><br>For Commercial Building 50% of parking requirement |

**NOTE :** (a) For special and institutional buildings except clinical establishment relaxed planning norms for commercial buildings shall apply, if not mentioned otherwise in the scheme:

Provided that, the setback provision for non-high rise clinical establishments shall be applicable as specified for commercial building and the setback for high-rise clinical establishments shall be applicable as specified for high-rise building category, in the Table-I above.

(b) For educational buildings and clinical establishments with building height, of 12 m. or more and less than 15 m., there shall be minimum 3.0 meter setback at least on any two sides except front side.

(c) Cinema halls and multiplexes- no relaxation shall be given.

(2) In case of non-high rise building and high rise building, the unauthorised construction may be regularized as per building norms specified in the Table-II below:

**TABLE-II**

| Sl. No.<br>(1) | Buildings Type<br>(2)                                    | Minimum Building Norms to be met<br>(3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                               |
|----------------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(a)</b>     | <b>Non-high rise</b>                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                               |
|                | (i) Residential (Plotted)                                | Staircase<br>(a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Corridor<br>(b)                                                                                                                               |
|                | Plotted development up to 300 square metres of plot area | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Not applicable                                                                                                                                |
|                | Plotted development >300 square metres of plot area      | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Not applicable                                                                                                                                |
|                | (ii) Apartments and special buildings                    | <p>(a) have the provisions of second staircase, the existing staircase of minimum width of 1.5m shall be converted to fire staircase (pressurized) fitted with smoke extraction system and fire resistant doors (two hours rating).</p> <p>(b) In case there is a single staircase, an external staircase (fire escape) of minimum 0.90m width shall be provided from ground to top of the building connecting all floors for easy evacuation of the occupants<br/>Where a single staircase of required width as above in (b) is provided, the owner of the building shall create refuge area of 10 Square meter fitted with fire resistant doors of two hours rating in each floor of the building along with the provisions of opening/exit doors on the external wall facing to the side open space (setbacks).</p> | <p>(a) The corridor shall be of minimum of 1.5 m wide</p> <p>Minimum two exits of 1.5 m width each shall be provided in the ground floor.</p> |

| (1)        | (2)                       | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(b)</b> | <b>High Rise Building</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|            |                           | <p>(a) The width of the stairs of both the staircases shall be at least 1.5m wide each.</p> <p>(b) Out of minimum of two staircases, one must be pressurized and fitted with smoke extraction system and fire resistant doors of two hours rating in each floor.</p> <p>(c) If the width of one or both the staircases is less than the required width as per NBCI, the owner shall provide a refuge area of 10 Square meter fitted with smoke extraction system and fire resistant doors of two hours rating in each floor having exit of 1.5 meter wide towards open spaces / side setbacks / roads in each floor.</p> |
|            |                           | <p>(a) At least two exit doors of minimum 1.5m wide shall be provided in the ground floor.</p> <p>The width of the corridor shall not be less than 1.5m wide.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**EXPLANATION:** Irrespective of the relaxation provided in this Para.—

- (a) the accessibilities of fire engine and fire-fighting personnel to different sites and parts of special buildings shall be assessed by the State Fire Service Organisation while issuing No Objection Certificate or Fire Safety Certificate;
- (b) The owner shall provide all the fire prevention and safety installations as per the provisions of National Building Code of India and any additional fire protection measures as recommended by State Fire Service Organisation, the reasons of which shall be recorded in writing;
- (c) The owner shall provide underground Water Tank and Terrace Tank as per the provisions of the National Building Code of India; and
- (d) The setbacks mentioned above shall remain free from all obstructions and open to sky.

#### **7. Relaxation in planning and building norms for clinical establishments :—**

(1) Non-high-rise Building Category having plot size above 200 Square metres and up to 1000 Square metres shall meet the following requirements; namely:—

- (a) Means of access shall be at least 6 metres wide public road;
- (b) the setback provision specified for clinical establishment in Table-I shall be applicable, if not specified otherwise hereunder;
- (c) the front setback need not be insisted upon if the building abuts to 6 metres wide public road;
- (d) if the public road of 3 meters wide on the side of the plot or 6 metres wide on the rear of the plot is available, it will be considered as relaxation towards open space or setback for the purpose of emergency evacuation

and the above requirement of one side setback (excluding rear set-back) may not be insisted upon:

Provided that, the owner shall provide one exit or exit of refuge area facing to the said public road.

(2) Non-High rise building category having plot size above 1000 square metres shall fulfill the following requirements, namely:—

- (a) means of access shall be at least 6 metres wide public road;
- (b) the setback provision specified for clinical establishment in Table-I shall be applicable, if not specified otherwise hereunder;
- (c) if the public road of 4.5 meters wide on one side of the plot or 6 metres wide on the rear side of the plot is available, the same will be considered as relaxation towards open space or setback for the purpose of emergency evacuation and the above requirement of corresponding set back may not be insisted upon:

Provided that the owner shall provide one exit or exit of refuge area facing to the said public road.

(3) In case of High rise clinical establishment i.e. height of 15 metres and above the following requirements shall be met, namely:—

- (a) minimum means of access shall be 9 metres for buildings up to 18 metres height and 12 metres for building above 18 metres height.
- (b) the setback provision specified for clinical establishment in Table-I shall be applicable;
- (4) (a) The parking requirements shall be relaxed to the extent available, on compounding in case of non-high-rise clinical establishments on payment of compounding towards deficit in parking.
- (b) in case of high rise clinical establishments 50% of the parking requirement is to be met.
- (c) The deficit in off street parking against the provision of Planning and Building Standard Regulation of the concerned Development Authority shall be compounded at the rate as specified in item (a) of sub-Para. (1) of Para. 8 below.

**EXPLANATION:** (a) The Building norms specified in Table-II shall apply to the clinical establishments.

(b) The restriction of numbers of beds as mentioned in Planning & Building Standard Regulations with respect to Nursing Homes/ Hospitals/Clinical Establishments shall be done away with.

(c) The owner shall provide underground Water Tank and Terrace Tank as per the provisions of National Building Code of India.

(d) The owner shall provide all the fire prevention and safety installations as per the provisions of National Building Code of India and any additional fire protection measures as recommended by State Fire Service Organization, the reasons of which shall be recorded in writing.

- (e) All these buildings shall require NOC from the DISCOM/Electrical Inspector prior to regularization.
- (f) The Fire Safety Certificate is required as per the provisions of the Odisha Fire Prevention and Safety Rules, 2017 before regularization.
- (g) The setbacks mentioned above shall remain free from all obstructions and open to sky.
- (h) Irrespective of the relaxation provided in these recommendations, the accessibilities of fire engine and fire fighting personnel to different sites and parts of these buildings shall be assessed by the State Fire Service Organization while issuing Fire Safety Certificate.

**8. Compounding rate:—** (1) The following charges shall be levied for compounding of;

- (a) parking deficit:

| Area<br>(1)           | Parking Deficit Charges per Square meter (in Rupees) (Residential/ Non-Residential)<br>(2) |
|-----------------------|--------------------------------------------------------------------------------------------|
| Municipal Corporation | 10,000/-                                                                                   |
| Municipality          | 8,000/-                                                                                    |
| NAC                   | 6,000/-                                                                                    |
| Rural                 | 5,000/-                                                                                    |

- (b) The Compounding Rate for built-up area deviation shall be applicable as specified below:

| Category Wise Compounding Rates                                                                                                                                                                                                                                                                                                                                                       |                                |                                                               |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Sl. No.<br>(1)                                                                                                                                                                                                                                                                                                                                                                        | Situations/ Limitations<br>(2) | Compounding Fee for Square meter (in Rupees) of built-up area |                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                       |                                | Residential<br>(3)                                            | Other than Residential<br>(4)                                                         |
| 1                                                                                                                                                                                                                                                                                                                                                                                     | Up to Maximum FAR              | Rs.250/-                                                      | Rs.500/-                                                                              |
| 2                                                                                                                                                                                                                                                                                                                                                                                     | Beyond Maximum permissible FAR | Rs.500/-                                                      | Rs.500/-<br>or<br>25% of Bench Mark Value of 1 sq.m of land area, whichever is higher |
| <p><b>NOTE:</b> In mixed-use buildings, the rates shall be applicable on pro-rata basis.</p> <p><b>EXPLANATION:</b> For deciding upon the applicable charges on pro-rata basis for different uses, in case of calculation of mixed use of building, the total area towards each use in the building shall be considered and ratio of different uses shall be derived accordingly.</p> |                                |                                                               |                                                                                       |

(2) In case of regularization of construction undertaken in respect of plot size up to 100 Square meters with maximum built up area of 150 square meter, a lump sum compounding fee of INR 20,000 shall be charged.

(3) The built-up area constructed on a plot can be regularized under the scheme without any limitation of Floor Area Ratio (FAR), as per the provisions prescribed in sub-clause 1 (b) of clause 8 above.

**9. Manner of Payment of fee:—** (1) The application shall be accompanied by self- assessed compounding fee as per the rates prescribed and other fee and which shall be deposited with concerned Development Authority in one installment only in the form of two separate bank drafts drawn in any nationalized bank payable in their favour.

(2) The differential amount, if any, shall be paid within 30 days from the date of receipt of intimation from the Development Authority and extra amount deposited by the applicant, if any, shall be refunded without interest.

(3) Conversion Fees, if applicable, as per sub-section (3) of Section 119 of the Act shall be paid by the applicant.

(4) The compounding fees and kism conversion fees so collected under this Scheme shall be deposited in the Comprehensive Development Plan Infrastructure Development Fund (CIDF) of the respective Development Authority

**10. Penalties:—** (1) In the event of incomplete application and non-compliance to the observations of the Development Authority, the application shall be rejected and 10% of the compounding charges prescribed under the Scheme shall be forfeited.

(2) In the event of misrepresentation or suppression of facts, the compounding fee shall be forfeited and the permission for regularization so issued shall be revoked and the matter shall be reported to the Council of Architecture, New Delhi for cancellation of the license of the concerned Architect and Director Town Planning for cancellation of registration in case of technical persons.

(3) This shall also warrant criminal prosecution against the applicant or Architect or the Technical person who has signed the application without verifying the correctness of the facts as mentioned in the application.

**11. Miscellaneous:—** (1) The permission to regularize the unauthorized construction will not confer any right, title and interest over the land or plot.

(2) The unauthorized constructions once regularized under this Scheme shall not be considered for any regularization in future.

(3) The representatives of concerned Development Authority, Public Health Engineering Department and the Urban Local Bodies will form a panel to take up random inspection of the construction on the site.

(4) The Development Authority reserves the right to initiate proceedings against unauthorized constructions under the Act where the cases cannot be regularized under this Scheme.

(5) A summary of the unauthorized constructions regularized under the Scheme shall be published through a public notice as per the provisions of the relevant regulation of the Development Authority.

(6) In case of any dispute in interpretation of this scheme, the decision of the State Government is final.

**12. Appeal:—** Any person aggrieved by the decision of the Development Authority may prefer appeal under the relevant sections of the Act and the decision of the Appellate Authority shall be final.

[No.13955-T.P. DEV.-22/2018/HUD.]

By Order of the Governor

G. MATHI VATHANAN

Principal Secretary to Government

# **FORMS**

**(SCHEME FOR REGULARISATION OF  
UNAUTHORISED CONSTRUCTIONS,  
2019)**



**BHUBANESWAR DEVELOPMENT AUTHORITY**

**FORM A**

[See Para 4(1)]

**APPLICATION FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION OF  
BUILDING WITHIN DEVELOPMENT PLAN AREA OF  
BHUBANESWAR DEVELOPMENT AUTHORITY***(Form to be filled in by the applicant in block letters)*

NAME: \_\_\_\_\_

PRESENT POSTAL ADDRESS : \_\_\_\_\_  
(CORRESPONDENCE) \_\_\_\_\_

Tel. No: \_\_\_\_\_

**FOR OFFICE USE**

Registration No: \_\_\_\_\_

Scrutiny fee (Draft No. &amp; date): \_\_\_\_\_

Compounding fee (Draft No. &amp; date): \_\_\_\_\_

**To,**  
**The Vice-Chairman,**  
**Bhubaneswar Development Authority**  
**Bhubaneswar**

Affix recent  
photograph of  
the applicant  
with signature  
on the body of  
the photograph

Sir,

I/We hereby apply for regularization of unauthorized/deviated construction as mentioned below:

- |   |                                                       |                    |       |
|---|-------------------------------------------------------|--------------------|-------|
| 1 | Name of the applicant                                 | :                  | _____ |
|   |                                                       |                    | _____ |
| 2 | Applicant's interest in land<br>with record-of-rights | Owner:             | _____ |
|   |                                                       | Power of attorney: | _____ |
| 3 | Plot No                                               | :                  | _____ |
|   |                                                       |                    | _____ |
|   |                                                       |                    | _____ |
| 4 | Area in Sq. Mtrs                                      | :                  | _____ |
| 5 | Mouza                                                 | :                  | _____ |

|       |                                                           |                              |
|-------|-----------------------------------------------------------|------------------------------|
| 6     | Nature of Ownership<br>(Lease hold/Sthitiban)             | _____                        |
| 8     | Land use in C.D.P                                         | : _____                      |
| 9     | Kisam of the Land                                         | : _____                      |
| 10    | Approach road                                             | Private: _____ Public: _____ |
| 11    | Road width                                                | : _____                      |
| 12    | Whether connected to<br>Existing public road              | Yes _____ No _____           |
| 13    | Distance from A.S.I/State protected Monuments:            |                              |
| 13(a) | Within 100 Mtrs                                           | : _____                      |
| 13(b) | Upto 300 Mtrs                                             | : _____                      |
| 13(c) | Beyond 300 Mtrs                                           | : _____                      |
| 14    | Whether coming within Airport Restriction Zone? If yes:   | : _____                      |
| 14(a) | Height permissible as per colour code zoning map:         | : _____                      |
| 15    | Height of the existing building                           | : _____                      |
| 16    | <b>Total deviation in Sq mtr:</b>                         |                              |
| 16(a) | Parking Deficit:                                          | _____ Sq.m                   |
| 16(b) | Built-up Area deviation<br>(Upto maximum Permissible FAR) | _____ Sq.m                   |
| 16(c) | Built-up Area<br>(Beyond maximum Permissible FAR)         | _____ Sq.m                   |

#### DOCUMENTS/ PLANS FURNISHED

|   |                                                                                                                                                                |  |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 | Copy of the ownership document                                                                                                                                 |  |
| 2 | Copy of the Kisam conversion certificate/ money receipt for conversion, if necessary                                                                           |  |
| 3 | Four copies of plan as per actual construction site                                                                                                            |  |
| 4 | Photocopy of the approved plan and approval letter, if any                                                                                                     |  |
| 5 | Affidavit (in the Form-B)                                                                                                                                      |  |
| 6 | Photographs of the building from two angles existing at the time of application, signed by the applicant and attested by the Architect with date               |  |
| 7 | Site Inspection Report                                                                                                                                         |  |
| 8 | Structural Safety Certificate (in Form-C) from a Structural Engineer in case of building exceeding two floors/vetting of Structural Design wherever applicable |  |

|                                     |                                                                               |                              |                    |                                       |
|-------------------------------------|-------------------------------------------------------------------------------|------------------------------|--------------------|---------------------------------------|
| 9 NOC clearances obtained:          |                                                                               |                              |                    |                                       |
| 9(i)                                | Fire Safety Certificate                                                       |                              |                    |                                       |
| 9(ii)                               | NOC from Urban Local Body in respect of peripheral Infrastructure Development |                              |                    |                                       |
| 9(iii)                              | NOC from the Neighbour(Form-D)                                                |                              |                    |                                       |
| 9(iv)                               | Any other applicable NOC/Clearance                                            |                              |                    |                                       |
| 10 Land use Map of CDP of the Site: |                                                                               |                              |                    |                                       |
| 11 Deposit details                  |                                                                               |                              |                    |                                       |
| 11 (i)                              | Fees as per ODA(CAF) Rules 2016:                                              | Amount (in Rs.)<br>Rs. _____ | Draft No.<br>_____ | Drawee Bank/Branch:<br>_____<br>_____ |
| 11 (ii)                             | Compounding fee                                                               | Amount (in Rs.)<br>Rs. _____ | Draft No.<br>_____ | Drawee Bank/Branch:<br>_____<br>_____ |

Date: \_\_\_\_\_

Place: \_\_\_\_\_

\_\_\_\_\_  
**Signature of the Architect/ Technical Person****Name:** \_\_\_\_\_**Registration No.:** \_\_\_\_\_**Tel No.:** \_\_\_\_\_**Postal Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_  
**Signature of the applicant(s)****Name:** \_\_\_\_\_**Tel No.:** \_\_\_\_\_**Postal Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORM B**  
[ See Para 4(1)(d)]  
**AFFIDAVIT**  
(To be sworn by the applicant)

I/We, Shri/Smt. \_\_\_\_\_  
aged \_\_\_\_\_ years, son/daughter/wife of Shri/Smt. \_\_\_\_\_  
\_\_\_\_\_ of village \_\_\_\_\_ P.S.  
\_\_\_\_\_ Dist \_\_\_\_\_ do hereby solemnly affirm as follows :

1. That I/We have obtained a plot/building by way of purchase/ lease/ gift/ family partition/ court decree from \_\_\_\_\_ of village \_\_\_\_\_  
vide deed No. \_\_\_\_\_ Dt. \_\_\_\_\_ the details of which are  
given in the schedule below.

**SCHEDULE OF PROPERTY**

Name of the Mouza/Village :  
Tahasil :  
Sabak/Hal Plot No. :  
Khata No. :  
Area :  
Layout plot (Drawing) No :  
Approved by \_\_\_\_\_ vide letter No \_\_\_\_\_ dated \_\_\_\_\_

**BOUNDED BY (Please mention plot numbers/road)**

Eastern side: \_\_\_\_\_ Western side: \_\_\_\_\_  
Northern side: \_\_\_\_\_ Southern side: \_\_\_\_\_

2. That from the date of acquisition, I/We am/are in lawful and peaceful possession over the above plot.  
3. That I/we have not constructed the building or any part thereof beyond my/our legally owned land.  
4. That I/We have not encroached any Govt. land or any other land abutting or contiguous to my aforesaid land.  
5. That the plan submitted for regularization is exactly as per the actual construction at site.  
6. That the information furnished in the application form and documents submitted along with the application are correct.  
7. That the restrictions imposed in Para. 5(Five) of the scheme are not applicable to this proposal.  
8. That I/We undertake the responsibility of structural safety/vetting of structural design of the building and Bhubaneswar Development Authority shall in no way be held accountable for any structural failure of the building.  
9. That in the event of any suppression and/or misrepresentation of facts in the application, the Authority has got every right to refuse the permission/revoke the permission and forfeit the compounding fee deposited by me/us and I/We shall be liable for criminal prosecution.

IDENTIFIED BY :

DEPONENT

**FORM C**  
[See Para 4(1)(g)(ii)]

**STRUCTURAL SAFETY CERTIFICATE**

This is to certify that I/We have checked the structural stability of the existing \_\_\_\_\_storey building constructed over the plot No. \_\_\_\_\_  
\_\_\_\_\_Mouza \_\_\_\_\_

The existing construction of the building is structurally safe as per the provision of the National Building Code of India taking into account the safety factors especially for cyclone, earthquake and other natural calamities.

Date;

Signature with seal of Structural Engineer

Place:

Name :

Regn. No.:

Office postal address:

Ph. No.:

Signature of the applicant(s)

Name:

Postal address:

Tel No:

**FORM D**

[See Para 4(1) (h)]

(No Objection Certificate by the owner of the Neighbour Plot)

**AFFIDAVIT**

I/We, Shri/Smt. \_\_\_\_\_ aged \_\_\_\_\_  
son / daughter / wife of Shri/Smt. \_\_\_\_\_  
village \_\_\_\_\_ P.O. \_\_\_\_\_ P.S. \_\_\_\_\_ Dist. \_\_\_\_\_  
\_\_\_\_\_ do hereby solemnly affirm as follows:

That, I/We own a plot of land/building bearing no. \_\_\_\_\_ of  
village / Unit \_\_\_\_\_ P.O. \_\_\_\_\_  
P.S. \_\_\_\_\_ on the North/South/East/West side of Plot/House  
No. \_\_\_\_\_ village/Scheme \_\_\_\_\_ owned by  
Shri/Smt. \_\_\_\_\_ aged \_\_\_\_\_ son/daughter/wife of  
Shri/Smt. \_\_\_\_\_ village \_\_\_\_\_  
P.O. \_\_\_\_\_ P.S. \_\_\_\_\_ Dist \_\_\_\_\_.

That, I/We have no objection for the construction undertaken by Shri / Smt.  
\_\_\_\_\_ over above plot with nil/zero set back  
on the North/South/East/West side of my / our plot / house.

That, this affidavit is required to be produced before the Bhubaneswar Development  
Authority for regularization of construction undertaken over above plot by  
Shri/Smt. \_\_\_\_\_ in village/Unit  
\_\_\_\_\_ under the provisions of Clause of Bhubaneswar  
Development Authority (P. & B.S.) Regulations.

That the facts stated above are true to the best of my knowledge and belief.

IDENTIFIED BY:

DEPONENT