

Gujarat Town Planning And Urban Development Rules, 1979

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Gujarat Town Planning And Urban Development Rules, 1979

No.GH/P/78/UDA.1277/604/Q2. WHEREAS draft notification regarding the Gujarat Town Planning and Urban Development Rules, 1938 was published as required by sub-section (1) of section 118 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No. 27 of 1976), at pages 999-1058 of the Government of Gujarat Gazette, Extra-ordinary Part IV-B, dated t h e 21st December, 1978 under Government Notification, Panchayats, Housing and Urban Development Department No GH/P/205/UDA/1277/2401/Q2, dated the 20th December, 1978 inviting objections and suggestions from all persons likely to be affected thereby, till the 19th January, 1979; AND WHEREAS the objections and suggestions received from the public on the said draft have been considered by the Government; NOW, THEREFORE, in exercise of the powers conferred by section 118 of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No. 27 of 1976), the Government of Gujarat hereby makes the following rules, namely:

CHAPTER 1 CHAPTER

1. Short title :-

These rules may be called the Gujarat Town Planning and Urban Development Rules, 1979.

2. Definitions :-

(1) in these rules, unless the context otherwise requires,

(a) "Act" means the Gujarat Town Planning and Urban Development Act, 1976

(b) "section" means section of the Act.

(2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

CHAPTER 2 CHAPTER

3. Manner of preparation of draft development plan and its submission to State Government by the officer appointed under section 9(2) :-

The authorised officer shall prepare and submit the draft development plan after carrying out the survey of the area within the jurisdiction of the area development authority. For the purpose of carrying out survey of the area and preparation of the draft development plan the authorised officer shall after giving 24 hours notice in writing to the owner, occupier or other person interested in the land unless such owner or occupier has given consent to such entry enter upon, survey, mark out such land and do all things necessary for such purposes and then proceed to prepare development plan in the manner provided in sections 10, 11 and 12. After the development plan is prepared the said Officer shall submit the same to the State Government through the Chief Town Planner alongwith the particulars referred to in sub-section (2) of section 13.

4. Use of distinguishing colours in draft development plan under section 11 :-

The distinguishing colours to be used in draft plan under section 11 shall be as under.

5. Manner of publication of draft development plan and form of notice for inviting suggestions or modifications to the draft development plan under section 13. :-

(1) the area development authority or as the case may be the authorised officer shall, as soon as may be after a draft development plan is prepared and submitted to the State

Government under section 9, cause the development plan also published by means of a notice in the Official Gazette, and in one or more Gujarati newspapers circulating within the area declared as development areas, Such notice shall as far as may be in Form A. Copies of notice shall also be posted at the head office of the area development authority or as the case may be at the prominent place in the development area, as deem fit by the authorised officer and at other prominent places in the area declared as development area.

(2) Every notice published under sub-rule (1) shall be in pursuance of the provisions of section 13 announce that if within two months from the date of publication of notice in the matter in the Official Gazette any member of the public communicates in writing to the area development authority or as the case may be to the authorised officer, his objections or suggestions with respect to the development plan, the development authority or as the case may be the authorised officer shall consider such objections or suggestions and may modify such plan as it/he thinks fit.

6. Manner in which notice for inviting suggestions or objections to modifications in the draft development plan 1[and regulations] shall be published under section 15 or under the proviso to sub-clause (ii) of clause (a) of sub-section (1) of section 17 :-

(1) If the modifications made by an area development authority or as the case may be by the authorised officer in the draft development plan are of an extensive or a substantial nature, the said authority or as the case may be the authorised officer shall publish the modification in the Official Gazette. These modifications shall also be published by a notice which shall, as far as may be, be in Form B in one or more Gujarati newspapers circulating in the area covered by the draft development plan. The notice shall announce that if any objections or suggestions in respect of these modifications are received from the public within two months from the date of publication of the modifications in the Official Gazette, they shall be considered by the area development authority or as the case may be by the authorised officer before finally submitting

the development plan to Government for sanction.

(2) On receipt of the draft development plan under section 16, if the State Government is of the opinion that substantial modifications in the draft development plan and regulations are necessary, the State Government may publish the modifications so considered necessary in the Official Gazette. The State Government shall also, publish these modifications by notice in one or more newspapers in the regional language circulating in the area covered by, the draft development plan. The notice shall announce that if any suggestions or objections in respect of these modifications are received by Government from the public within two months from the date of publication of the modification in the Official Gazette, the State Government before according sanction to the draft development plan and the regulations, shall consider objections and suggestion so received.

7. Period within which the draft development plan and the regulations shall be sanctioned under sub-clause (i) of clause (a) of sub-section (1) of section 17. :-

(1) The State Government may sanction the draft development plan and the regulations submitted to it under section 16 within a period of 12 months from the date of receipt by the State Government, if no modification is proposed.

(2) If any modification in the draft development plan or the regulations submitted to the State Government under section 16 are considered necessary by the State Government then the State Government may sanction the draft development plan and the regulations with modifications within a period of twenty four months from the date of receipt by the State Government.

CHAPTER 3 CHAPTER

8. Rules 3 to 7 also to apply to when urban development

authority :-

The provision of rules 3 to 7 applicable to the area development authority shall mutatis mutandis apply to the urban development authority.

CHAPTER 4 CHAPTER

9. Form of application for development permission under sections 27 and 49 :-

An application, for permission for development shall so far as may be, in Form C.

10. Form of permission to be granted under sections 29 to 50 :-

The permission to be granted under sections 29 and 49 shall be in Form D.

11. Manner of making inquiry under sections 29, 34 and 49 :-

(1) for the purpose of making an inquiry under sub-section (5) of section 29, sub-section (4) of section 34 and clause (d) of sub-section (1) of section 49 (hereinafter referred to as the aforesaid provisions) the appropriate authority or as the case may be Authorised officer shall serve a notice in writing upon the person contravening any of the aforesaid provisions calling upon him,

(a) to remove pull, down or after the building or other work;

(b) to stop any development work being carried on by him;

(c) to discontinue the use of the property or part of the property;

(d) to restore the land to its original conditions as the case may be.

(2) the notice under sub-rule (1) shall as far as may be, be in Form

E.

(3) The appropriate development authority if it considers expedient to do so may appoint a Committee of not less than three of its members to hear such cases.

(4) Any representation which may be made by or on behalf of the person served with the notice on the date specified under sub- rule (1) or which may be received on or before such date shall be considered. Minutes shall be kept of the inquiry so held and the decision arrived at in the such inquiry shall be reduced to writing together with reasons for the same. Reasons for the decisions shall be signed by all persons giving such decision.

12. Time and manner in which compensation shall be claimed under sub-section (2) of section 33 :-

(1) The claim for compensation under sub-section (2) of section 33 shall be made within a period of one month from the date on which the permission granted under section 29 is revoked or modified by the appropriate authority or as the case may be, by the authorised officer, under sub-section (1) of section 33. The owner shall file claim of compensation in writing with sufficient documentary evidence to prove that the expenditure incurred by him in carrying out any development in accordance with the permission granted has been rendered abortive by revocation or modifications of such permission. The appropriate authority shall give the owner reasonable opportunity of being heard before finally assessing the amount of compensation.

(2) If the owner does not accept the compensation fixed by the appropriate authority under sub-section (2) of the section 33 he may give a notice to the appropriate authority or as the case may be to the authorised officer within fifteen days from the date of the order by which the compensation is communicated to him stating that he refuses to accept the compensation.

13. Layout plan :-

(1) The layout plan under sub-section (1) of section 34 shall be submitted in triplicate on a scale not smaller than 1/500 and shall include therein such of the following particulars as may be relevant to the layout, namely:

(i) sub-divisions of the plot;

(ii) site plan showing the existing access to the land included in the layout plan and the surrounding lands ;

(iii) the dimensions and area of each of the proposed sub-division;

(iv) widths of the proposed streets ;

(v) dimensions and area of open space provided for in the layout plan,

(vi) use of the plot proposed to be made by him.

(2) The appropriate authority or the authorised officer to whom the plan under sub-section (1) of section 34 is submitted may sanction the plan or refuse to sanction the plan as far as practicable within a period of two months and in any case not later than six months.

14. Manner of making an application for withdrawal of notice under sub-section (3) of section 36 :-

The application under sub-section (3) of section 36 shall contain sufficient reasons substantiated by documentary evidence as to why the notice under sub-section (1) of the said section 36 should be withdrawn.

15. Documents and plans to be given under sub-section (1) of section 39 :-

The documents and plans to be accompanied with the intimation for carrying out any development work under sub-section (1) of section 39 shall be as follows:

(1) An official letter of the Government department addressed to the appropriate authority or as the case may be to the authorised officer seeking the permission for carrying out the development work or any operational construction with full particulars thereof.

(2) Building plan for the proposed development work to a scale of not less than 1/100.

(3) Plans showing complete details of the operational construction as defined under clause (xvii) of section 2 such as detailed alignments, layouts, locations, and such other matters with measurements.

(4) Statement indicating the use of land proposed to be made by the Government Departmental by carrying out the development work.

(5) The proposal of the draft development plan, final development plan or Town Planning Scheme affecting the land : Provided that in the case of works proposed to be undertaken by the local military authority of the Defence Ministry, the provisions of clauses (2) and (3) shall not apply and such authority shall be required to submit the layout plan of such works.

CHAPTER 5 CHAPTER

16. Publication of declaration under section 41 :-

(1) The declaration under sub-section (1) of section 41 shall be published in the Official Gazette and shall also be published by

means of an advertisement in one or more Gujarati newspapers circulating within the jurisdiction of the appropriate authority. The appropriate authority shall cause copies of such advertisement to be posted in the prominent places in or near the area included in the scheme and at the head office of the appropriate authority.

(2) Every advertisement published under sub-rule (1) shall contain the resolution of the appropriate authority in respect of the declaration under section 41 and shall announce that a copy of the plan of the area proposed to be included in the town planning scheme and the surrounding land is kept open for inspection of the public at the head office of the appropriate authority during office hours.

17. Meeting of owners and framing of tentative proposals :-

For the purpose of making the draft scheme under section 42 the appropriate authority shall call a meeting or meetings of the owners of the lands included in a town planning scheme by a public notice as well as by individual notice to every, owner whose address is known to the appropriate authority and explain in such meeting the tentative proposals of the draft scheme for eliciting public opinion and suggestions on the said proposals. The appropriate authority may take into consideration all such suggestions as made and objections raised on the proposals for making the draft scheme under section 42.

18. Publication of draft scheme under section 42 :-

(1) The draft scheme under section 42 shall be published by means of an advertisement in the Official Gazette and shall also be published in one or more Gujarati newspapers circulating within the area of the appropriate authority. The appropriate authority shall also cause copies of such advertisement to be posted at the head office of the appropriate authority and at other prominent places in or near the area included in the draft scheme. The advertisement shall state that a copy of the scheme is open for public inspection at the head office of the appropriate authority during office - ,Jiours.

(2) Every advertisement published under sub-rule (1) shall announce that if within one month from the date of publication of the draft scheme in the Official Gazette, any person affected by such scheme communicate in writing to the appropriate authority any objection relating to such scheme, the appropriate authority shall consider such objections before submitting the draft scheme to State Government under section 48.

19. Rule 18 to apply to publication of draft scheme made by an officer appointed by the State Government :-

The provision of rule 18 regarding the publication of the draft scheme by the appropriate authority shall mutatis mutandis apply to the publication of a draft scheme to be made by an officer under sub-section (2) of section 42.

20. Manner of publication of draft scheme under section 43 :-

On the publication of the notification under sub-section (1) of section 43, the appropriate authority shall make and publish a draft scheme in the manner provided in rule 18.

21. Other particulars of draft scheme under section 44(h) :-

The draft scheme under section 44 shall contain the following particulars in addition to the particulars specified in clauses (a) to (g) of section 44, namely :

(i) An index map on a scale not smaller than one cms, to seventy five mts. showing:

(a) The area included in the scheme and the surroundings within reasonable limit on all sides of such areas; and

(b) all existing roads and means of communications of every kind.

(ii) A plan on a scale not smaller than one cms, to twenty five mts, showing the original plots with identification numbers and all

existing buildings.

(iii) A plan on a scale not smaller than one cms, to twenty five metres showing both the original plots and the manner in which it is proposed to alter the boundaries of the original plots.

(iv) A plan on a scale not smaller than one cms. to twenty five mts. showing the boundaries of the plots as they will appear after the final scheme is executed, with their numbers and illustrating as far as possible by means of colours, letters and explanatory notes or in some other convenient manner all such provisions of the scheme as may properly be illustrated in the plan.

(v) A redistribution and valuation statement in Form F showing the estimated amounts to be paid to or by each of the owners included in the scheme.

(vi) A copy of the estimates of all works contemplated in the scheme and a statement of the approximate dates by which the respective works are expected to be completed, such approximate dates being correct to within six months and binding on the approximate authority.

(vii) A statement in Form G explaining the estimated financial expenditure of the scheme.

(viii) Regulations for the control of development within the scheme area.

22. Manner and method of compensation payable under section 45 :-

(1) The compensation payable under section 45 shall be difference between the value of the property (inclusive of structures) on the

basis of the existing use and that on the basis of permitted use both values being determined as on the date of declaration of intension to prepare the scheme.

(2) In making the valuation on the basis of permitted use, allowance shall be made for the expenses that may have to be incurred in so converting the existing structures as to make them suitable for permitted use.

(3) In case provision is made for continuance of the existing use for a number of years taking into consideration the future life of the structure the compensation payable shall be limited to the present value of the standing structures less value of materials at the end of such period.

(4) The compensation payable under this rule shall be paid in the same manner as any other compensation under the Act:

23. Inquiry procedure where ownership is disputed :-

(1) The Officer appointed to hold an inquiry under section 46 shall while the inquiry is proceeding, record a minute of the proceedings including the material averments, made by the parties interested, the material parts of the evidence, the decision and the reasons for the decision.

(2) Such inquiry shall be held in public and a notice of the proposed inquiry shall be given to all the parties concerned fifteen days before the commencement of the inquiry.

24. Appointment of Town Planning Officer possessing prescribed qualifications under section 50 :-

(1) A person to be appointed as a Town Planning Officer shall be one

(a) who holds or has held a post of Deputy Town Planning (Junior) or a post higher in rank than that post in the Town Planning and Valuation Department;

(b) who has about 3 years experience in Town Planning and Valuation; and

(2) The appointment of Town Planning Officer shall be published by way of notification in the Official Gazette and a copy of which shall be forwarded to the appropriate authority concerned, who shall immediately on receiving a copy of such notification post it up at the office of the appropriate authority and on some prominent places within the area of the jurisdiction of the appropriate authority.

25. Assistance by the appropriate authority :-

The appropriate authority shall render all reasonable assistance to the Town Planning Officer and shall allow him to examine freely all papers, documents and plan connected with the scheme.

26. Procedure to be followed by Town Planning Officer under section 51 and under sub-section (1) of section 52 :-

(1) For the purpose of preparing the preliminary scheme and final scheme the Town Planning Officer shall give notice in Form H of the date on which he will commence his duties and shall state the in the time, as provided in Rule 37 within which the owner of any property or right which is injuriously affected by the making of a Town Planning Scheme shall be entitled under section 82 to make a claim before him. Such notice shall be published in the Official Gazette and in one or more Gujarati newspapers circulating within the area of the appropriate authority and shall be pasted in prominent places at or near the areas comprised in the scheme and at the office of the Town Planning Officer.

(2) The Town Planning Officer shall after the date fixed in the notice given under sub-rule (1), continue to carry on his duties as far as possible on working days and during working hours.

(3) The Town Planning Officer shall, before proceeding to deal with the matters specified in section 52, publish a notice in Form H in the Official Gazette and in one or more Gujarati newspapers circulating within the area of the appropriate authority. Such notice shall specify the matters which are proposed to be decided by the Town Planning Officer and State that all persons who are interested in the plots or are affected by any of the matters specified in the notice shall communicate in writing their objections to the Town Planning Officer within a period of twenty days from the publication of notice in the Official Gazette. Such notice shall also be posted at the office of the Town Planning Officer and of the appropriate authority and the substance of such notice shall be pasted at convenient places in the said locality.

(4) The Town Planning Officer shall give every person interested in any land affected by any particular of the scheme sufficient opportunity of stating their views and shall not give any decision till he has duly considered their representations if any.

(5) If during the proceedings, it appears to the Town Planning Officer that there are conflicting claims or any difference of opinion with regard to any part of the scheme, the town Planning Officer shall record a brief minute in his own hand setting out the points at issue and the necessary particulars, and shall give a decision with the reasons therefore. All such minutes shall be appended to the scheme.

(6) The Town Planning Officer shall record and enter in the scheme every decision given by him. The calculations and estimates shall be set out and recorded in Form F. Form G and in other statements as may be prepared by the Town Planning Officer.

(7) The scheme as drawn up by the Town Planning Officer shall include particulars specified in rule 21 read with section 52.

(8) The component parts of the scheme shall be so arranged that they may be readily referred to in connection with the map and plans.

(9) The Town Planning Officer shall publish the scheme drawn up by him by notification in the Official Gazette in Form I and also by means of an advertisement in one or more local newspaper announcing that the scheme shall be open for the inspection of the public during office hours at his office and communicate forthwith the decisions taken by him in respect of each plot to the owner or person interested by the issue of the requisite extract from the scheme in Form J and Form K as the case may be. The town Planning Officer shall also inform the President of the Board of Appeal about the publication of final scheme.

27. Manner of drawing of preliminary scheme and final scheme under section 52 :-

The preliminary scheme drawn up by the Town Planning Officer shall contain relevant plans and forms with details referred to in rule 21 and the decisions recorded by the Town Planning Officer under sub-section (1) of section 52. The final scheme drawn up by the Town Planning Officer shall contain all plans of the preliminary scheme, forms, regulations for control of development and decisions recorded by the Town Planning Officer under sub-section (3) of section 52.

28. Constitution of Board of Appeal :-

(1) As soon as the Board of Appeal is constituted under section 55 same shall be notified in the Official. Gazette by the President of the Board of Appeal within one month of the date on which the President receives information from the Town Planning Officer regarding the Publication of the final scheme and shall be communicated to the appropriate authority concerned. The appropriate authority concerned shall give publicity to the constitution of the Board of Appeal by posting up copy of notification at its office and in some prominent places within the

jurisdiction of the appropriate authority.

(2) Out of the two Assessors appointed on Board of Appeal one assessor shall be a person who possesses a degree in Civil Engineering or Architecture or degree or diploma in city town planning or regional planning or valuation of a recognised University or institution or a membership obtained by examination of Institute of Town Planners of India and has about five years experience in town Planning valuation and the other assessor shall be a person who possess a degree of law of a recognised university and has practised for five years as an advocate or has worked in the capacity of a legal adviser in a reputed firm or in the office of a local authority or a Government office for five years.

29. Procedure of the Board of Appeal for deciding Appeals :-

(1) No business shall be transacted by the Board of Appeal unless all members are, present.

(2) Where any member of the Board ceases to act the Board shall proceed with any business in hand as soon as a new member is appointed under sub-section (4) of section 55 and it shall not be necessary to transact any business de-novo by reason of such change in the constitution of the Board.

(3) The Board shall record their decisions in writing in any case where the proposal of the Town Planning Officer under clauses (iii), (iv), (vi), (vii), (viii) and (x) of sub-section (3) of section 52 are modified, varied or rejected by them.

(4) On receipt of a copy of appeal presented to under section 54, the Board of Appeal shall give such notice as it deems sufficient to the parties concerned.

(5) The Board shall meet and adjourn as it thinks proper with due regard to the despatch of business, but shall decide all appeals

received within a period of 12 months from the date of constitution of the Board of Appeal.

30. Submission of final scheme by the Town Planning Officer to State Government for sanction under section 62 :-

The Town Planning Officer shall submit the final scheme to the State Government for sanction after making necessary variation in accordance with the decision of the Board of Appeal within four months from the date of receipt of the decision of the Board of Appeal.

31. Publicity of notification under section 65 :-

The notification published under section 65 shall be given publicity also by means of an advertisement in one or more Gujarati newspapers circulating within the jurisdiction of the appropriate authority concerned and by posting copies of the advertisement in or near the area included in the scheme and at the office of the appropriate authority.

32. Appropriate authority concerned to forward copy of Preliminary scheme and Final scheme :-

When a scheme is sanctioned by the State Government under sub-section (1) of section 65, the appropriate authority concerned shall without delay forward a copy of the scheme to the Superintendent of Land Records of the Region for the purpose of correcting the survey records.

33. Procedure for eviction under Section, 68 :-

(1) For eviction under section 68, the appropriate authority shall follow the following procedure, viz.:

(a) The appropriate authority shall in the first instance serve a notice upon a person to be evicted requiring him, within such reasonable time as may be specified in the notice, to vacate the land.

(b) If the person to be evicted fails to comply with the requirement of the notice, the appropriate authority shall depute any Officer or Servant to remove him.

(c) If the person to be evicted resists or obstructs the officer or Servant deputed under clause (b) or if he re-occupies the land after eviction, the appropriate authority shall prosecute him under section 188 of the Indian Penal Code.

34. Notice before Enforcement of Scheme :-

Before removing pulling down or altering any building or other work, under sub-section (1) of section 69, the appropriate authority shall serve a notice on the owner or occupier of the building or work, as the case may be, calling upon him to remove, pull down or alter such building or work or execute such work within such reasonable time as may be specified in the notice intimating him the intention of the appropriate authority to do so on failure to comply with the requirement of the notice. Such notice shall as far as may be, in Form L.

35. Variation of the Scheme :-

(1) The appropriate authority making an application for the variation of a scheme under sub-section (1) of section 70 shall state in such application all the particulars in respect of the variation to be made.

(2) If such variation affects any of the items of Form F or Form G an extract from Form F and a revised statement in Form G, together with a plan showing the change or changes proposed to be made, shall be sent in duplicate along with the application made under sub-rule (1).

(3) The publication of the draft variation under sub-section (2) of section 70 shall be made by means of a Notification published in the Official Gazette and in one or more Gujarati newspapers

circulating within the jurisdiction of the appropriate authority. Such Notification shall also state that any person affected by the draft variation may communicate in writing any objection to such variation to the State Government [through the Collector] and the draft variation shall be open to the inspection of the public at the office of the appropriate authority during office hours. The State Government shall also supply the appropriate authority with such number of copies of the Notification, not exceeding fifteen as the appropriate authority may require and such copies shall be affixed by the appropriate authority in prominent places within the area affected by the scheme and more particularly, within the areas affected by the draft variation.

(4) When a variation is made under sub-section (6) of section 70, the Town Planning Officer, and where no Town Planning Officer is appointed, the Collector shall as soon as may be, forward a copy of such variation to the Superintendent of Land Records who shall correct the Survey Record affected by the variation.

36. Manner of publication of variation in "Scheme regulations" under section 72(a) :-

(1) The appropriate authority before making variation in regulations of final scheme under section 72 shall publish the notification containing the proposed variations in the Official Gazette. Such Notification shall state that the appropriate authority has prepared draft amendment in the Scheme regulations and that the same are kept open for public inspection at the office of the appropriate authority during Office hours on working days inviting the persons affected by the draft amendment and the plot owners in the scheme area to file their suggestions and objections on the draft amendment within a period of one month from the date of publication of Notification in Government Gazette. The appropriate authority shall also publish such notification in one or more Local newspapers published in regional language and circulating within the area of the appropriate authority.

(2) The State Government may sanction with or without

modification the draft amendments in Scheme regulations under clause (d) of section 72 within a period of two months from the date of receipt of the draft amendment with application from the appropriate authority for sanction.

CHAPTER 6 .

37. Period within which compensation may be claimed :-

The claim under section 82 shall be made within three months from the date fixed, in the notice given under sub-rule (1) of rule 26.

38. Time limit for payment under sub-section (2) of section 85 :-

The owner of a plot shall make payment under section 85 within a period of three months from the date on which the owner is directed by the Town Planning Officer to make payment.

39. Temporary borrowing by the appropriate authority :-

The appropriate authority may for the purpose of (a) meeting expenditure debitable to capital account, and (b) for re-paying any loan previously taken under this Act property chargeable to revenue, borrow by way of temporary loan or overdraft from any bank or otherwise, such sums suit may require, on such terms and conditions as the appropriate authority thinks fit. The amount so borrowed together with the interest thereon shall be repaid from the current account within a period of twelve months from the date of the temporary borrowing or such extended period as State Government may allow.

40. Manner of issuing Securities :-

Every bond, obligation debenture or other Security issued by the appropriate authority for raising money or for securing money borrowed by or due from the appropriate authority shall be by deed under the common seal of the appropriate authority and signed autographically by the Chief Executive Authority or the appropriate authority or any other officer authorised by the appropriate authority in that behalf.

41. Register of Securities to be kept :-

The appropriate authority shall kept a register of bonds, debentures and other securities in prescribed Form M.

42. Instructions which may be issued for transfer of Securities :-

The appropriate authority may from time to time issue instructions for controlling the transfer of any bond, debenture or other security as it may deem expedient provided that no such instructions affect the holder or transferee of any bond, debenture or other security unless distinct notice of such instructions shall appear thereon.

43. Assigning or conveying property of the appropriate authority for certain purpose :-

The appropriate authority may for the purpose of securing the payment of any such bonds, debentures or other securities as aforesaid or the payment with interest of any money so borrowed as aforesaid, or payable under any contract or otherwise make and carry into effect any arrangement which an appropriate authority may deem expedient by assigning or conveying any property of an appropriate authority including its revenues to trustees.

44. Debentures ordinarily payable to bearer :-

Unless otherwise resolve by the appropriate authority in general meeting, any debenture which may be issued by such appropriate authority may be so framed that the principal money and interest thereby secured shall be payable to the bearer and free from any equities between such appropriate authority, and the persons to whom the same may be issued.

45. Particulars of borrowing on guarantee to be furnished :-

Where the appropriate authority proposes to borrow money on the guarantee of the State Government, the appropriate authority shall furnish to the State Government all such particulars of the amount, purpose, nature and circumstances of the proposed borrowing and the amount of outstanding loans and such other information as the State Government may require.

46. Saving for the State Government :-

No Security shall be issued or granted as a security in respect of which the payment of the principal and interest is guaranteed by the State Government, until the amount, price rate of interest, date and method of issue of each security, the arrangement for the application of the proceeds of the issue and for repayment of the proceeds have been previously approved by the State Government and no variation of any such arrangements shall be made without the like approval of the State Government.

47. Budget and Programme of work under section 94 :-

(1) The appropriate authority shall submit to the State Government for approval before 1st day of February of such year the annual Financial Statement and programme of work, in triplicate for the succeeding financial year.

(2) The annual financial statement and the supplementary financial statement, if any, shall be in Form N and the Programme of work in Form O.

(3) The annual financial statement shall be accompanied by statement of honoaria and salaries and allowances of members officers and servants of an appropriate authority in Form P.

(4) The appropriate authority shall forward to the State Government with its programme of work a note giving history and description of each work or project including inter alia the progress made, expenditure incurred, and receipts accrued in the previous year in respect of continuing work or projects. The note shall, in particulars bring out the financial implications of each work or project.

48. Maintaining of Accounts :-

The annual statement of accounts including balance sheet of any appropriate authority under sub-section (1) of section 95 shall be in Form Q.

49. Annual Report and other returns :-

(1) The appropriate authority shall within three months of the date of closing of each year submit Annual Report to the State Government.

(2) The report shall contain inter-alia particulars regarding the

(a) Programme of work for the year under report.

(b) Progress of work during the year with particular reference to the

(i) Land acquired;

(ii) Development carried out;

(iii) Amenities provided;

(iv) Town Planning Schemes Prepared;

(v) Development Plans Prepared;

(vi) Details of any other activities entrusted to and undertaken by the appropriate authority in accordance with the Act;

(c) Finances of the appropriate authority;

(d) Changes, if any, in the constitution of the appropriate authority;

(e) The staff of the appropriate authority for the head quarters

work and field work, project-wise and scheme wise,

(f) Directions given by the State Government to the appropriate authority and their compliance.

(3) The appropriate authority shall also submit to the State Government by the 1st November of each year a progress report based on its working and accounts of the first six months of the year.

CHAPTER 7 CHAPTER

50. Publication of Notification for levy of Development Charge under section 99 :-

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(1) The notification regarding levy of development charge under section 99 shall be published by the appropriate authority in Official Gazette as well as in one or more Gujarati Newspapers in regional language circulating within the area of the appropriate authority. Notice giving the extract of the Notification showing the rate of development charge for different area and for different uses as approved by the State Government shall be affixed on the Notice Board of the appropriate authority alongwith a Plan of the area showing boundaries of different areas and uses for which different development charge may have been, approved by the State Government.

(2) Before submitting a proposal to the State Government for giving sanction to the levy of development charge in the area, the appropriate authority shall prepare a draft proposal giving rates of development charge for different area and for different use and published the draft proposal in the Official Gazette by notification as well as by an advertisement in one or more local newspapers in regional language circulating in the area of the appropriate authority inviting general public to give their suggestions and objections on the draft proposal. ¹ [within three months from the date of publication of the draft proposal in the Official Gazette.]

(3) The notice regarding draft proposal to levy development charge shall also be affixed on the notice board of the appropriate authority and at prominent places in the area of the appropriate authority.

(4) The draft proposal to levy the development charge shall show the grounds and reasons for working out the various rates of development charge for different areas and uses.

(5) After considering the suggestions and objections that may be received on publication of the draft proposal under sub-rule (2) on merits and after giving individual hearing to all where any application is made in this regards, the appropriate authority shall submit the proposal to levy development charge so the State Government for sanctioned.

(6) The proposal shall be submitted to the State Government for sanction alongwith all suggestions and objection applications that may have been received by the appropriate authority and the minutes of the personal hearing that may have been conducted at the request of any individual. While applying for the State Government sanction to the levy of development charge, the appropriate authority shall substantiate the proposal with statements, plans, estimates development works likely to be undertaken in the area etc.

1. Ins. by Noti. dt. 22-1-1987.

51. Assessment and recovery of development charges under section 101 :-

(1) If before the notification for levy of development charge is issued under section 99, any person has commenced the carrying out of any development work or has carried out of such development or instituted or changed use of any land or building for which permission is required under this Act, he shall within three months from the date of publication of notification in Official

Gazette make application to the appropriate authorities for the assessment of development charge. In other cases i.e. in cases where development work or change in use of land or building is to be undertaken after the publication of the notification in the Official Gazette application for assessment of development charge shall be made prior to 3 months before undertaking the work alongwith the application for permission for such work.

(2) The application shall be accompanied by plan giving the boundary of the plot or land, its area it plot No. or S. No. name of Town Planning Scheme or name of village to which the plot No. or S. No. belongs, detail building plan of the construction with floor area of each floor, if any construction is proposed, for assessment of development charge.

(3) Before deciding the development charge the applicant shall given an opportunity to explain his scheme and explain various plans and documents that may be submitted by him.

(4) After giving sufficient opportunity to the applicant, and after considering the representation that may be received, the development charge shall be assessed and communicated to the applicant as early as possible.

52. Making of Appeal under section 103 :-

(1) Appeal on the order of the appropriate authority for assessment of development charge shall give reasons of appeal and it shall accompany with required documents, plans, evidence, etc. in support of the various statements that may be made in the Appeal.

(2) Only those appeals which are received within the period prescribed under sub-section (1) of section 103 shall be accepted and registered while the rest of the appeals shall not be registered unless genuine and satisfactory reasons are given in the appeal for filling the appeal late after the expiry of prescribed period.

(3) Separate appeal for each Plot or Sr. No. Shall be filed and it shall be accompanied by fee, on the basis of Rs. 5 for every Rs. 100 but not exceeding Rs. 250 in any case.

(4) Form of Securities that may be furnished for payment of development charge under sub-section (5) of section 103 shall be free from any encumbrance and they shall not be subject to any mortgage, attachment etc. Such securities shall be easily realisable and shall be of value not less than the total amount of development charge assessed.

(5) Amount of development charge levied on each plot or S. No. shall be the first charge on the plot or land and shall be realised or default or payment in the manner as available for recovery of land revenue.

(6) The appropriate authority shall take steps to implement the decision of the Tribunal by (i) recovering amount of development charge as fixed by the Tribunal. (ii) by making fresh assessment if the Tribunal has so directed; or (iii) by implementing any other order passed by the Tribunal in the, matter.

CHAPTER 8 CHAPTER

53. Documents etc. to be accessible :-

(1) Documents, plans and maps relating to a finally sanctioned scheme (preliminary as well as final) shall be kept open for public inspection at the head office of the appropriate authority at any time during office hours of the appropriate authority for a period of six months from the date of the Official Gazette in which the sanction was published.

(2) All Town Planning Schemes (Preliminary and Final) finally sanctioned by Government shall be lodged with the Town Planning and Valuation Department or the expiry of the period mentioned in

sub-rule (1).

(3) The head of Town Planning and Valuation Department may, on an application of an owner of any plot included in the scheme so sanctioned, issue a certificate in Form R specifying the area and boundaries of a Final Plot, the nature of the tenure of land of the owners title to such a plot and the name of the person to whom the plot has been allotted under the scheme.