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## **BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) RULES, 1989**

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## **BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) RULES, 1989**

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka, hereby makes the following rules, namely:-

### **1. Title and commencement :-**

(1) These rules may be called the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989.

(2) They shall come into force at once.

### **2. Definitions :-**

In these rules, unless the context otherwise requires.

(a)"Act" means the Bangalore Development Authority Act, 1976

(Karnataka Act 12 of 1976);

(b)"Civic Amenity site" means a site earmarked for civic amenity in a layout formed by the authority or a site earmarked for civic amenity in a private layout approved by the authority and relinquished to it;

(c)"Form" means a form appended to these rules;

(d)"Institution" means an institution, society or an association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or a Co-operative Society registered under the Karnataka Co-operative Societies Act, 1960 (Karnataka Act 11 of 1959) or a trust created wholly for charitable educational or religious purpose;

(e)"Lease amount" means the rent as may be fixed by the authority having regard to all relevant factors including the market value of the site;

(f)"Lessee" means an institution to which a civic amenity site is allotted and which has entered into an agreement with the authority in that behalf;

(g)"Section" means a section of the Act;

(h)Words and expressions used herein but not defined shall have the meaning respectively assigned to them in the Bangalore Development Authority Act, 1976.

### **3. Offer of civic amenity sites for allotment :-**

(1) The authority may out of the Civil amenity sites available in any

area reserve such number of sites for the purpose of providing civil amenity referred to in sub- clauses (i) and (v) of clause (bb) of Section 2, by the Central Government, the State Government, Corporation or by a body established by the Central Government or the State Government.

(2) After making reservation under sub-rule (1) the authority may, subject to Section 38-A and general or special orders of the Government, and having regard to the particulars type of civic amenity required to be provided in any locality offer such of the remaining civic amenity sites for the purpose of allotment on lease basis to any institution:

Provided that the authority shall while so offering the civic amenity sites reserve eighteen per cent of such sites for being allotted to an institution established exclusively for the benefit of Schedule Castes the majority of members of which consists of persons belonging to Schedule Castes and three per cent of such sites to an institution established exclusively for the benefit of Scheduled Tribes the majority of members of which consists of persons belonging to Scheduled Tribes, and if at the time of making allotment sufficient number of such institutions are not available the remaining sites so reserved may be allotted to other institutions.

(3) Due publicity shall be given in respect of civic amenity sites so offered for leasing to the institutions, specifying their location, number, dimension, purpose, and last date for submission of application and such other particulars as the Commissioner may consider necessary, by affixing a notice on the notice board of the office of the authority and also by publishing in not less than two daily news papers in English and Kannada having wide circulation in the City of Bangalore.

#### **4. Disposal of sites reserved :-**

Notwithstanding any thing these rules, the sites reserved under sub-rule (1) of Rule 3 may be allotted to the categories specified therein on lease basis by the authority for the purposes of

providing civic amenity subject to such terms and conditions as may be specified by it.

## **5. Registration :-**

(1) Every institution applying for civic amenity site shall register itself with the authority on payment of registration fee specified in the table below. If any institution withdraws the registration, the authority shall refund to such institution the entire registration fee paid by it after deducting ten per cent of the registration fee towards service charges. The Registration shall be done in Form I.

<b>TABLE</b>	
	Area of site in sq. metres.
1000 and below	Rs. 2,500
Above 1000 but below 2000	Rs. 5,000
2000 and above but below 4000	Rs. 7,500
4000 and above	Rs. 10,000

(2) The Registration once made shall be valid for subsequent allotment unless the institution withdraws the registration.

(3) The registration fee paid shall not be refundable or adjustable if a civic amenity site is allotted to an institution.

## **6. Eligibility :-**

(1) The authority may allot civic amenity site on lease basis only to an institution which is registered under Rule 5.

(2) Civic amenity site shall not be allotted to any institution unless it has capacity to provide the type of civic amenity for providing which the site is offered.

## **7. Principles of Selection of institutions for leasing out civic amenity sites :-**

(1) The authority shall consider the case of each institution on its merits and shall have special regard to the following principles in making the selection.

(a)The objectives and activities of the institution and public cause served by it since its establishment;

(b)The financial position of the institution;

(c)The present location of the institution;

(d)The benefit likely to accrue to the general public of the locality by allotment of the civic amenity site;

(e)The bona fide and genuineness of the institution as made out in the annual reports, audit report etc.;

(f)The need of the civic amenity site by the institution for providing the civic amenity in question.

(2) For the purpose of sub-rule (1), the authority may constitute a separate committee to be called "civic amenity site allotment committee" consisting of three official members and three non-official members. The Chairman of the authority shall be the Chairman of the Civic Amenity Site Allotment Committee.

(3)Subject to the approval of the authority, the decision of the Civic Amenity Site Allotment Committee shall be final.

## **8. Lease amount of the allotted to institutions :-**

(1) The lease amount of the site to be allotted on lease basis in any area shall be fixed by the authority.

(2) The lease amount may be notified while inviting or in annual installments during the lease period.

(3) The lease amount of a site notified while inviting applications may be altered by the authority and the institutions may accept the site at the altered rate or decline allotment

(4) Allotment may be made at fifty per cent of the lease amount fixed by the authority in the following case.

(a) Institutions established for the welfare of physically and mentally handicapped;

(b) Educational institutions running the schools in only Kannada medium;

(c) The departments of the Central Government or the State Government, Corporation, or a body established by the Central Government or the State Government.

## **9. Application :-**

(1) The institutions registered under Rule 5 may apply in Form II for allotment of a civic amenity site along with initial deposit at ten per cent of the notified lease amount of the site.

(2) The applications shall be presented in person or sent by

registered post so as to reach the office of the Commissioner before the last date and time fixed for the receipt of such applications. The applications received after the due date and time fixed and which are defective and incorrect are liable to be rejected.

#### **10. Conditions of allotment of civic amenity sites :-**

(1) Allotment of civic amenity sites under these rules shall be on a lease basis for a period not exceeding thirty days.

(2) The institutions to which the civic amenity sites are allotted shall within a period of ninety days from the date of receipt of notice of allotment pay to the authority either the balance lease amount after deducting the initial deposit in one lumpsum or pay the first annual installment of the lease amount in which case initial deposit paid along the application shall be adjusted only towards last installments.

(3) If the lease amount or the annual installment is not paid within the period of ninety days, further extension of time not exceeding sixty days may be given and the institution shall pay in addition, interest at the rate of eighteen per cent on the said amount for the extended period. If the lease amount or the installment is not paid within such extended period also, then registration fee and the initial deposit shall be liable to forfeiture and the allotment cancelled without any period intimation.

(4) After payment under sub-rule (2) or, as the case may be, under sub- rule (3) is made, the authority shall call upon the institution to execute a lease agreement in Form III and after the execution of such agreement by it and the authority, the same shall be registered by the institution. If the agreement is not executed within forty five days after the authority has called upon the institution, to execute such agreement, the registration fee and initial deposit paid by the institution may be forfeited and the allotment of the site cancelled. The amount paid by the institution

towards the lease amount shall be refunded to the institution after deducting such expenditure as might have been incurred by the authority.

(5) As soon as may be possible after the registered agreement is submitted to the authority, the possession of the site shall be handed over to the lessee. The lease period commences from the date of registration of the lease agreement.

(6) The annual installment shall be paid by the lessee in terms of the lease agreement executed under sub-rule (4).

(7) The lessee shall complete the construction of the building within a period of three years from the date of registration of the lease agreement or such extended period as the authority may in any specified case by written order permit. If the building is not constructed within the said period, the allotment may, after giving reasonable notice to the institution, be cancelled, the agreement revoked and the lessee evicted from the site by the authority and after forfeiting twelfth and half per cent of the lease amount paid by the institution the authority shall refund the balance to the institution.

(8) With effect from the date of taking possession of the site, the lessee shall be liable to pay the taxes, fees and cesses payable in respect of the civic amenity site and any building erected thereon.

(9) The lessee shall not become the owner of, or derive any title to, the site allotted.

(10) The lessee shall not sub-divide or alienate or create any charge on, the civic amenity site.

(11) The lessee shall exclusively use the site for providing the civic amenity for which it is allotted.



(12) If the lease is not renewed, or has been determined or terminated before the expiry of lease the site allotted along with the buildings thereon shall after the expiry of the lease or as the case may be after the termination or determination of the lease vest in the authority free of cost and free from any encumbrance and the authority shall have right to enter premises and take possession thereof.

(13) The lessee shall comply with the conditions of the agreement executed and other rules, bye-laws of the authority or the Corporation, as the case may be, for the time being in force.

### **11. Voluntary surrender :-**

An allottee may at any time after the allotment, surrender the civic amenity site allotted by the authority. On such surrender, the authority shall refund the amount paid by the institution to the authority in respect of the said civic amenity site.