

# **BUILDING BYE- LAWS OF NAGAR PANCHAYAT JUBBAL**

## **Part-I ADMINISTRATION**

1. Short title extent and commencement. – 1.1 these bye-laws may be called the Nagar Panchayat, Jubbal Bye- Laws, 2002
2. Definitions: -
  - 2.1 In these bye- laws, unless the context other wise requires:
    1. “Act means the Himachal Pradesh Municipal, Act 1994 (13 of 1994);
    2. “addition to the building” means addition to the cubic contents or to the floor area of building;
3. “alteration” means a change from one occupancy to another, or a structural change, such as an addition to the area or height, or the removal of part of a building, or any change to the structure, such as the column, beam, joined, floor or other support, or a change to or closing of any required means of ingress or egress or a change to the fixtures or equipment;
4. “applicant” means and includes a person who gives notice to the Nagar Panchayat of his intention to erect or re- erect a building on a plot of land which he/she is a owner and shall include his authorized representatives;
5. “assembly building” means and shall include any building or part of a building where group of people congregate or gather for amusement, social, religious, patriotic, civil, travel and similar purposes, for example theaters, motion picture houses, assembly halls, auditoria, exhibition halls, club rooms, passenger stations, and terminals of air surface and other public transportation services, recreation piers and stadium;
6. “balcony” means a horizontal cantilevered or projection including a hand- rail, balustrade to serve as passage or sitting put place;
7. “basement story” means the story which is next below the ground story or which is in any part for more than half of its height below the main level of the street or ground adjoining the principal entrance to the building;
8. “ building height” means the vertical distance measured from the plinth level to ridge level of the roof, Architectural feature serving no other function except that of decoration shall be excluded for the purpose of taking height;

9. "building line" means the line up to which the plinth of a building or part of a building which adjoining a street or extension of a street or on a future street may lawfully extend and include the lines prescribed if any in any scheme;
10. "Business building" means and shall include any building or part of a building which is used for transaction of business, for the keeping of accounts and records for similar purposes, doctors service facilities, barber shop, beauty par lour, city halls, town halls court houses, libraries shall be classified in this group in so far as principal function of these is transaction of public business and the keeping of books and records;
11. "ceiling height" means vertical distance between, the floor and the ceiling;
12. "chhajja/weather shed" means a continuous sloping and horizontal over hand over the open space not exceeding 45cm in width;
13. "chimney" means the construction by means of which a flue is formed for the purpose of carrying the products of combustion from a heat producing appliance to the open air, Chimney includes chimney stack and the flue pipe;
14. "courtyard" means space permanently open to the sky, enclosed fully or partially by building and may be at ground level or any other level within or adjacent to a building;
15. "covered area" means the ground area covered immediately above the plinth level covered by the building but does not include the space covered by;
  - (a) garden , rockery, plant, nursery, water pool, swimming pool (if uncovered), platform round a tree, tank, fountain, bench, and the like;
  - (b) drainage culvert, conduit, catch-pit, gully pit, chamber, gutter and the like;
  - (c) courtyard, compound wall, gate slide swing canopy, porch areas covered by chhajja, watchman hut or alike projections and steps of actual profile which are uncovered and open to sky;
  - (d) approach bridge (covered/uncovered) from public street, path and road to the building at any floor level.
16. "damp proof course" means a course consisting of some appropriate water proofing material providing to prevent penetration or dampness of moisture from any part of the structure to any other part at a height of not less than 15cm above the surface of the adjoining ground;
17. "drainage" means the removal of any liquid by a system constructed for the purpose;
18. "dry area" means the space between the hill slop and building which is properly protected by breast wall/retaining wall and is open to sky to facilitate free circulation of air and light and prevent the building from dampness;
19. "educational building" means and shall include any building used for school, college or daycare purpose involving assembly for instruction, education or recreation and shall also include crotchet (s);
20. "existing building or its use" means a building structure or its use as sanctioned approved/regularized by the Nagar Panchayat existing before the commencement of these bye-law;
21. "external wall" means an outer wall of a building not a portion wall even though; adjoining to a wall of a another building and also means a wall abutting on an interior open space of any building;
22. "fire resisting material" means material which has certain degree of fire resistance;
23. "floor" means the lower surface in a storey on which one normally walks in a building;

**Note: --** The sequential numbering of floor from the major street shall be determined by its relation to

the determining entrance level. From the major street for floor at or wholly above ground level the lowest floor in the building with direct entrance from the road/street shall be termed as ground floor. The other floors above ground floor shall be numbered in sequence as Floor-1, Floor-2 etc. with number increasing upwards;

24. “floor area ratio (FAR)” means the quotient obtained by dividing the total covered area on all floors by the area of the plot, i.e.:

$$\text{FAR} = \frac{\text{TOTAL COVERED ARE OF ALL FLOOR}}{\text{PLOT AREA}}$$

Note- For the purpose of this part covered area equals the plot area due or open space in the plot.

25. “flue” means a confined space providing for the conveyance to the outer air of any product of combustion resulting from the operation of any heat producing appliance or equipment employing solid, liquid or gaseous fuel;
26. “footing” means a foundation unit, constructed in brick work, masonry or concrete under base of a wall or column for the purpose of distributing the load over large area;
- 26- A “From” means from as appended to these bye- laws;
27. “foundation” means that part of the structure which is in direct contact with and transmitting load to the ground;
28. “front” in relation to a building means generally the portion facing the major street from which it may or may not have any access;
29. “Garage, private” means a building or out- house designed or used for the storage of private owned motor driven or other vehicles;
30. “habitable room” means room occupied or designed for occupancy by one or more persons for study, living, sleeping, eating, kitchen if it is used for living room but to including bathrooms, water closer compartments, laundries, serving and storage pantries, corridors, cellars, attics and spaces that are not used frequently;
31. “hazardous building” means and shall include any building or part of a building which is used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and / or which may produce poisonous fumes or explosions for storage, handling, manufacture or processing which involve highly corrosive, toxic or noxious alkalis, acids or other liquids or chemicals producing flames, fumes and explosive, mixtures of dust or which result in the divisions of matter into fine particles subject to spontaneous ignition;
32. “industrial building” means and shall include any building or part of a building or structure, in which product or materials of all kinds and properties are fabricated, assembled or processed, refineries, gas plants, mills, dairies, factories etc;
33. “institutional building” means and shall include any building or part there of which is used for purposes such a medical or other treatment or care of person suffering from physical or mental illness, disease o infirmity, care of infants, convalescents or aged persons and for penal or correctional detention in which the liberty of the inmates is restricted, hospital, sanatoria custodial institutions and penal institutions like jails, prisons, mental hospitals, reformatories;
34. “Registered licensed Architecture/ Engineers/ Plumbers” means a qualified Architect, Engineers,

- Plumbers, who has been enrolled/ licensed by the Nagar Panchayat or any other officer authorized under the provision of the Act;
35. "masonry" means an assemblage units properly bounded together with mortar;
  36. "mumty" or stair cover" means a structure with covering roof over a stair case and its landing built to enclose only the stairs for the purpose of providing protection from weather and not used human habitation;
  37. "mezzanine floor" means an intermediate floor between two floors levels above ground floor and at least one side of its should from an integral part of space/ floor below and shall from a part of F.A.R.;
  38. "occupancy or use group" means the principal occupancy for which a building or a part of building is used or intended to be used, for the purpose of classification of a building according to the occupancy. An occupancy shall be deemed to include subsidiary occupancies which are contingent upon it;
  39. "open space" means an area, forming an integral part of the site, left open to the sky;
  40. "parapet" means a low wall or railing built along the edge of a roof or a floor;
  41. "parking space" means an area enclosed or unenclosed, covered or open, sufficient in size to park vehicles, together with a drive way connecting the parking space with a street or alley and permitting ingress and egress of the vehicles;
  42. "partition" means an interior non- load bearing wall, one storey or part storey in height;
  43. "plinth" means the portion of structure between the surface of the surrounding ground and surface of the floor, immediately above the ground;
  44. "plinth area" means the built up covered area measured at the floor level of the basement or of any story;
  45. "plot" means a piece of land enclosed by definite boundaries;
  46. "porch" means a covered surface supported on pillars or otherwise for the purpose pedestrian or vehicular approach to building;
  47. "residential building" means and shall include any building in which sleeping accommodation is provided for normal residential purposes with or without cooking or dinning or both facilities. It includes one or two or multi- family dwelling, lodging or rooming houses, dormitories, apartment houses and flats and hostels;
  48. "room height" means the vertical distance measured from the finish floor surface to the finished ceiling;
  49. "row housing" means a row of house with only front, rear and interior open space;
  50. "site or plot" means a room (s)/shed constructed, temporarily on the plot or the site of construction that may permitted by the Nagar Panchayat for a limited period during the construction of the building;
  51. "site or plot" means a parcel/piece of land enclosed by definite boundaries;
  52. "storage" means a space where goods of any kind or nature are stored;
  53. "storage building/ go down" means and shall include any building or part of a building houses, cold storages, freight depot, transit- shed, storage houses, garages, hangers, truck terminals, grain elevators, barns and stables;
  54. "store room" means a room used as storage space;
  55. "storey" means the portion a building included between the surface of any floor and the

surface of the floor next above it, or if there be no floor above, it then the space between any floor and the ceiling next above it;

56. "street" shall mean any road, foot way, square, court, alley, gully or passage. Accessible weather permanently temporarily, to the public and weather a through- fare or not, and shall include every vacant space not with standing that it may be private property and partly or wholly constructed by any gate, post, chain or other barrier, if houses shops or other buildings a but there on, and if it used by any person as means of access to or from any public place or through fare, weather such persons be occupiers of such buildings or not, but shall include any part of such space which the occupier of any such building has right at all hours to prevent all others persons from using as aforesaid and shall include also the drains or gutter therein, or on either side or the land, weather covered or not by any on either side or the land, weather covered or not by any pavement, verandah or other erection, up to the boundary of any abutting property, not accessible to the public;
  57. "to abut" means to positioned just a posed to a road, lane, open space, building etc;
  58. "terrace" means the open space at roof level or at any floor level;
  59. "water closet (WC)" means a privy with arrangement for flushing the pan with water;
  60. "window" means an opening to the outside other then a door which provides all or of the required natural light or ventilation or both to an interior space and not used as a means of egress/ingress.
- 2.02 The words and expression not defined in these bye-laws shall have the same meaning sense as in Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994).
- 2.03 All mandatory Zonal Plan regulations regarding use, coverage, setbacks, open spaces, height, number of storey's, parking standards etc. for various categories of building including modification thereon made from time to time shall be applicable mutates mutandis in the building regulation under these bye- laws. All amendments/modifications made in those regulations will automatically be included as part of these bye- laws.
3. *Applicability of bye- laws.-*
- 3.1 Subject to the provision of this Act these building bye-laws shall apply to the building regulation activities in Jubbal Nagar Panchayat are under the jurisdiction of Nagar Panchayat, Jubbal as under:-
- (a) Where a building is erected, the bye- laws apply to the design and construction of the building.
  - (b) Where the whole of any part of the building is removed, the bye-laws apply to all parts of the building whether removed or not;
  - (c) Where the whole of any part of the building is demolished, the bye-laws apply to any remaining part and to the work involved in demolition;
  - (d) Where a building is altered the bye-laws apply to the whole building whether existing or new except that the bye- laws applied only to part if that part is completely self- contained with respect to facilities and safety measures required by the bye- laws;
  - (e) Where the occupancy of a building is changed, the bye-laws applies to all parts of the building affected by the change.
- 3.2 *Exiting Approved building* – Nothing in these Bye- Laws shall require the removal, alteration or abandonment, non prevent continuance of the use or occupancy of an

exiting approved building, unless in the opinion of the Municipal Council such building constitute a hazard to the safety of the adjacent property or the occupants of the building itself .

4. *Interpretation*--- In these Bye-laws a the use of present tense include the future tense, the masculine gender includes the feminine and neuter, the singular number includes the plural and plural include the singular . The word “person” includes a Nagar Panchayat as an individual writing includes printing and ‘typing ‘and ‘signature’ include thumb impression made by a person who can not write if is name is written near to such thumb impression.
5. *Building Sanction required* – No person shall erect, re-erect or make alteration or demolish any building or cause the same to be done without first obtaining a separate building sanction for each such building from the Municipal Council.
6. *Pre-code Building Sanction* – If any building, sanction for which has been issued before the commencement of these bye-laws, if not wholly not completed within a period of two years, from the date of such sanction the said sanction shall be deemed to have lapsed and fresh sanction shall be necessary to proceed further with the remaining work.

## **PART-II**

### **7. Procedure for Obtaining Building Sanction.**

#### 7.1 Notice---

- 7.1.1 Every person who intends to erect, re-erect a building of execute any of the work specified in sections 203 and of the Act, shall give a notice in writing to the Nagar panchayat in from-I and such notices shall accompany with building plans in six copies. The may be ordinary prints on Ferro paper, one of them shall be on tracing cloth. The following other documents shall also be attached along with notice :-
  - (a) sale-deed/lease deed, tatima,jamabandi and demarcation report etc. duly accompanied by an annexed site plane giving the physical description of the plot/ property. In such cases where less deed has not been executed no objection certificate from the lesser shall be submitted ;
  - (b) no objection certificate from the Town and Country Planning Department regarding land use as per Interim Development Plane/ Development Program me / Zonal plan, wherever required ;
  - (c) approval from the Chief Inspector of Factories in case of Industrial Building ;
  - (d) approval from Chief Controller of Explosive, Nagpur and Divisional fire officer (H.P) in case of hazardous buildings;
  - (e) structural design duly prepared and signed by registered qualified Structural Engineer in From-2 ;
  - (f) at least two photographs of proposed site from different angles.
- 7.1.2 The applicant who intends to erect building shall fix the boundary pillars at site before giving the notice such erection.
- 7.2 *Key plan and Approval of Site.* – A key plan drawn to a scale of not less then 1:1,00 shall be submitted along with notice , showing boundary location of the site with respect of neighborhood landmarks.
- 7.3 *Site Plan* .- The site plan sent with the notice under bye-laws 7.1.1 shall be drawn to a scale of Not less then 1:200 and shall shown :-
  - (a) the boundaries of the site and of any contiguous land belonging to the owner there of;
  - (b) the position of the site in relation to neighboring street;

- (c) the name of the street in which the buildings is proposed to be situated, if any;
- (d) all existing building standing on, over or under the site;
- (e) the position of the building and all the buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (a) in relation to :-
  - (i) the boundaries of the site and in case where the site has been portioned, the boundaries of the portion owned by the application (s) and also the portion owned by other;
  - (ii) all adjacent streets, building (with number of storey's and height) and premises within a distance of 12 m of the site and of the contiguous land (if any) referred to in (a); and
  - (iii) if there is no street within a distance of 12m of the site, the nearest existing street;
- (f) the means is access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (a);
- (g) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes;
- (h) the width of the street (if any) in front and of the street (if any) at the side or rear of the building;
  - (i) the direction of north point relative to the plan of the building;
  - (j) any existing physical features, such as nallah as, drains, trees monuments/ land marks etc.;
- (k) the ground area of the whole property and the break up of covered area on each floor with the calculations for percentage covered in terms of the total area of the plot as required under the bye- laws governing the coverage of the area;
- (l) parking plans indicating the parking spaces for all buildings except for individual residential buildings;
- (m) the proposed building shall be fixed with permanent features;
- (n) disposal of waste water/rain water;
- (o) drain to be connected with Nagar Panchayat, nallah/drain and
- (p) any other document/information's may be considered essential by the applicant.

7.4 *Building Plan.* – The plans of the building and elevations and sections accompanying the notice shall be drawn to a scale of 1:100. the plan shall:-

- (a) Include floor plans of all floors together with the covered area clearly indicating the size and spacing of all framing members and sizes of room and the position and width of stair cases, ramps and other exist way, lift pit details;
- (b) Show the use or occupancy of all parts of the buildings;
- (c) Show exact location of essential services. For example, water closet, sink bath water storage tanks and the like:
- (d) Include sectional drawings showing clearly the sizes of the footings thickness of basement wall, wall construction, size and spacing of framing member, floor slabs and roof slabs with their materials, the section shall indicate the height of building and rooms and also the height of the a preset and drainage and the slope of the roof. At least one section be taken through the stair case, kitchen and toilet, bath and water closet;
- (e) Show front, side and rear elevations and all the elevation if the building is open from all the sides;
- (f) Indicate details of service privy, if any;

- (g) Give dimensions of the projected portions beyond the permissible building line .
- (h) Include roof plan indicating the drainage and the slope of roof
- (i) Give indication of the north point relative to the plan;
- (j) Details of parking space if provided ;
- (k) Give indication of all doors window and other opening including ventilators with size in proper schedule ;
- (l) Such other particulars as may be required to explain the proposal clearly and as prescribed by the ‘Nagar Panchayat ‘ ;
- (m) Contour plan of the site;
- (n) Level of each floor with respect to road /paths/street; and
- (o) Total height of building.

(Note.- The drawings comprising of all the requirements from (a) to (O) should be prepared and signed by registered Engineer.)

7.5 *Service Plane.* - Plans ,elevation and section ,of private water supply , sewerage ,disposal system and details of building services , where required by the Nagar Panchayat , shall be made available on a scale not less than 1:100.

7.6 *Specifications,* - Gender specification of proposed construction giving type grade of material of public use in from -3 duly signed by the registered Engineer may be shown accompanying the notice . In addition to this specifications be written on one side of the plan being submitted for sanction .

7.7 *Dimensions,-* All dimensions shall be in metric units .

7.8 *Colouring of plans:*

- (a) Colouring Notification for plans. – The plan shall be colored specified in Table-1. Further prints of plans shall be on one side of paper only.

**TABLE-1**

| <b>Sr.no.</b> | <b>References</b>              | <b>Colour</b> |
|---------------|--------------------------------|---------------|
| 1.            | Proposed Work                  | Red           |
| 2.            | Existing Work                  | Green         |
| 3.            | Boundary                       | Yellow        |
| 4.            | Road/Path                      | Black         |
| 5.            | Drain                          | Blue          |
| 6.            | Sewerage                       | Brown         |
| 7.            | Work proposed to be demolished | Orange        |

7.9 *Supervision,* - Notice shall be further accompanied by a certificate of supervision in From -4 and From -5 duly signed by the registered Engineers as the case may be.

7.10 *Signing the plans ,* - All the plans shall be duly signed by the owner and Engineer registered with Nagar Panchyat Jubbal and small indicate their names and address and registered number.

7.11 It shall be obligatory on the owner to provide proper path / streets giving access to the plots into which the land may be divided . The path / streets will be so provided that that it shall connect and paved with such other features as may be necessary for the safety of the users.



- 7.12 The owner of the land, while dealing with the land for selling, making plots or otherwise, as mentioned in bye-laws 7.011, shall send to the Nagar Panchayat a written application, with a layout plan showing the following particulars:-
- (a) the plots into which the land proposed to be divided for the erection of building thereon and the purpose or purposes for which such building are to be used;
  - (b) the reservation or allotment of any for any secret, open space park, recreation ground, school markets or any other public purpose;
  - (c) the intended level, direction and width of street or streets;
  - (d) the regular line of street or streets; and
  - (e) the arrangement to be made for leveling, paving, metalling, flagging, channeling, sewerage, draining, conserving and lighting street or streets.
8. *Notice for Alteration only* --- When the notice is only for an alteration of the building only such plans and statement as may be necessary, shall accompany the notice.
- 8.1 No notice and building sanction is necessary for the following alteration, which do not otherwise violate any provisions regarding general building requirements, structural stability and fire safety requirement of these bye-laws:-
- (a) plastering and patch repairs;
  - (b) replacement of roofing sheets;
  - (c) re-flooring and repair of flooring;
  - (d) opening & closing windows, ventilators and doors not opening towards other's property;
  - (e) construction or reconstruction of sun- shade not more than 45 cm in width within one's own land and not overhanging over persons land or property public street/drain;
  - (f) construction or reconstruction of parapet not exceeding 1 meter in height and also construction or re- construction of boundary walls as permissible under these bye-laws but not exceeding 1.5 meter;
  - (g) white washing, painting etc. including erection of false ceiling in any floor at the permissible clear providing the false ceiling in no way can be put to use as a loft mezzanine floor or independent floor and does not result in lowering the height of ceiling to less than the required minimum height.
  - (h) erection or re- erection of internal partition shall be allowed provided the same are within the purview of these bye- laws; and
  - (i) shifting/relocating water tanks or main gate within one's own compound.
9. *Grant of Sanction or Refusal.* – 9.1 the Nagar Panchayat may either sanction or refuse the plans and specifications or may sanction them with such modifications or directions as it may deem necessary and there upon shall communicate his decision to the person giving the notice. If within 60 days of the receipt of notice under 7.1 of bye-laws, the Nagar Panchayat fails to intimate in writing to the person, who had given the notice of its refusal or sanction or any intimation, the notice with its plans and statements shall be deemed to have been sanctioned the person who has given notice and giving not received any intimation from the Nagar Panchayat within fifteen days of giving such written notice. Subject to the conditions mentioned in, these bye- laws, nothing shall be construed to authorize any person to do any thing in contravention or against the terms of lease or titles of the land or against any other regulations, bye- laws or ordinance operating on the site of the work.

- 9.2 Once the plan had been scrutinized and objections have been pointed out, the owner giving notice shall modify the plan to comply with the objections raised and resubmit it. The Nagar Panchayat shall scrutinize the resubmitted plan and if there be further objections, the same shall be intimated to the applicant for compliance after which plans shall be sanctioned.
10. *Duration of Sanction* – The sanction once accepted, shall remain valid period for two years from the date of sanction. The building sanction shall be got revalidated.
11. *Revalidation of Plans* - Revalidation of plans after the expiry of validity period shall be subject to the following conditions:-
- (a) where work is in progress and there are no deviation, the case may be considered for extension of time;
  - (b) for cases where there are deviations, the cases may be considered on merits after imposing the composing fee as per general guide lines.
12. *Revocation of Sanction* –The Nagar Panchayat may revoke any building sanction issued under the provisions of these bye-laws, wherever there has been any false statement suppression or any misrepresentation of material facts in the application on which the building sanction was based or if there is a gross deviation during the progress of construction from the sanctioned plan.
13. *Valid Notice* – Notice containing complete information as required in bye-laws No. 7.1.1 and 7.1.2 shall be considered as valid notice.
14. *Qualifications of Registered Technical Personnel for Preparation of Schemed for Building Sanction and Supervision* --- The qualification of the technical personnel and their competence to carry different jobs for building sanction and supervision for the purpose of registration by the Nagar Panchayat or any other officer authorized by it and the registration shall be valid for one calendar year ending 31<sup>st</sup> December after which it shall be renewed annually, as follow:-
- (a) *Engineer* – Qualification – the Engineer shall hold such qualifications for the purpose of registration as are given in sub- section (3) of section 203 of the Act.  
*Competence.* – The registered Engineer is competent to carry out the work related to Building Sanction as given below and will be entitled to submit;
    - i) All plans and related information connected with building sanction;
    - ii) Structural details and calculations for all buildings;
    - iii) Certificate of supervision for all buildings;
    - iv) Sanitary/water supply works for all type of buildings;All layout plans:
  - (b) *Plumber* – Plumber shall be licensed by the Nagar Panchayat through an examination of the candidate having the following minimum qualification.  
*Qualifications:*
    - i) Knowledge of Hindi;
    - ii) Working knowledge of drawings and sketches.
    - iii) Certificate of training from I.T.I for the trade with minimum two years execution of sanitary and plumbing works under any Government Department/ Local Bodies or licensed Architect/ Engineer.

OR

A sound practical knowledge or experience of sanitary and plumbing works under Government Department/Local Bodies or licensed architect for period of five years.

*Competence* – A licensed plumber shall be competent to do the following jobs independently.

(a) Submission of sanitary plans up to 2 storey buildings;

(b) Execution of sanitary works of 2 storey buildings.

(c) Execution of sanitary works of any kind of all kind of buildings under the supervision of licensed Engineer.

15. *Procedure During Construction Work*, - 15.1. Neither the granting of the sanction nor the approval of the drawings and specifications nor inspection made by the Executive officer/secretary or any other official of Nagar Panchayat during erection of the building shall in any way relieve the owner of such building from full responsibility for carrying out the work in accordance with the requirements of these bye-laws.

*Notice for Commencement of Work* – 15.2 Before commencement of the building work at site for which building sanction has been granted, the owner, within a period of maximum one year from the date of sanction, shall give to the executive officer of the intention to start the work at the building site in the Form given in form-6. The owner shall commence the work within seven days from the date of such notice.

*Documents at Site.* – 15.3 The person to whom a sanction is granted shall during construction make readily available for inspection a copy of the approval drawings and specifications.

16. *Notice of Completion* – every owner shall have to submit a notice of completion of the building to the Executive officer/secretary regarding completion of the work described in the building sanction. The notice of completion plan in tracing cloth and four ferro prints with fee of rupees 50/- and the following documents :-

(a) Copy of sale deed, lease deed, jamabandi etc. in case of change of ownership

(b) Two photographs showing front and side elevation of the completed structures;

(c) Tax clearance certificate from Nagar Panchayat.

A committee consisting of Municipal Engineer, junior Engineer and Sanitary inspector headed by the secretary will inspect the site before according the sanction of the completion plan.

17. *Deviation During Construction:* -- If during the construction of a building any substantial departure from the sanctioned plan is intended to be made by way of internal alterations or external addition, sanction from the secretary shall be obtained. The revised plan showing the deviations shall be submitted and the procedure laid down for the original plan heretofore apply to all such amended plan.

18. *Occupation of Building:* -- No person shall occupy or allow any other person to occupy any building or part of a building for any purpose until such building or part has been granted the completion certificate.

19. *Completion Certificate:* -- The Executive officer/secretary on receipt of the notice of completion, shall inspect the work and communicate the sanction or refusal or objections thereto, within 30 days from the date of receipt of notice of completion. If nothing is communicated within this period, it shall be deemed to have been approved by the Executive officer/secretary for occupation.

20. *Notice on Completion of Plinth Level Work:* -- The owner who has completed the work upto plinth level and before the commencement of the super structure work shall give notice to

Executive officer in from – 10, filling which the construction /structure so raised shall be treated as unauthorized.

21. **Unsafe Building:** - All unsafe building shall be considered to constitute danger to public safety and hygiene and shall be restored by repairs, demolition or dealt with under section 117 of the Act.
22. **Distance from electric lines:-** No Verandah , balcony , Saiban or the like shall be allowed to be erected or re-erected or may addition or alteration made to a building with in the distance quoted below in accordance with the provision of India Electricity Act and Rules made there under and its amendments from time to time , between the building and any overhead electric supply line:--

| 1  | Vertically Metre<br>2                                    | Horizontally Metre<br>3                    |
|--|--|--|
| (a) Low and medium voltage lines and service lines | 2.40   | 1.22                                       |
| (b) High voltage lines up to an including 3300 V.  | 3.66   | 1.83                                       |
| (c) Extra high voltage lines beyond 3300V.         | (plus 0.3m for every additional 33000 V or part thereof) | (plus 0.3m for additional 33000 V thereof) |

23. *Minimum size of plot:-*

24. *Residential use:-*

- i. The construction of building for residential for use shall not be permitted on any plot which has an area of less than 90 sq.mt.
- ii. *Coverage :-* Maximum permissible coverage of residential building in plots of different sizes shall be as under :-
 

|                                |     |
|--------------------------------|-----|
| (a) On plots up to 90sqm.      | 65% |
| (b) On plots of 91 to 250sqm.  | 60% |
| (c) On plots of 251 to 500sqm. | 55% |
| (d) On plots of 500sqm.        | 50% |
- iii. *Set backs :-* In case of detached house minimum set backs on main road(3mt)/ path shall be 2.00 meters in front and 1.50 meters another sides . in case of semi-detached house the minimum set back in front shall be 2.00 meter , on side 2.00 meter and rear 2.00 meter . Additional coverage of 1.00 meter width shall be permissible. Garage measuring 3.0 m.\* 5.50 m shall be permissible on the rear.
- iv. *Row house set back:* - Minimum backs on main road /path in case of row house shall be 3.00 meter on front and 2.00 meter on rear .
- v. *Minimum building width :-*No construction shall be permitted on a piece of land left with buildable width less than 5 meter , after maintaining set backs with reference to the size of plot .
- vi. *Set backs for arterial roads –* Front set back on arterial roads with right of way 24mtrs and 16 mtrs . shall be 7.5 mtrs and 5 mtrs . Respectively, Set back on other roads shall be as given in clause 2 and 3 above.
- vii. *Set backs in case of public utility/services:-* The set backs shall not be applicable to the services like pump, electricity sub- station , road infrastructures / facilities such as

as rain shelter land scaping, auto services etc. Which are specifically permitted on the acquired width of the road by the Government land or local authority of area in case where land belongs to a local authority.

- viii. *Height of Building:* - Minimum and maximum, floor height for residential building shall be 2.70 mtrs. And 3.50 mtrs. respectively. No mezzanine floor shall be permissible. Total of 2.20 mtrs. No structure shall be allowed on valley side of any road with any part of it rising above the road level.
- ix. *Projection:* - Roof / slab projection and sun shades shall be allowed up to 45 cms. Over set backs on all sides.
- x. *Storey's:-* Maximum number of storey's, shall be four as per the drawing .including, parking floor with maximum height of 2.20 mtrs. Shall have to be provided in case of plots abutting vehicular access. Column below basement or ground floor shall not be exposed and shall be covered by retaining wall. Every building shall have sloping roof.
- xi. *Reconstruction of existing buildings:* - Regulation regarding reconstruction of house building shall be on existing building lines, provided road with minimum width of 3.00 meter available. Roof projection / sun shades up to 23 cm. shall be permitted over street of paths as the case may be.
- xii. *Hotel:* - Permission for Hotel shall be granted only on a vehicular road with minimum width of 5 mtrs. The minimum plot size for a hotel shall be 750 to 1000 squire mtrs. With maximum ground coverage as 45%. The minimum set back shall be 5.00 to 7.00mtrs. In fronts and 4.0 mtrs . on all other sides . Number of storey shell be retracted to two with a total and height of 9.50mtrs. excluding parking floor of 2.20meters. The owner of the hotel shall have to keep one floor exclusively for parking at road level @one parking space measuring 20 sqmt. For every two beds, heights of parking floor should not exceed 2.22 mtrs. This parking floor shell be addition to the normal to storey's as permissible such floor created for parking shell not be used for habitable storage purpose.59% of the open space on ground shall be allowed for open parking and the rest should be landscaped .
- xiii. *Ecology not be Disturbed:-*
- i. Change of land used or the development of land shall be made in such a manner that natural profile off land is lest disturbed.
  - ii. In case cutting of plot is required the owner shall take measure to protect abutting properties by constructing retaining / breast walls. Cutting above 3.00 mtrs. shall not be allowed
  - iii. Change in the use of land or the development of land shall be made in the manner so as to achieve maximum air light and sun were it is needed most
- xiv. *Craving of plots :-*
- 1) Orientation of the plots shall be proved in such a manner as to be in conformity with the integration of existing plots infrastructure, wind direction, natural flow of surface drainage to allow un obstructed rain water discharge.
  - 2) Layout of plots shall be governed by easy access having acceptable grades minimum 1:10 and which may not obstruct view or vista.
  - 3) For group of plots exceeding 10 in number on one particular access, minimum vehicular access shall be of 5 mtrs width. However, 3 mtrs. Minimum wide

pedestrian links can be provided to smaller cluster of plots not exceeding 10 in number.

- 4) *Plot Area.* –
- a. Minimum plot area for detached house shall be 150 Sq. mtrs.
  - b. Plot area for a semi- detached house shall be up to 250 Sq. mtrs.
  - c. Plot area for row housing shall be up to 150 Sq. mtrs.
- Provided that in exceptional circumstances for the benefit of economically weaker section and where the site conditions permit to do so, the director may consider 60 Sqm. minimum area of plot with two common walls.
- 5) One common wall construction shall be allowed in plots up to 250 Sqmt. and two common wall construction in plots up to 150 Sqmt. mtrs. Subject to the conditions that maximum number of such plots does not exceed 8 in row, after which a gap of 17 meters shall be left.
- (xv) *Green belt.* – All area possessing green cover belt not classified as “Forest whether in private ownership to be henceforth called as green belt.”
- (a) For the green belt, every effort shall be made to preserve and protect the character of green belt. No sub- division of land in this area shall be allowed for urban functions. Activities promoting forestation. Wild life, picnics and tourism shall be permissible in the green belt under tourism, only activities shall be allowed whereby tended, temporary, small and make shift accommodations are proposed. Hill cutting for construction of approach road would not be allowed. Filling if trees shall not be allowed for any of the activities mentioned above Reconstruction of existing structure shall be permissible on old lines provided that maximum basement and attic. Provided that no development/ construction shall be allowed in the area filling within the preview of Forest Conservation Act, 1990.
  - (b) Henceforth no construction shall be allowed a radius of 5.00 meters from the green belt boundary and within radius of 2.00 meters from an existing tree distance shall be measured from the circumference of the tree.
- (xvi) *Earth Quake Resistant Design and Construction* :-- Jubbal planning area falls in the seismic zone-V Earth quake resistance design and construction should be enforced to prevent destruction. Height of structure should be restricted to 3 storey's and seismic beams should be provided in plinth level sill level, as safety measures.
- (xvii) *Collection of Rain Water From the roof of Building:* - For rain water harvesting a tank in the proposed building shall be constructed by connected it with the gutter at the top of the roof. The capacity of the rain water harvesting structure shall be proposed in the plan @ of 20 liters per sq. mts. Rooftop area. For instance: -

| <b>Roof top area (sq. mtrs)</b> | <b>Capacity in Ltrs.</b> |
|---------------------------------|--------------------------|
| 100                             | 2,000                    |
| 150                             | 3,000                    |
| 200                             | 4,000                    |
| 500                             | 10,000                   |
| 1000                            | 20,000                   |

24. *Means of Access:* --
- 24.1 No building shall be erected so as to deprive any other building of the means of access.
  - 24.2 Every person who erects a building shall not at any time erect or cause or permit to erect or re- erect any building which in any way encroaches upon or diminishes the area set a part as means of access.
25. *Open Spaces, area and Height Limitation:* --
- 25.1 Every room intended for human habitation shall abut on an interior and exterior open space or on an verandah, open to such interior or exterior open space.

25.2 The open spaces to be left around the building including set backs, covered area, total built up area, limitations through F.A.R. shall be as per Interim Development Plan for Jubbal Planning Area.

26. *Requirement of Parts of Buildings:*

26.1 *Plinth of Buildings:* -- The plinth or any part of a building or out houses shall be located with respect to surrounding ground level so that adequate drainage of the site is assured but not at a height less than 45 cm. In case of stopping site the maximum height of the plinth level should however not be more than 2.00mtrs. including the plinth from the lowermost level of the original ground profile.

26.2 *Habitable Rooms:*

26.2.1 *Size:* -- habitable room shall have a minimum floor area if 9.5 sqmt. Shall also have a minimum width of 2.4 meters. In the hostels attached to recognized educational institutions the minimum size of a habitable room should be 7.5 sq. mtrs.

26.2.2 *Height:* -- The maximum height of each floor excluding thickness of slab shall be 2.75 meter including the beam. The maximum height of the floor shall not be more than 4 meters measured from the surface of the floor to the lowest point of the ceiling (Bottom of slab).

26.2.3 At least 1/6 area of the living room will be rendered for sufficient air and light by providing windows or ventilators.

26.2.4 Every room except, kitchen, bath, store, water closet, study room, puja room and dinning room is a habitable room.

26.3 *Kitchen:--*

(a) The area of the kitchen shall not be less than 4.50 sqmt. with a minimum width of 1.80 meters.

(b) A kitchen which is also intended to be used as a dinning room shall have a floor area not less than 7.50 sm. With minimum width of 2.10 meter.

(c) The door of the kitchen shall be fly proof and the entire kitchen shall be well lit and well ventilated.

(d) Unless, separately provided in a pantry means for the washing of kitchen utensils, which shall lead directly or through a sink to grated or trapped connection to the wastepipe.

(e) A kitchen shall have a sink with minimum dimension of 0.60 meter by 0.45 meter or a water proof washing tray of minimum 10 cm. Depressed into floor.

(g) The floor of the kitchen shall be of impervious and fire resistance nature.

(h) Height of the kitchen shall be equal to the height of the habitant room.

26.4 *Bath Rooms and Water Closets –*

26.4.1 *Size:* -- The size of a bath room shall be not less than 1.80sq. mtr. With a minimum width of 1.20 mtrs. And minimum length of 1.50 mtrs. The minimum size of the water closet shall be 1.1 sq. mtrs. with a minimum width of 0.90 mtrs. And minimum length of 1.20 mtrs. If it is a combined bath room and water closet, the minimum area shall be 2.8 sq. mtrs, with a minimum width of 1.2 mtrs., and minimum length 2.35 sq. mtrs.

26.4.2 *Other Requirements:* -- Every bathroom or water closet shall: --

- a) be so situated that at least one of its wall shall open to external air and shall have a minimum opening in the form of window or ventilation to the extent of 0.37 sqm. or if external wall is not possible it should abut to shaft with minimum dimension of 0.90 m. where exhaust fan shall be provided for ventilation.
  - b) not to be directly over or under any room other than another latrine, washing place, bath or terrace unless it has a water tight floor.
  - c) Be provide with an impervious floor covering, sloping towards the drain with a suitable grade and not toward verandah or any other room.
  - d) Have water tight seats with non absorbent material.
  - e) Be enclosed by walls or partitions and the surface of every such wall partition shall be finished with a smooth impervious material to a height of not less than 1 m. above the floor of such a room.
- 26.4.3 No room containing water closets shall be used for any purpose except as a lavatory and no such room shall open directly into any kitchen or cooking space by a door, window or other opening. Every room containing water closet shall have a door completely closing the entrance to it.
- 26.4.4 When outer door of latrine/ privies open the seat shall not be visible from the street or other public place.
27. *Mezzanine Floor :*
- 27.1 *Size:-* Mezzanine floor shall be permitted only between ground floor and first floor in only commercial buildings, such as Banks, restaurants etc. the mezzanine area upto 25% of the actual covered area on the ground floor is permissible and shall be counted in the F.A.R.
  - 27.3 *Height:-* The height of mezzanine floor shall not be less than 2.20 meter and not more than 2.75 metre.
  - 27.3 *Other Requirements:-* A mezzanine floor may be permitted over a room or a compartment provided that:
    - a) The mezzanine shall have direct light and ventilation to the extent of 10 % of its floor area.
    - b) It is construct so as not to interfere under any circumstances with the ventilation of the space over and under it and does not violate any other bye-laws.
    - c) Such mezzanine floor or any part of it shall not be use as kitchen.
    - d) In no case a mezzanine floor shall be closed so as to make it liable to be converted into unventilated compartments.
28. *Basement:-* Basement shall be considered as storey. A cavity wall with at least 6” cavity drain shall have to be provided against hill side in basement floor.
29. *Store Room:-*
- 29.1 *Size:-* The area of a store room shall not be less than 3 sq.mtrs. in case, the area of the store room is more than 3 sq. mtrs, the light and ventilation requirement to the extent of 10% of the floor area shall have to be provided.
  - 29.2 *Height:-* The height of store room shall be equal to the height of habitant room.
30. *Private Garage:-*
- 30.1 Garage in the compound or on land adjoining to the building of a house can be permitted provided that the maximum height of the garage shall be 2.20 mtrs. And



Provided that on the valley side the garage shall be constructed by construct retaining wall filled with /earth upto road level provided further that the depth of original profile shall not exceed 2 mtrs. From the road level, the garage shall however be permitted after having proper front set back and applicant shall have to obtain the N.O.C. from the competent authorities.

- 30.2 The provision of one parking floor in the building shall be allowed with maximum height of 2.20 m from the surface of the floor to the lowest point of the ceiling and also exempted from the F.A.R. provided that the parking floor level abuts on the road which is through for vehicular traffic.
- 30.3 The size of private garage in the open plot shall not be less than 2.50 mts X 5.0 mts. Or the size of the vehicle. However, due to topographical constraints this provision can be relaxed, for small cars, by the Nagar Panchayat.
31. *Balcony* – the building or a unit of the building shall have a balcony on any of the side. The width of the balcony shall, not be more than 1.2 m. and the balcony shall normally face the frontage.
32. *Corridors* – the minimum width of a corridor in a residential building shall be one metre and in all other buildings 1.20 metre.
33. *Lifts* –
  - 33.1 Where life is available all the floors of the building shall be accessible for 24 hours by the lifts. The lifts provided in the buildings shall not be considered as a means of escape in case of emergency/ fire.
  - 33.2 Grounding switch, at ground floor level, to enable the fire service to ground the light in case of any emergency shall also be provided.
  - 33.3 The lift machine room shall be separate and no other machinery shall be installed therein.
34. *Roof* --
  - 34.1 The roof of a building shall be so constructed or framed with such steps as to permit effective clearance of the snow and drainage of the rain water by means of rain water pipes of adequate size.
  - 34.2 The maximum angle of the roof from outer edge of the wall to the ridge shall ordinarily be 30 degree.
  - 34.3 However often some pinnacles/spires or domes are constructed for adding beauty to the building or for ensuring aesthetic requirements. These may be permitted/ regularized over and above the 14 mts. Maximum height of the building provided such spires/ pinnacles or domes are so constructed that these non habitable.
35. *Terrace/Glass House/Mumty* – These terrace at roof level shall be allowed equal to 1/3<sup>rd</sup> area of the top floor. In this area the owner can also construct glass house/ terrace garden subject to the condition that such glass house does not go higher than the ridge of the roof.

The owner may also be permitted to install solar system and in case such installation is above the roof results in exceeding the maximum height of 14 mts. Of the building the same can be considered for sanction depending upon the merit of the each case. Mumty and stair case to the terrace at at roof level shall be allowed. The clear height of mumty shall not exceed 2.20 m. from mid landing and waist slab of the staircase, leading to terrace, at any point of the building.
36. *Stairs* --

- 36.1 The Width of stair case leading to any floor of a residential a building shall not be less than one meter and for building other than the residential building the following minimum width shall be provided :-
- |  |       |
|--|-------|
| (a) Hotels, flats, hostels, group housing and educational building like schools, colleges etc.         | 1.50m |
| (b) Institutional buildings like Hospital and assembly buildings like auditorium, theatres<br>cinemas. | 2.0m  |
- 36.2 the minimum width of treads without nosing shall be 25 cm for an internal stair case for residential building. In case of other building the minimum tread shall be 30 cm.  
The treads shall be constructed and maintained in a manner to prevent slipping.  
Winders shall be allowed in residential building provided they are not at the head of downward flight .
- 36.3 The maximum height of rise shall be 19 cm in the case of residential buildings and 15 cm in the case of other building . They shall be limited to 15 per flight.
- 36.4 The minimum head room in the passage under the landing of a stair case shall be 2.20meter
- 36.5 Interior staircase shall be constructed as a self contained unit with at least one side adjacent to an external wall and shall be completely enclosed . For buildings more than 12 m height , all staircases shall be enclosed .
37. Spiral Stair Case .-
- 37.1 In commercial building consisting of three or more stores , provisions of spiral stair case other than a regular stair case as fire escape shall be provided .
- 37.2 The spiral fire escape shall be not less then 1.50m in dia meter and shall be designed to give adequate head room .
38. Ramps .-
- 38.1 Ramps with a slops of not more than 1 in 10 may be substituted for stairways and shall Comply eith all applicable requirements of required stairways as to enclosure , capacity and limiting dimension larger slopes shall be provided for special uses but in no case grater than 1 in 8 . For all slopes be provided 1 in 10 and where the use is such as to involve danger of slipping , the ramp shall be surfaced with approved non- slipping material .
- 38.2 The minimum width of the ramps in hospital shall be 2.25 m .
- 38.3 Handrails shall be provided on both sides of the ramp.
- 38.4 Ramps shall lead directly to outside open spaces at ground level or courtyards or safe place.
- 39 . *Re –Erection of building on Old Line* – The permission for re-erection on old line for dilapidated, burnt and unsafe building may be considered after receiving the notice from the owner of the property
- 39.1 The notice shall accompany with old sanctioned plan of the existing building duly certified by a licensed by licensed Architect/Graduate Engineer.
- 39.2 The notice shall accompany with all the documents as required for new proposed erection of building .
- 39.3 The sanction for re-erection shall be given for the existing covered area and number of Floors and with the same height .
- 39.4 The sanction for re-erection shall be given at the same plinth level.

- 39.5 In heritage zone the sanction for the re-erection shall be given only after maintaining old existing façade of the building .
40. *Basis Amenities:* - The basis amenities such as water connection, sewerage connection and electric connection shall only be given on the following terms:-
- (a) One water connection on commercial basis shall be given for the construction, purpose only proposed plane is sanctioned subject to availability of water.
  - (b) N.O.C. for one temporary electric connection shall be issued for construction purpose only after plane is sanctioned and construction is carried out as per sanctioned plane.
  - (c) Water connection on domestic basis shall be given only after the completion plane of the particular floor /portion /whole of building is sanctioned. for the remaining construction the owner will be provided the trade connection.
  - (d) N.O.C. for permanent electric connection shall be issued only after completion plane of particular floor/whole of building is sanctioned.
  - (e) Sewerage connection shall be given only after the completion plane of the particular portion/floor and whole of the building is sanctioned.
  - (f) In the case of old existing building where the completion plane has not been sanctioned, the trade water connection shall be given to the occupier/owner till the completion plane is sanctioned.
41. *General :-*
- 41.1 In Bazaar area and in all other areas which may considered to be congested area by the Nagar Panchayat every building abutting on the valley side of a street shall be constructed so as to be without building angle of not more that 37-1/2 degree . In case of building abutting on the other side of a street a building angle of not more than degree shall be allowed .
- Note:- the term building angle means the angle formed between the horizontal line at street level and line drawn from higher point of proposed building to the farther edge of the street opposite the proposed buildings.
- 41.2 No building shall be constructed on a vacant site / plot within any area restricted by the state Government without its prior buildings.
- 41.3 the specification of the construction of building other than residential building shall be as per National building Code.
- 41.4 The specification for the installation of fire control system may be as per National building Code .
- 41.5 The walls of every building shall be construction of non-inflammable material and in the case of partition walls between adjoining houses their thickness shall be not less than 23 cm.
- 41.6 Number of storey's and conversion of residential viz painted, distempered, white washed, roof painted at least once in there years by the owner / tenant.
- 41.7 Every building is required viz painted, distempered, white washed, roof painted at least once in three years by the owner/tenant.
- 41.8 No building shall be constructed adjoining the road (National Highway) and state highway without leaving the set backs as may be prescribed by the State/PWD as the case may be.
- 41.9 Not more than one dwelling unit per floor will be allowed in residential buildings construction in plots having an area up to 250 sq. For plots measuring over

250sq.m one additional dwelling unit may be allowed and thereafter for every 100sq. m. additional area of the plot additional dwelling unit may be considered.

41.10 Where trees is involved no building application shall be considered where the distance between building and outer edge of tree is less than 2 mtr.

42. Site Development: --

42.1. The development of land shall be made in such a manner that natural that natural profile of the land is least distributed and disposal of surplus earth shall be made only on those points are specified by Nagar Panchayat from time to time.

42.2 Where, it is essential to develop a plot by cutting, is shall be responsibilities of the plot owner to provide, according to the engineer specifications, retaining and breast walls so that such cutting of natural profile of the land may not harm the adjoining uphill side properties. However, cutting of natural profile shall not exceed more than one storey (3 mtrs in any case having a provision diaphragm will or step houses).

42.3 The development of land shall be made in such manner so as achieve maximum air, light and sun where it is needed most.

43. Carving of Plots: --

43.1 Orientation of the plots shall be provided in such a manner so as to be in conformity with the integration of existing plots- infrastructure, wind direction, natural flow of surface drainage to allow unobstructed rain water discharge.

43.2 Layout of plots shall be governed by ways/ access having acceptable grades i.e minimum 1:15 and which may not obstruct view of vista.

43.3 For group of plots exceeding 10 in number on one particular access minimum vehicular access shall be of 5 mtrs width. However, 3 mtrs minimum wide pedestrian links can be provided to smaller cluster of plots not exceeding 10 in number.

44. Construction of temporary structure: -- The owner may construct with prior permission of the Nagar Panchayat single storey temporary structure with in the boundaries of the site, for builders office, storage of building material shelter for lab our etc. during the construction of building there on adjoining there to. This temporary structure shall remain for the period specified in the sanction.

45. Regularization of unauthorized Construction/deviation from the sanctioned plan/ violation of provision IDP/DP/Zonal plan/N.P- bye- laws.

45.1 Compoundable item:--

45.1.1:- If there is deviation from the sanction plan set backs are intact and the construction is within permissible entitlement of coverage as admissible on the date of filling of the plans, the composition fee shall be charged at the following rates:--

(a)For the deviation up to 10% of the sanction area, the composition fee may be charged @ 10% of the cost of construction.

(b) For the deviation up to 20% of the sanction area, the composition fee may be charged @ 10% of the cost of construction for deviation up to 10% and 20% cost of construction for the deviation from 10% to 20%.

(c) For the deviation up to 20%, the composition fee may be charged @ 10% of the cost of construction for the deviation from 01 to 10% and 20% cost of construction for the deviation from 10% to 20% and 100% cost of construction for the deviation above 20%.

45.1.2. If there is division from the sanctioned plan and set backs are disturbed, the deviation may be considered for compounding as given below:-

- a) Where the deviation in setbacks at any floor/at plinth level in up to 10 % of the sanctioned plan the same may be compounded and in the same @ 20% of the cost of the construction, subject to the condition that :-
  - I. There should not be any hindrance / nuisance to the adjoining building/ plot/ path/ road/ street/ drain and neighbors etc.
  - II. the erection of building should not be on any Government a land belonging to or the land vested in a municipality or local authority.
  - III. The construction should be in contravention to the provision of the Himachal Pradesh road side land control Act, 1969.
- b) Any person aggrieved by the decision of the Nagar Panchayat under 45.1.2(a) of these bye-laws, may with in 30 days from the passing of the order by the Nagar Panchayat in the manner prescribed in “Appendix-A”, appeal to the Deputy Commissioner.
- c) Any person agreed by the decision of the Deputy Commissioner in appeal under clause (b), may, with in 30 days from the order made by the Deputy Commissioner and in the same manner as prescribed in (b) above shall, appeal to the state Government.
- d) The appellate authority may for reason to be recorded in writing, allow the appeals to be filled after expiry of the period of 30 days specified in (b) and (c) and for the calculating the aforesaid period of 30 days, the same time spend in procuring the certified copies of the orders to be appealed against shall be excluded.

- Notes:--*
1. For the purpose compounding, the average rate of construction of the year of sanction and year of completion/ submission of map shall be taken.
  2. For purpose of compounding balconies/ projections, half the rate of construction shall be taken.
  3. The maximum permissible percentage of deviation is inclusive of the areas of balconies/ projections.

*46. Repeal and Saving:--*

- 1) Precedents whatsoever, was adopted is hereby repealed.
- 2) Notwithstanding such repeal under clause (1) sanction, any order, registration, license, certificate, notice, decision, sanction, approval, authorized, or consent made, issued or given under such precedents shall continue to be in force and have effect as if it were made, issued or given under corresponding provision of these bye- laws; and every building plan sanctioned or approved prior to the commencement of these bye- laws and any application in relation hereto shall be disposed of in accordance with the provision of the said precedents had continued to be inforce and these bye- laws had not been framed.