

CHHATTISGARH ANADHIKRIT VIKASH KA NIYAMITIKARAN ACT, 2002

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3. The provisions Of this Act shali apply to such unauthorized develop»ments winch were in existence on or before the date not' by the State Government.In this Act, unless the context otherwise requires— (w) OAuthority" means an authority constituted under section 4 of the Act. "Builderv means and includes, a person or group of persons engaged in construcuon of building or creation of any otherengineering structure n. or on any piece Of land. in the planning area. "Government" means State Government Of Chhattisgarh. "Road line" tneans both limiting sides of.pny road. (v) (vi) 2002 "Unauthorized developmctn" means development of any silc without any pernussion or contrary to lhe pertntssjon granted or dc viatlen land use or deviation from the pernuss.on granied under lhe provisions ofthe Chhattisgarh Nagar Tatha Crani N' i.esh Adhiniyam. 1973 (No. 23 of 1973)or any ofthe acts for the linte betng in force or any rulcsorbyclaws made thereunder. • 'Regularisation" for the purpose of Act means. regularisation unauthorized development by the Autherny under Section 5 (I) (ii). 4. 5, 6. (2) (I) (2) Words and expressions used in this Act. but not defined herein. shall have the satnc meaning as given in (he Chhattisgarh Nayar Talha Gram Nivesh Adhiniyam. 1973 and rules made thereunder. CHAPTER-II— CONSTITUTION OF AUTHORITY. PROCEDURE ETC. The State Government shall constnute for each district an authority to be called the "District Regularisation Auth0'i:y" for the purpose of regularisation of unau(horized development- The District Regularisation Authority shall consist of the following members namely (a) (b) (d) (e) Collector of the District District Superintendent 01' Pohce The Municipal Commissioner/Chier Municipal Officer of the concelncd Urban Local body, for the Cases of their respective areas. Chief Executive Officer of the concerned • Development Authority, their respe- cove areas. Officer 01' Town Country Ptanmng Department in-charge of the district Chairman Mcmber Mcinber Mctnher Memhcr Secretary. The authority may receive applications. through competent orjiccr appointed for this purpose, for regularisation of unauthorized development from lhe affected persnns within the time limit and in the manner as prescribed by lhe Goventntcnt uncier lhe rules franjed for this purpose. The District Regularization Authorvty shall hove the following powers On receipt of application under Section 5. it may call l'or any record ot' information regarding unauthor'zed developments in any planning area within the distnct On bus'S oi such records and information. the Authority may either relcct the applicanon or takea decision for regulari• sation or unauthorized development tn accordanc with Section 7 of this Act. Constitution 01 trict Regularisation Authority. Application. District Regularization au• tliority. (ili) (ivi) (v) 26 2002 In case. the Aulhoricy decides in favour of regularisation, il shaii. duc constderanon. injpose penalty on IIC applicam such develop ment The Authorny may collect such penalty in suiGiblc instalhnents together interest. case the applicant Illak•cs a wwtlc•r, requesl payments in 'asta"mcrts. within 14 days or the order hy the For the purpose of imposing penalty. the Authority shall evaluate an aulhal developmnt nn the hasis of prevatling value or lime land- cons:tucur, etc. The Authority also evaluate its

Monthly rent, The Authority shall determine penalty on the basis such evaluation done and the cost of development of basic infrastructure the extent, which may be required because of the unauthorized development. Upon compliance of the order issued by the Authority, and deposit of the regularisation penalty such development would cease to be unauthorized and a certificate shall be issued to the applicant by the Authority in such as may be prescribed. (2) (3) (4) Regularisation of an unauthorized development - The Authority shall have the same powers as are conferred on the High-Rise Building Committee under the provisions of the Chhattisgarh Nagar Tatha Gram Nyavesh Adhiniyam

1973. The Authority may, if it consider necessary. take the services or opinion of any registered structural engineer, town planner or architect in deciding applications under Section 5 The Authority shall exercise such similar powers as may be assigned to it by the Government for the purpose of regularisation or unauthorized development. The District Regularisation Authority shall not regularise an unauthorized development if - (ii) (iii) (vii) the land belongs to Government, local authority, or any statutory body, the construction is affecting defined building line is falling within the Road-lines the land has been allocated by the Government, local authority or statutory body for a specific purpose, other than one for which development has been done, the area or construction is on land of tank bank or natural drainage, in case of multi-storied buildings, the building is obstructing the view of any adjacent building site or is violating prescribed norms for fire safety or structural stability, the area is earmarked for industries which use or produce hazardous substances, it is not in public interest to do so (2) (4) (5) Till 26/02/2002 If the unauthorized development is on parking spaces or on areas earmarked for recreational use in the development plan, regularisation shall be permitted only when an alternative area has been provided by the applicant in close vicinity of the constructed site. No regularisation of unauthorized high-rise building shall be considered. If it contravenes any of the provisions of the Chhattisgarh Nagar Tatha Gram Nyavesh Adhiniyam

1973. The authority may regularise part of the unauthorized development also. looking to the attending circumstances Regularisation will not entitle the applicant for any other services or claims arising therefrom. 8. 9

10. The authority having jurisdiction. shall take appropriate action against an unauthorized development according to the provisions of the acts, and rules made thereunder if - (iii) (2) (3) (2) the owner, or occupier or builder of the unauthorized development does not apply for regularisation within the prescribed time limit, the application has been rejected under section (6) (1) (i), the application fails to deposit the penalty for regularisation. Any person, aggrieved by an order passed by the Authority, may appeal to the Divisional Commissioner within thirty days from the date of such order. In case the appeal is filed by the applicant as mentioned in section 5, the appeal shall not be admitted for hearing by the Divisional Commissioner unless the appellant has deposited 50% of the penalty for regularisation. The applicant must deposit the monthly rent of the unauthorized development regularly, as decided by the Authority, during the pendency of the appeal. Any person, aggrieved by an order passed by the Divisional Commissioner may file an appeal to the Government within thirty days from the date of such an order, Provided that the appellant shall regularly deposit the monthly rent for the unauthorized development as decided by the Authority under this Act during the pendency of the appeal. CHAPTER-III—MISCELLANEOUS The Government may either Suo-moto, or on an application filed by any person, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by Divisional Commissioner or Authority under this Act, call for the records and may also direct that pending examination of the record, such order be held in abeyance. The Government may modify or reverse the orders of the Divisional Commissioner or Authority under Act as it may deem fit. NO such order shall be passed by the Government unless the parties have been given an opportunity of being heard, powers or authority having jurisdiction. Appeal. Power of the court. 26/02/2002 210 Deposit of penalty and Other accruals. Protection of action taken under the Act Powers of Government to make Savings. Bar on the Jurisdiction Civil Courts. Power to remove difficulties. 11. 12. 13. 14. 15. 16. penalty, rental value and other accruals received under the provisions of this Act shall be credited to the Government treasury. (1) (2) Notwithstanding anything contained in any law for the time being in force, no suit, prosecution or other legal proceedings shall lie against any officer or Authority for any thing which has been done in good faith or intended to be done pursuant to the provisions of the Act or rules made thereunder. No suit or other legal proceeding shall lie against the Government or any authority under the Government for any damage

caused or likely to be caused by any thing which has been done or any action taken in good faith or intended to be in pursuance of this Act or rules made thereunder. Government may make rules for the purposes of effectively carrying the provisions of this Act, Such rules may provide for all or any of the following matters. namely — (ii) (iii) procedure to be followed in regularisation of unauthorized development: norms for imposition of regularisation penalty: procedure for collection and utilisation of penalty for regularisation; procedure for exercise of powers conferred to the Authority under Section 6 of this Act. Notwithstanding any thing contained in Chhattisgarh Nagar Tatha Gram Nivcsh Adhinyam, 1973 (No. 23 of 1973). Chhattisgarh Municipal Corporation-Act. 1956 (No, 23 of 1956). Chhattisgarh Municipalities Act .1961 (NO. 37 of 1961) or Chhaisg.yh Panchayalraj Adhinyam, 1993 (No. I of 1993) any local government. if the case may be. in relation to the unauthorized development under the provisions of this Act. from the date of commencement of this Act. shall cease to exercise the powers. perform the functions. and discharge duties which the State Government, Divisional Commissioner. and the Authority is competent to exercise. perform and discharge under this Act. No civil suit of any nature against any or the orders passed under the provisions of this Act will be maintainable before any court If any difficulty arises in giving effect to the provisions of this Act. the Government may. by order. not inconsistent with the provision of this Act. remove the difficulty. 2-22-01tq•qz Q. 30-5-2001. " 307 | 8 17, 1924 fäv *-147, 2002 7033. 3-11-2002 615 616 2. 8 2002 34fÅfi-q-q 32 2002) 2002 2002 (21 2002) 2002 32 2002) t. 31fufizrq, 2002 (2 1 2002) 6 50% ' 8 2002 348 (3) (2002 32 2002) 8 2002 CHHATTISGARH ADHINIYAM (No. 32 of 2002) CHHATTISGARH ANADHIKRIT VIKAS KA NIYAMITIKARAN (SANSODHAN) ADHINIYAM, 2002 An Act to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhinyam. 2002 (No. 21 of 2002). Be it enacted by the Chhattisgarh Legislature in the Fifty-third year of the Republic of India as follows .— This Act may be called the "Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran (Sanshodhan) Adhinyam. 2002 (No. 32 of 2002)". It shall come into force on such date as the State Government may. by notification in the official Gazette, appoint

2. Short and (•nn'.rncneent. After (iv) of Sub-section (I) of Section 6 of Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran in Adhinyam. 2002 (No. 21 of 2002) the following provision shall be inserted namely "Provided that the amount of penalty to be imposed shall not be more than 01' such evaluation and the cost of development of such infrastructure." —2002. xrq-u38 fä. 30-5-2001. " 108 | 26 6, 1925 fäfrA 26 2003 frq 21-4-2003 214 (10) 214 (11) 7vr IO (1) (2) 2. 3. 26 2003 3Tfrfr-qq 2003) vErq-rrg () 36-frq•g, 2003 arfifigq, 2002 (21 2002) 2003 4 2003) t. 2002 (ÉT21 Ft2002) 26 2003 348 (3) (#7ttF) 2003 4 2003) fn t. z-q--qfrq. 26 2003 CHHATTISGARH ACT (No. 32 of 2002) THE CHHATTISGARH VIKAS KA NIYAMITIKARAN (SANSODHAN) ADHINIYAM. 2003 An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhinyam, 2002 (No. 21 of 2002). Be it enacted by the Chhattisgarh Legislature in the Fifty-fourth year of the Republic of India as follows 1. 3. (1) (2) This Act may be called the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran (Sansodhan) Vidheyak. 2003 (No. 4 of 2003) It shall come into force from date of its notification in the official Gazette. In Sub-section (I), (2) and (3) of Section 9 of the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhinyam, 2002 (No. 21 of 2002) hereinafter called Principal Act, for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted, In Sub-section (I) and (2) of Section 10 of the Principal Act. for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted. 214 (12) Short title and Commencement. Amendment of Section 9. Amendment of Section 10. 21. 2003—MTZ 21. 1925 12 2003 FRtT 3—9-2003 456 (2) 2. 12 2003 2003) Gizmrq) 3Tfääzrq, 2003 3F1fû4i7 f&-ro 2002 21 2002) zr€ 2003 21 2003) 3.FTfûF 2Z2 (E 21 2002) 6 6—7i (O 120 240 (8m) 240 360 (qfi) 360 Fq frTüffra üTtrfi. fhT t, 120 (G) 120 (1) 120 240 240 360 360 (2) 100 ISO 250 3. 12 2003 57. g-å S-ZF 3t?Fta 2002 (T. 21 2002) 7 12 2003 S725/21-3T/ZTFvm/2003 348 (3) 4S6 (3) (it*tqq) 2003 (m. 21 2003) FFTf4ra t. Q. gq-üfia. CHHATC'SC,ARH ACT (No. 21 of 2008) THE CHHATTISGARH ANADHIKRIT VIKAS KA NIYAMITIKARAN (SANSODHAN) ADHINIYAM, 2003 An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhinyam, 2002 (No. 21 of 2002). Be it enacted by the Chhattisgarh Legislature in the Fifty-Fourth year of the Republic of India as follows 4 2. (1) •ms Act may be called the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran (Sansodhan) Adhinyam, 2003 (No. 21 of 2003). (2) It shall come into force such as the State Government may. by notification in the Official Gazette. appoint After Section 6 of

Qihatusgarb Anadhikrit', Vikas Ka Niyamitikan Adhmiyam. 2002 (No. 21 of 2002) foliow.ng Secuon 6-A and O-B shall be inserted, namely 6-A. Special provision for residential building (i) For imposition of penalty on residential buildings, the unauthorised development shall be calculated on the basis of its plot-area, as follows (one) upto 120 square metres (two) from 120 sq. mts. to 240 sq. mts. (three) from 240 sq. mts. to 360 sq. mts. (four) above 360 sq. mts. Short Title and or New Section and 456 (4) Amendment (ii) (iii) 6-B. 12 2003 For residential buildings the penalty shall be fixed on the basis Of the floor area of the unauthorised development. If the building is constructed Without any building permission. then the penalty shall be imposed on the total floor area. If the building constructed with additional floor area Other than specified in the building permission, penalty shall be imposed only on such additional area. For residential buildings. the rate of penalty shall be as follows (one) NO penalty shall be imposed on the buildings constructed on plot areas upto 120 sq. mts. (two) The rate of penalty for the buildings constructed on plot areas above 120 sq. mts. shall be as follows Classification on the basis of plot area (1) Upto 120 to 240 sq. mts. Upto 240 to 360 sq. mts. above 360 sq. mts. Rate per sq. mt. (in rupee) (2) 100 150 Under the provisions of the Principal Act, the cases disposed shall be re-examined, and the rate of penalty shall be calculated as per the provisions made under Section 6-A. in any case, excess amount has been deposited by the applicant. the same will be returned, as per the rules made by the State Government in this regard 3. Sub-section (2) of Section 7 of Chhattisgarh Anadhikrit Vikas ka Niyamitikan Adhiniyam, 2002 (No. 21 of 2002) shall be omitted. 201 2015. 71 2 - 2 2- 382 (2) (1) 3. 4. 2016 2002 (Va. 21 2002) 2016 2002 (E 21 2002). 36 382 (1) 4. 6. (I) S. '(Vd) 120 (1) 3 (2) (2) 1 20 240 240 360 360 (3) 125 300 2016 10 4502/ET. 151/21-2/VF* Fy. — 06-05 - 2 016 t. An Act Adlinisam. - Republic of India. 30 KA , ADHI NIYAM, 2016 the Chhattisgarh Anadhikrit Vikas ka Legislature in the Sixty-seventh Year of the Anadhikrit Vikas Ka Niyamitikan 2016. It shall on such date as the State Government may by Gazette. appoint. Short title and Amendment Section 3. and men t Sertimi 6. item ii - k :inn I i of Section Of the Chhattisgarh Anadhikrit Vikas ka _n[i_ of 2002 (hereinafter referred to as the Principal Act) shall inserted. namely ii-a) i.e. such fee as is ascertained from time to time and of sub-rule (3) of rule 21 of the Chhattisgarh In the Principal Act.- shall be substituted, namely for the purpose of imposing penalty on commercial and other buildings not covered under Section 6-A, the following shall be substituted, namely 6. meters sq meters. but sq meters but sq meters. but i meters. but 111<ters. Penalty payable (3) 16 times of building permission fees. 21 times of building permission fees. 26 times of building permission fees. 3 times of building permission fees. 36 times of building permission fees, times of building permission fees. s. 'han clause (ii) shall be deleted For clause (NO) of sub-section iK- Principal Act. the following shall be substituted. namely The of the 've". of "Building permission on plot areas above 120 Rate per sq. mt. (in Rupees) sq. mt. shall be as follows Classification on the basis of plot area from 120 to sq. mts. from 240 to sq. mts. above 360 sq. mts. 5, 6. In Section 9 of the Principal Act. Development". wherever they be substituted, In Section 10 of the Principal Act. Development". wherever they be substituted. lot' • In the Amendment Amendment Section 9. Section Urban Planning and shall be Planning and (• Commissioner" shall - 201K 01 Traz / 38 Q. fra•r\$. 30-05-2001." 435] 2022— 23, 1944 14 2022 m. 7988/4 — 869 870 zrg (1) (2) (3) 2. 14 2022 7 2022) 2022 2002 (m. 21 2002) (•&r) 2022 2002 @ 21 2002), @ q t) 4 (2) (qiu) 870 (1) 3. 14 2022 01.01.2011 q-Gi 1984 870 (2) 1 2 3 (1 1 2 25 25 50 50 100 (h) 01.01.2011 1984 QiT (2) 25 25 50 14 2022 m) \$1 fäq) 14 2022 870 (3) 1 2 500 500 500 a 50 50 50 (qqR) @ 1984 39 aft 7 (1) €13) 4. 5. 870 (4) 2022 "3Tra .3Tqm fir, Alf gzi 'qig 14 2022 7988/4 — 348 (3) (viefEFT) 2022 7 2022) 14 2022 CHHATTISGARH ACT (No. 7 of 2022) THE CHHATTISGARH ANADHIKRIT VIKAS KA NIYAMITIKARAN (SANSHODHAN) ADHINIYAM, 2022 870 (5) An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikan Adhiniyam, 2002 (No. 21 of 2002). Be it enacted by the Chhattisgarh Legislature in the Seventy-Third Year of the Republic of India, as follows . 1. (1) This Act may be called the Chhattisgarh Anadhikrit Vikas Ka Niyamitikan (Amendment) Adhiniyam, 2022. (2) It shall extend to the whole State of Chhattisgarh. (3) It shall come into force with effect from the 2. Short title, extent and commencement. Amendment of Section 4. date of its publication in the Official Gazette. For clause (v) of sub-section (2) of Section 4 of the Chhattisgarh Anadhikrit Vikas Ka Niyamitikan Adhiniyam, 2002 (No. 21 of 2002), (hereinafter referred to as the Principal Act), the following shall be substituted, namely:- 870 (6) Amendment of Section 6. 14 2022 The of the District/ Joint Director/ Deputy Director/ Assistant Director of the Nagar Tatha Gram Nivesh department Member Secretary" 3. After clause (iii) of sub-section (1) of Section 6 of the Principal Act, the following shall be inserted, namely: "(iv)(a) On changing the land use

other than prescribed purposes, an additional penalty of 5 percent of the current prevailing collector guide line rate for the land of that area shall be payable. if the unauthorized development is done on the plot/ site reserved for the prescribed parking, then the regularization will be allowed only after the prescribed additional penalty amount for lack of parking has been paid by the applicant. (ii) such unauthorized development / construction xwhich came into existence before the date 2022 01.01.2011, för which building permit/ development permit is 870 (7) sanctioned, or such unauthorized buildings for which property tax is being paid at the rate determined by the Government in the concerned local body, if parking is not available in such buildings as per the Chhattisgarh Land Development Rules, 1984 or the development plan of the city concerned, then the building can be regularized on the payment of additional penalty amount for parking as follows:- S.NO. (1) I 2 3 Parking Decrease Percentage (2) •Up to 25 percent More than 25 percent and upto 50 percent More than 50 percent and upto 100 percent Penalty Payable (for each car space constraint (3) Fifty thousand rupees for each car space One lakh rupees for each car space Rs.2 lakh for each car space 870 (8) 14 2022 (iii) such unauthorized development / construction which came into existence on or after the date 01.01.2011, for which building permit/ development permit is sanctioned, unauthorized or such buildings for which property tax is being paid at the rate determined by the Government in the concerned local body, if parking is not available in such buildings as per the Chhattisgarh Land Development Rules, 1984 or the development plan of the city concerned, then the building can be regularized on the payment of additional penalty amount for parking as follows:- S.NO. (1) 1 2 Parking Decrease Percentage (2) Up to 25 percent More than 25 percent and upto 50 percent Penalty Payable (for each car space constraint (3) Fifty thousand rupees for each car space One lakh rupees for each car space 14 2022 (iV') The calculation of compoundable parking shall be as under: 870 (9) S.NO. (1) 1 2 Occupancy (2) Residential Non residential Built up area (in square metres) (3) Up to 500 More than 500 Up to 500 More than 500 Minimum Area Available for Parking (Per Car Space (ECS)) (4) Nil 50 Percent Nil 50 Percent (c) penalty in each case for unauthorized (d) development of such non-profit making social institutions, which are not established for the purposes of making profits, shall be payable at the rate of 50 (fifty) percent of the estimated amount. As per the provision laid down in Rule 39 of the Chhattisgarh Land Rules, Development 1984, regularization may be done if public 870 (10) Amendment of Section 7. Amendment of Section 9. 4. 5. 2022 interest is not affected by the existing activities at the site due to non- availability of width of the road. Clause (iii) of sub-section (1) of Section 7 of the Principal Act shall be omitted. (1) In sub-section (2) of Section 9 of the Principal Act, for the words "The applicant must deposit the monthly rent of the unauthorized development regularly, as decided by the Authority, during the pendency of the appeal.", the words "During the pendency of the appeal, the appellant shall regularly deposit the amount of monthly rent for unauthorized development, which shall be payable for a period not exceeding one year, as may be determined by the Authority under this Act. This provision shall apply to the all pending and new cases." shall be substituted. (2) For the proviso of sub-section (3) of Section 9 of the Principal Act, the following shall be substituted, namely:- 1 4 2022 "Provided that during the pendency of the appeal, the appellant shall regularly deposit the amount of monthly rent for a period not exceeding one year, for the un-authorized development, as decided by the Authority under this Act. This proviso shall apply to the all pending and new cases." YGTm7- 20i2. 870 (11) 71qz / 38 Q. 30-05-2001." 127] 3 2023 13, 1945 3 2023 46/21 •F./Ø. vr./23. 253 254 1. 2. (1) (2) (3) 2022 3 2023 æft2023) 2022. 2002 21 2002) 2002 (n 21 (1) (R17) 2 (1) '3 (2) 75 (3) 3 2023 4222/et.46/21-grF/Ø. q. /23. — 3 2023 3 eüa2023 CHHATTISGARH ACT (No. 5 of 2023) THE CHHATTISGARH ANADI--IIKRIT VIKAS KA NIYAMITIKARAN (SANSHODHAN) ADHINIYAM, 2022. An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002). Be it enacted by the Chhattisgarh Legislature in the Seventy-Third Year of the Republic of India, as follows :- 1. 2 (1) (3) This Act may be called the Ka Niyamitikaran (Sanshodhan) Adhiniyam, 2022. It shall extend to the whole State of Chhattisgarh. It shall come into force with effect from the date of its publication in the ()fficial Gazette. Short extent and commencement. After serial number 2 of the Table of para (iii) of sub-clause (b) of clause (iv) of sub-section (1) of Section 6 of the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002), the following serial number shall added, namely:- Amendment Section 6. of S.NO. (i) "3 Parking Decrease Percentage (2) More than 50 percent and upto 75 percent Penalty Payable (for each car space constraint) (3) Two lakh rupees for each car space" - 2023.