

DEVELOPMENT AUTHORITY (GRANT OF TRANSFERABLE DEVELOPMENT RIGHTS) BYE-LAWS, 2022

12 23 2022 IN exercise of the powers under clause (f) of section 57 read with clause (d) (xii) of sub-section (2) of section 9 of the Uttar Pradesh Urban Planning and Development Act, 1973 (President's Act no. 11 of 1973), the . Development Authority hereby makes the following bye-laws, namely : I . (1) These bye-laws may be called the Development Authority THE . DEVELOPMENT AUTHORITY Short title, extent and commencement Definitions (GRANT OF TRANSFERABLE DEVELOPMENT RIGHTS) BYE-LAWS, 2022 (Grant of Transferable Development Rights) Bye-laws, 2022. (2) They shall extend to the development area of (3) They shall come into force on the date of their publication in the Gazette

2. In these bye-laws unless the context otherwise requires :- (I) 'Act' means the Uttar Pradesh Urban Planning and Development Act, (11) 'Amenity' includes road, park and open space, green belt and/or any other public works including facilities, services, utilities and conveniences as designated in the plan or the Government may, by notification in the Gazette specify to be an amenity for the purposes of these bye-laws; (III) 'Applicant' means a person who makes an application to the authority for the grant of TDR; (I V) 'Authority' means the constituted under section 4 of the Act; Development Authority (V) 'Basic FAR' means the free-of-cost FAR permitted by the authority as per the applicable Building Bye-laws; (VI) 'Development' with its grammatical variations, means the carrying out of building, engineering, minig or other operations, in, on, over or under land, or the making of any material change in any building or land and includes redevelopment; (V 11) 'Development Area' meand the .area declared under section 3 of the Act; development (V III) 'Development Right Certificate' (hereinafter referred to as DRC) means a certificate issued by the Vice-Chairman which entitles the owner of the land to additional or increased FAR in the form of TDR which he may use himself or transfer to any other person in accordance with these bye-laws; (IX) 'Floor Area Ratio' (hereinafter referred to as FAR) means the quotient obtained by dividing the total covered area (plinth area) on all floors by the area of the plot; (X) 'Government' means the Government of Uttar Pradesh; (XI) 'Municipal Area' means the notified area ofa Municipal Corporation or a Municipal Council or a Municipal Panchayat; (XII) 'Owner' includes any person whose name is recorded as owner of the land or building or part thereof in the records of the authority concerned; (XIII) 'Plan' means the master plan or the zonal development plan prepared under section 8 and 9 of the Act, respectively; r uperty' means the land and or building on any plot; (XIV) 510 RPH (Awas & Shahri Niyojan-3) (Niyamavali) 2022 data 4e 23 2022 (X V) 'Transferable Development rights' (hereinafter referred to as TDR) means the separated development potential of a parecl of land which is made available in the form of compensatory FAR to the owner of the land on such terms and conditions as specified under these bye-laws; (X VI) 'Vice-Chairman' means the Vice-Chairman of the . Development Authority

3. Entitlement to TDR shall be in the following circumstances : (I) Where any land is reserved for an amenity in the plan, the owner of such land shall be eligible for the award of TDR provided such land is surrendered to the authority free-of-cost and free from all encumbrances : Provided that the floor area (FAR credit) for the purpose of TDR shall be equal to Area of land surrendered x 2 x Multiplication Factor. Explanation . Multiplication Factor shall be arrived at by dividing the current circle rate of the land surrendered with the current circle rate of land where TDR is proposed to be utilized. (11) The record of rights shall be corrected for free-of-cost transfer of land in the name of the authority which shall be exempt from payment of stamp (III) Award of TDR shall entitle the applicant to additional floor area in the form of DRC which he may use -himself or transfer to any other person in accordance with these bye-laws: (I V) TDR shall be granted by the Vice-Chairman after assessing the local conditions or IEds. It shall not be available to the applicant as a right or deemed in circumstances stated in clause (I) above : Provided that in case of refusal of TDR, the Vice-Chairman shall inform the applicant in writing within thirty days of receiving the application the reasons for not granting the TDR. (V) Any land prohibited by order of any Court or subjudice in any manner or land under acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other law for the time being in force, shall not be eligible for grant of TDR. lewi\ procedure shall be follwed for the grant of TDR • (I) Whenever the authority is of the opinion that it is expedient to construct or develop an amenity earmarked in the plan the authority shall serve a notice on the owners of such land in such form and in such manner as may be specified by the authority; (11) The applicant shall apply for the grant of TDR to the Vice-Chairman on the prescribed format (Appendix-A) within 30 days from the receipt of the notice; (III) A processing fee of Rs. 1,000/- (Rupees One Thousand only) shall be payable along with the application; (i V) "I he TDR shall be granted on the recommendation of a committee constituted under the chairmanship of the Vice-Chairman consisting of following members : Entitlement to procedure for grant of TDR Chief town and couprty planner, Uttar Pradesh or his re resentative not below the rank of Associate/ Town Planner calief Engineer/ In-chvxge of Engineer:ng Sccaon of the Authocity Renresentative of the District Magistrate not below toe rank of Sub-uivision'ai IVIagistrate Chief own Planner/In-charge cf Planning Section of the Authority 510 RPH (Awas & Shahri Niyojan-3) (Niyamavali) 2022 data 4e Member Member Member Merner- Convener Terns and conditions for utilization of DRC 23 2022 (V) The DRC shall be issued by the Vice-Chairman or any officer of the authority empowered by him in that behalf and would be specified in acordance with these bye-laws :— (a) the FAR credit in square meters of floor area in figures and in words; (b) the current circle rate of land to be surrendered by the owner; (c) the multiplication factor and the co-efficient for computation and utilization of TDR at other locations as provided under bye-law-3 (I) and 5 (III), respectively. (VI) The DRC shall be issued in the multiples of fifty square meters provided that no DRC shall be issued for a land area or part thereof less than or equal to fifty square meters; (V 11) The DRC shall be maintained in the Demat account using block-chain technology. A DRC shall be issued on the prescribed format (Appendix-B) and will be a transferable "negotiable instrument" after due authentication by the Vice-Chairman; (V III) The Vice-Chairman shall issue the DRC after the Record of Rights of the land to be surrendered by the applicant in lieu of TDR, has been corrected in the name of the authority : Provided that the Vice-Chairman shall issue the DRC in accordance with the provisions of these bye-laws within thirty days from the date of correction Of the Record of Rights. 5. (I) In case a DRC holder intends to transfer it to any other person, he shall submit the application to the Vice-Cairman for an endorsement of the new holder's name, i.e. transferee on the said certificate. If the application fulfills the conditions required for transfer of DRC, the Vice-Chairman shall direct the applicant to produce the DRC along with duly registered document relating to transfer of development rights. On production of DRC along with duly registered document, the Vice-Chairman shall endorse the new holder's name, i.e., transferee on the said certificate : Provided that for every transfer of DRC either in full or in part, a transfer fee of Rs. 1,000/- (Rupees One Thousand only) per DRC shall be payable to the authority by the holder of DRC. (11) A holder ofa DRC who desires to use the TDR on a particular plot of land, shall attach the valid DRCs to the extent required with his application for building permission; (III) The TDR may be utilized in residential (group housing), commercial, mixed, offices, institutional and community facilities land use by multiplying with the co-efficient prescribed for the receiving land use as given below :— Receiving land use Group Housing (Residential) Offices, Institutional and community facilities Mixed use Commercial Co-efficient 0.70 0.60

0.50 0.40 Provided that utilization of DRC shall not be permitted in the agricultural, recreational, plotted residential or row housing and industrial land use proposed in the Provided further that the authority shall delineate the TDR 'sending' and 'receiving' zones in the plan with the approval of its Board. 5 IO RPH (Awas & Shahri Niyojan-3) (Niyamavali) 2022 data 4e 23 2022 (I V) Where an applicant seeks utilization of a TDR, he shall submit the DRC with the application for building permission to the Vice-Chairman, who shall endorse thereon writing in figures and words, the DRC proposed to be utilized, before granting building permission and DRC shall be deemed to have been utilized with the approval of building plan. The DRC holder shall submit utilization form on the prescribed format (Appendix-C); (V) Utilization of DRC shall be charged @ of Rs. 5/- (Rupees Five only) per square meter subject to minimum of Rs. 1,000/- (Rupees One Thousand only); (VI) Utilization of DRC shall be permitted on the recommendation of the committee constituted under bye-law-4 (V). The committee shall make its recommendation after examining the efficacy of existing infrastructure especially road width, water supply, sewerage and drainage or scope for augmentation/strengthening thereof commensurate with utilization of TDR; (V 11) DRC may be used in one or more plots of land whether vacant or under construction or built by the erection of additional storeys or in any other manner consistent with these bye-laws subject to compliance of set-backs, parking, structural safety, fire safety and other building requirements as per the applicable Building Bye-laws, provisions of the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010 and the Real Estate (Regulation and Development) Act, 2016 and rules made thereunder; (V III) DRCs may be used in the 'built-up area', 'developed area' and 'new or undeveloped area' as earmarked in the plan. The maximum limit for utilization of DRC (as percentage of basic FAR) based on road width in receiving land uses shall be as given below :— Existing road width (Meters) 12 Above 12 but up to 18 Above 18 Maximum limit for utilization of DRC (As percentage of basic FAR) Built-up area Developed area Not permissible New/Undeveloped area Not permissible Provided that the maximum limit for utilization of DRC in terms of FAR shall be equal to the maximum limit of purchasable FAR as laid down in the applicable Building Bye-laws. (IX) Proportionate increase in density in the receiving plot shall be permitted over and above the applicable density norms; . (X) Utilization of DRC shall not be permitted in illegal buildings or structures or constructions or plots

forming part of illegal sub-division of land; (XI) The Vice-Chairman may refuse to permit utilization of DRC in the following circumstances : (a) Where the Vice-Chairman has reason to believe that the transfer for utilization of DRC has been obtained by fraudulent means or misrepresentation of facts; (b) Where the application is not duly accompanied by original DRC; (c) Where the utilization application is not duly signed by the transferor and transferee; (d) Where the utilization application does not comply with other terms and conditions laid down under these bye-laws. 510 RPH (Awas & Shahri Niyojan-3) (Niyamavali) 2022 data 4e 16 General terms and conditions Cancellation of DRC Validity of DRC Register of DRCs 23

2022 (X 11) In case of death of a DRC holder, the DRC shall be transferred only on production of will/survivor Certificate/Inheritance Certificate/Heirship Certificate/ Succession Certificate and/or probate of a will, wherever applicable. Names of the legal heirs shall be included in the DRC only after production of aforesaid documents, as applicable, (X III) Where the DRC holder is a minor, no permission for utilization shall be considered unless the application is made by the guardian appointed by the Court; (XIV) The Vice-Chairman shall review from time to time the demand and supply of DRC in the market and may intervene as and when required for smooth operations of the TDR market, 6. (I) The utilization of

DRC shall be in the multiples of fifty square meters: (11) The DRC shall be issued in the name of individuals, limited companies, statutory corporations or institutions and registered trusts but not in the names of partnership firms, nominees, agents or any other such persons: (III) For each request regarding utilization of the DRC, separate utilization form shall have to be submitted to the Vice-Chairman: (I V) The DRC holder shall not mortgage, pledge, hypothecate or create any charge or claim on the DRC (V)

The utilization of DRC shall not be acknowledged unless and until the entry for utilization of DRC is authenticated by the Vice-Chairman; (VI) The DRC shall be cancelled by the Vice-Chairman after its full utilization; (V 11) In case the DRC is defaced, lost or destroyed, the same may be replaced on payment of

Rs. 1.000/- (Rupees One Thousand only) per DRC as processing fees and on submitting the necessary undertaking, indemnity bond, investigative evidence (copy of FIR), etc. to the Vice-Chairman; (VIII) If any building or agricultural or horticultural crop is standing on the land to be surrendered to the authority, the owner of such land shall be compensated by the authority following due process of valuation as per applicable laws

7. The Vice-Chairman may cancel a DRC for reasons to be recorded in writing and any work done thereunder shall be deemed to have been done without permission in the following circumstances : (I) Where DRC has been obtained in consequence of material misrepresentation made or any fraudulent statement or information furnished; (11) Where the land is encumbered in any way restricting the ownership or development rights or where there is a dispute on the title of the land : Provided that a DRC shall not be cancelled without affording to the applicant a reasonable opportunity of being heard

8. A DRC shall be valid till the date of its full utilization by a DRC holder, For this purpose, the date of approval of a building plan whereby a DRC is proposed to be utilized would be the date of its utilization. 0 The Vice-Chairman maintain online record of DRCs and their transfers the e-format account and make it available in the public domain. the register for the award of DRC, the transfer of DRC. and the utilization of DRC shall be maintained in the format as prescribed in Appendix-D. 510 RPH (Awas & Shahri Niyojan-3) (Niyamavali) 2022 data 4e 23 2022 IO. A DRC holder found guilty of misusing it shall be punishable with a fine equal to double the amount calculated on the value of total land as per the DRC.

11. (I) Any person aggrieved by an order of the Vice-Chairman may within thirty days from the date of which the decision is communicated to him prefer an appeal to the Chairman of the authority; (11) the appellate authority, on receipt of an appeal, shall after giving the appellant an opportunity of being heard, pass such order as it deems fit; (III) any person aggrieved by an order of the Chairman may within thirty days from the date of knowledge thereof, prefer an appeal to the Government whose decision shall be final.

12. if in, or in connection with, the exercise of its powers and discharge of its functions by the Vice-Chairman, any difficulty arises relating to the interpretation of these bye-laws, it shall be referred to the Government whose decision shall be final

13. Implementation of these bye-laws in the areas/schemes notified under the U.P. Housing and Development Board Act, 1965 but falling within the development area, shall be carried out by the U.P. Housing and Development Board subject to the limit of powers conferred under the above Act. Enclosure : Appendix-A, B, C and D 17 Penalty Appeals Removal of difficulty Implementation of TDR Bye-laws in the areas/schemes falling under the control of U.P. Housing and Development Board By order, NITIN

RAMESH GOKARN, Pramukh Sachiv. 5 IO RPH (Awass & Shahri Niyojan-3) (Niyamavali) 2022 data 4e square meters, Khasra/Plot No. Tehsil 18 23 2022 APPENDIX-A Application for Development Rights Certificate (DRC) [See Bye-law-4(11)] From Name of the owner of land Address • To The Vice-Chairman, ... Development Authority. Sir I/we intend to obtain DRC in lieu of surrender of the part/whole of the land extent about , District Place VillaO/Ward . . which is reserved for land use in the Master Plan of (Name of development area) notified by the Housing and Urban Planning Department, Government of Uttar Pradesh. I/we enclose herewith following documents :— (I) Sajra/Site plan showing the extent of the land owned by the applicant along with the details of the existing construction (if any); (II) Title deed to prove that the applicant has absolute right over the land for which DRC is applied for; (III) Area statement of the land for which DRC is applied for, duly certified by a Registered Architect or an Engineer. I/we hereby state that no monetary compensation or compensatory FAR has been obtained earlier for the part of the land applied for the DRC. I/we agree with the bye-laws and conditions notified thereunder including the conditions that the DRC issued can be cancelled if it is obtained by any fraudulent manner and if it corries to the notice of the authority later that the land under reference is encumbered or the title is under litigation. Encls : 1. 2. 3

4. Date .. 5 IO RPH (Awass & Shahri Niyojan-3) (Niyamavali) 2022 data 4e Signature of the land owner Name 23 2022 APPENDIX-B Office of the Vice-Chairman, . Development Authority . Date No. DEVELOPMENT RIGHTS CERTIFICATE (DRC) [See Bye-law-4(VIII)] I, (Name) the Vice-Chairman, . Day of . 19 Development Authority, certify that the person (s) named in this certificate is/are the registered holder (s) of the Development Rights Certificate issued subject to the provision of bye-law No.-7 of . Development Authority (Grant of Transferable Development Rights) Bye-laws, 2022 under part of Master Plan approved under the provisions of U.P. Urban Planning and Development Act, 1973. 2 3 4 5 Location and details of the land for which TDR has been granted (Village/ Ward/Khasra/Plot No., Tehsil and District) Land use as per the applicabel Master Plan Area of land (square meters) to be surrendered free-of-cost by the applicant in lieu of TDR Current circle rate of land (Rs. per sqm.) FAR credit in the multiples of 50 sqm. (Fifty Square Meters) in words and in figures NOTE :— Computation and utilization of TDR at other locations shall be in accordance with the multiplication factor and the co-efficient as provided under bye-law-3(1) and 5(111) respectively. Name of the DRC Holder (s) : Given under common seal . 5 IO RPH (Awass & Shahri Niyojan-3) (Niyamavali) 2022 data 4e . Year Vice-Chairman, . Development Authority. APPENDIX-C DEVELOPMENT RIGHTS CERTIFICATE UTILISATION FORM [See Bye-law-5(IV)] I/we, the undersigned do hereby request to allow to utilize the floor area measuring (in words sq. mts. in figures . total floor area (FAR credit) available in the Development Rights Certificate No. . sq. mts.) out of the dated . . in accordance with the terms and conditions specified therein and permit the said floor area to be utilized as per the details given below :— A B C D Details of property where DRC is proposed to be utilized (Name of Revenue Village/Colony/Scheme.Khasra/Plot No. , Tehsil and District) Land use as per the applicabel Master Plan Current circle rate of land where DRC is proposed to be utilized (Rs./sqm.) Floor area to be utilized in sq. mts. (in figures) (in words) Particulars of DRC Holder (s) Name in full Signature of the land owner Attestation by Public Notary I hereby attest the signature of the DRC holders mentioned herein. Signature of Witness I. Name Address

2. Name Address Date . Place .. . Name 510 RPH (Awass & Shahri Niyojan-3) (Niyamavali) 2022 data 4e Signature 23 2022 APPENDIX-D Office of the Vice-Chairman, . Development Authority Register of Utilization of Development Rights Certificate (See Bye-law-9) 21 Sl. no. I DRC no. 2 Date and permit no. 3 Name of the transferor 4 Floor area in Sqm. as per DRC Transfer/Utilization of DRC area (in Sqm.) Balance area of DRC (in Sqm.) 7 Name and address of the transferee(s) 8 Details of property where DRC is proposed to be utilized 9 5 Transfer fee paid (Rs.) 10 Utilization form no. and date 11 6 Signature of sanctioning authority 12 510 / .fiüz) I 5 ft.-ah-q.q_2Q22_ (186)--334 / €10 / 3i-tFQ-e) I 510 RPH (Awass & Shahn Niyojan-3) (Niyamavali) 2022 data 4e