

PART-VII
COMPOUNDING

Compounding of unauthorised development

- 104 (1) No compounding of an offence pertaining to unauthorised development shall be done:—
- (a) Where plans for undertaking development have not been submitted to the Authority, but construction undertaken in violation of the requirements of these regulations.
 - (b) Where construction has been undertaken on Government land or land belonging to local body or on a land not owned by the person undertaking such development.
 - (c) Where developments have been undertaken without permission in such a manner that it violate the minimum requirements of front, rear and side setbacks and also the permissible coverage and F. A. R. applicable to the smallest plot size or the building projected beyond the established or prescribed building line.
 - (d) Where developments have been undertaken on land earmarked for public purposes in the development plan.
 - (e) Where developments have been undertaken unauthorisedly within the prohibited limits of any ancient or archeological monuments or where such developments interfere with the natural bramage of the locality.
 - (f) Where permission to development has been taken but developments under taken in such a manner that it does not satisfy the stipulations contained in sub-clause (c) above.
- (2) Notwithstanding anything contained in clause (1) the Authority shall have power to determine further such circumstances under which compounding may be prohibited.
- (3) Compounding may, however, be done either before or after the institution of the proceeding at the discretion of the Vice-Chairman in cases:—
- (a) Where development has been undertaken without permission, but within the frame of the restriction and the provisions of these regulations applicable to the concerned plot.
 - (b) Where approved plan has been violated but the requirements of use restriction and these regulations applicable to the minimum size plot are adhered to;
 - (c) Where developments have been undertaken according to approved plan, but projection either in the form of a balcony or otherwise upto a width of 2.5 feet has been made over road side land provided such projection is at a height of not less than 18 feet from the crown of the approach road.
- (4) The penal fee for compounding shall be as given in the table below:

TABLE-19

Sl. No.	Situation	Maximum penal fee per sq. ft. of covered area on all floors			
		Residential		Non Residential	
(1)	(2)	(3)	(4)	(5)	(6)
		(a)	(b)	(a)	(b)
		Rs.	Rs.	Rs.	Rs.
1	Plans submitted, but development undertaken prior to approval with in the framework of requirements of these regulations applicable to the concerned plot.	2	1	4	2
2	Plan not submitted, but development undertaken with the framework of the requirements of these regulations applicable to the concerned plot.	4	2	8	4
3	Plan approved, but development undertaken in violation of the requirements of these regulations.	10	5	20	10

Note :—(a) Constructions undertaken after 1-9-1983
(b) Constructions undertaken before 1-9-1983

(5) The proportion of penal fees for various levels of development with respect to sub-regulation (4) above shall be as prescribed in the Table below :—

TABLE-20

Sl. No.	Level of development	Percentage of the penal fee applicable
(1)	(2)	(3)
1	Plinth level or less	20%
2	Up to lintel level but above plinth level	40%
3	Up to roof level (without roof and above lintel level)	60%
4	Building with roof	100%

(6) In cases where the penal fee is imposed at a rate lesser than that prescribed in sub-regulation (4) the reasons for imposing such lesser fee shall be recorded in writing.

7. (a) Where an outhouse has been constructed without approval of its plan, it should be compounded at the same rate as applicable for any other structure/provided that where an outhouse has a temporary sloping roof the penalty may be limited to 75% of the fee applicable.

(b) For the outhouse, a margin of 10 per cent up to 350 square feet may be allowed i. e. 350 + 35 = 385 square feet. However, compounding fee for the area in excess 350 square feet, up to 385 square feet, shall be at the rate of Rs. 10/ per square feet.

(8) In exception cases where violations do not obstruct the ventilation and light of the building on the neighbouring plots, compounding may be allowed at a very heavy and deterrent rate i. e. at the rate of Rs. 100/ per square feet of the covered area on all floors, for the construction within the prohibited zone. This zone is determined by the plot boundary and the imaginary line formed by the minimum setbacks required on each side for the smallest size of plot as per the following:—

Front:—2.0 metres from the plot boundary.

Rear & Side:—1.0 metre from the plot boundary.

(9) In case the land is used for a purpose other than the purpose, for which permission is granted, a compounding fee of Rs. 5.00 per square metre per year shall be charged. If the compounding fee is not paid voluntarily, the detected rate shall be Rs. 10.00 per square metre per year.

Illustration:—If a residential building is rented out or used for non-residential purpose, it is the duty of the owner to voluntarily pay the compounding fee at the prescribed rate. If he fails to do so and the change of land use is detected by the Authority he has to pay the compounding fee at double of the prescribed rate.

Savings from compounding

105. Notwithstanding anything contained in regulation 105, if the Vice-Chairman, in special cases, is satisfied that the total penal fee payable is substantial and payment of such fee shall lead to hardship to the concerned person or the offence was committed unintentionally, he may recommend the Authority to reduce the amount of fee to such extent as it may deem fit. The decision of the Authority subject to approval of the Government, in this regard, shall be final.

Power of Authority to relax

106. Notwithstanding anything contained in these regulations, if the Authority is satisfied that adherence to any provision in these regulations may result into deterioration of the environment of the locality, it may in such cases, relax any provision of these regulations to such extent as it may deem fit and proper.

Provision of development plan to prevail

107. In case any of the provisions of these regulations are at variance with provisions contained in any development plan or development scheme or town planning scheme, the provisions of such plan or scheme shall prevail.