

**HARYANA GOVERNMENT
TOWN AND COUNTRY PLANNING DEPARTMENT**

NOTIFICATION

The 12 June 2009

No-PA-2009/Misc-288-A/ 4991...The following draft of rules further to amend the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965, in its application to the State of Haryana, which the Governor of Haryana proposes to make in exercise of the powers conferred by sub-section (1) read with clause (ff) of sub-section (2) of Section 25 the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), is hereby published as required by sub-section (1) of the said section 25 for the information of persons likely to be affected thereby.

Notice is hereby given that draft of the Rules will be taken into consideration by the Government on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette, together with objections or suggestions, if any, which may be received in writing by the Commissioner and secretary to Government of Haryana, Town and Country Planning Department, Haryana, Chandigarh, from any person with respect to the draft of the Rules, before the expiry of the period specified: -

DRAFT RULES

1. These rules may be called the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Second Amendment) Rules, 2009.
2. In the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 (hereinafter called the said Rules), in rule 39, -
 - “(i) in sub-rule (1) for clause (b) the following clause shall be substituted, namely;-
“(b) a building plan or plans along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41,”; and
 - (ii) after sub –rule (1), the following sub-rule and notes shall be inserted, namely: -
“(1A) (i) Any person intending to erect or re-erect any building in a residential/industrial licensed colony may apply on form BRS-I to the Director for approval of building plans under self certification by giving fifteen days notice to the Director or Officers of the department delegated with powers for approval of building plans intimating the date of start of construction. The construction can be started after fifteen days, in case any objection is not conveyed to the applicant.
 - (ii) Any person applying under the provision of rule 39 (1A) (i) above, shall make an application in writing to the Director or any other person authorized in this behalf in the Form BRS-I accompanied by the following documents: -

- (a) a site plan (in triplicate) showing the position of site proposed to be built upon as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 40;
 - (b) plans, elevations and sections (in triplicate) as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41;
 - (c) public Health Services plans (in triplicate), as required by rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41;
 - (d) structural drawings (for record) as per Form BRS-IV;
 - (e) fire Safety design as required in the National Building Code as approved by the State Fire Authority. Alternatively an undertaking to the effect that “the fire safety plans duly approved by the State Fire Authority will be submitted within sixty days;
 - (f) heating, Ventilation, Air-conditioning (H.V.A.C.) service plans, wherever required ;
 - (g) specifications of the proposed building (in triplicate) in Form BR-II;
 - (h) certificate of conformity to regulation and structural safety for the relevant buildings in Form BRS-II;
 - (i) certificate in the form of an affidavit from the owner and architect, that they have understood the provisions of the zoning plan fully and shall not deviate from its provision; and
 - (j) a demand draft in favour of Director, Town and Country Planning, Haryana, Chandigarh or the person authorized by him, drawn on any scheduled bank on account of scrutiny fee at the rate of Rs. Ten per square meter of the covered area achieved.
- (iii) Director or any other person authorized by him reserves the right to check the building plans and construction at any stage and violations, if found shall have to be rectified by the owner/applicant. In case the owner/applicant fails to rectify violations, the Competent Authority may take necessary steps to rectify the violations. Action shall also be taken against the defaulting Architect by referring his case to the Council of Architecture for misconduct. All rectifications shall be at the risk and cost of the owner and no plea of the owner shall be entertained for any default committed by the Architect engaged by him. In all such cases the procedure of self- certification shall stand aborted.
- (iv) If a building is erected or re-erected or construction work is commenced in contravention to any of the building regulations, the Director or any other person authorized by him shall be competent to require the building to be altered or demolished, by a written notice delivered to the owner. Such notice shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with, the Director or any other person authorized by him may demolish the said building at the expense of the owner.

Notes:-

- I. The decision of Director, in case of any dispute shall be final and binding on all concerned.
- II. At any stage during construction, if an Architect notices that violations (except compoundable ones) are taking place, he shall intimate to the concerned authority of such violations and stop further supervision. He / She shall also intimate the allottee about the violations and advise him to stop further

construction. Complete details along with photographs may be submitted to the concerned authority. The Authority may immediately issue a notice to the owner on the basis of the Architect's certificate to suspend further work and rectify violations. In such cases the owner shall be held responsible for further additions in violations. Such a situation shall automatically annul the process of self certification and the owner may, after removal of violations, engage an Architect for preparing the revised drawings. In such cases completion shall be given only after scrutiny of revised drawings and inspection of site.

III. Sanctionable changes shall be allowed to be done, provided that at the completion stage all changes are incorporated by the Architect in the completion drawings to be submitted by the owner to the Authority. While seeking occupation certificate, the Architect shall give a certificate that all changes done are sanctionable and permissible as per bye laws.

IV. After submitting of application or during the construction of building if the owner/registered architect /registered structural engineer are changed, he shall intimate the competent authority by registered letter that he is no longer responsible for the project from the date of actual dispatch of the letter. The information must be sent within seven days of occurrence of the change to the concerned authority by the respective owner/ Architect / Engineer. The construction work shall have to be suspended until the new owner/ registered Architect/registered structural Engineer, as case may be, undertakes the full responsibility of the project vide forms and documents submitted at the time of applying for erection/re-erection of the building within seven days of his taking over. Owner's intimation regarding change of name of professionals shall be considered to be final by the Director or any other person authorized by him.”.

3. In the said rules, in rule , 47, after clause (2), the following clauses shall be inserted, namely: -

“(2a) On the completion of the building, the owner who had applied under rule 39 (1A), shall submit an application for grant of occupation certificate on Form BRS-IV alongwith completion drawings, certificate on Form BRS-II from Architect/ Engineer, affidavits as mentioned in Form BRS-II, Completion Certificate on Form BRS-IV and alongwith the following documents,

(i) Detail of compoundable violations from the approved building plans, if any in the building, jointly signed by the owner, Architect and Engineer, along with demand draft of the due payment for composition charges of such violations at the rates determined by the Director shall be submitted along with form BRS-III.

(ii) Both the Owner and Architect shall give an affidavit that no provision of Punjab Schedule Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, (Punjab Act No. 41 of 1963) and rules framed there under has been violated excluding compoundable violations.

- (iii) Photographs of front, side, rear set backs, front and rear elevation of the building shall be submitted along with photographs of essential areas like cut outs and shafts from the roof top. An uneditable compact disc/DVD containing all photographs shall also be submitted.
 - (2b)(i) The competent authority shall issue an occupation certificate in form BRS-V within ten working days of receipt of the form BRS-III duly complete in all respects and accompanied with the required completion drawings forms and affidavits. The occupation certificate shall be issued provided that the documents submitted along with form BRS-IV are in order. Violations, if found at any subsequent stage, shall result in cancellation of the occupation certificate issued and the same shall be restored only after removal of violations. Further, action against the Architect shall also be taken for furnishing a wrong certificate/affidavit.
 - (ii) No person shall occupy or allow any other person to occupy any new building or a part thereof for any purpose whatsoever until such building or a part thereof has been certified by the concerned authority as having been completed and an occupation certificate has been issued in his favour in form BRS-V within the above mentioned period. However, a minimum 25% of the ground coverage shall have to be constructed to qualify building as a habitable unit.”.
- 4..(i) In the said rules, in Form BR-I, in para 2, in sub para (a), after the word rules the following word shall be added at the end;-
- “alongwith an un-editable Compact Disc / DVD or any other electronic medium permissible by Director from time to time containing the drawings so submitted”;
- (ii) in sub para (b), after the word rules, the following words shall be added at the end namely:-

“alongwith an un-editable compact Disc/DVD or any, other electronic medium permissible by Director from time to time containing the drawings so submitted”;

and
 - (iii) in sub para (c) after the word rules, the following word shall be added at the end namely;-

“alongwith an un-editable compact Disc/DVD or any, other electronic medium permissible by Director from time to time containing the drawings so submitted”;
5. In the said rules, after the form N2, the following forms shall be added at the end, namely:-

FORM –BRS-I
{see rule 39 (1A)}
Form of application

Class of Building --Residential/Industrial

From

To

The Director,
Town and Country Planning, Haryana,
Chandigarh.

Sir,

I/ We apply for permission to erect/ re-erect/ add/ alter a building/ wall in accordance with the plans submitted herewith on Site no. _____; Street no. _____; at _____.

2. I/ We attach:

- (a) a site plan (in triplicate) showing the position of site proposed to be built upon as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 40;
- (b) Plans, elevations and sections (in triplicate) as required by the rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41;
- (c) Drainage plans (in triplicate), as required by rules along with an un-editable Compact Disc/DVD or any other electronic medium permissible by Director from time to time containing the drawings as required by rule 41;
- (d) Structural drawings (for record) as per Form BRS-V;
- (e) Fire Safety design as required in the National Building Code as approved by the State Fire Authority. Alternatively an undertaking to the effect that “the fire safety plans duly approved by the State Fire Authority will be submitted within sixty days;
- (f) Heating, Ventilation, Air-conditioning (H.V.A.C.) service plans, wherever required ;
- (g) Specifications of the proposed building (in triplicate) in Form BR-II;
- (h) Certificate of conformity to regulation and structural safety for the relevant buildings in Form BRS-IIA
- (i) An affidavit from the owner and architect, as required under rule 39 (1A)
- (j) Demand draft no. _____, drawn on _____(Bank), favouring, Director, Town and Country Planning, Haryana for Rs. _____ , as scrutiny fees, as prescribed under the rules 39 (1A).

3. The construction of the building will be undertaken as per the approved building plans, structural design given by the Structural Engineer, fire safety design as approved by the competent authority and got supervised through the following Architect/ Engineer :

A. Architect:

- (i) Name of Architect:
- (ii) Council of Architect Registration No. _____, valid upto _____.
- (iii) Complete Address

B. Engineer:

- (i) Name of Engineer:
- (ii) Registration No. (if any) _____,
- (iii) Qualifications:
- (iv) Complete Address

Dated _____

Enclosures

Signature of applicant.

FORM BRS-II

{see rule 39 (1A)}

For Residential and Industrial Buildings

A certificate by an Architect/Engineer:-

Plot No. _____, Sector _____,

Colony _____

City/Town _____.

Name of the
owner _____.

Complete address of the owner
_____.

It is hereby certified that the plans submitted in form BRS-I for the building detailed above are in conformity with the Part –VII, building rules of Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Rules, 1965 as amended from time to time and the approved zoning plan of the plot. The structure has been designed in accordance with the provision of national building codes for structures resistance to earthquakes and other natural hazards. The local soil conditions, its load bearing capacity and the underground water table etc have been kept in view while designing the same.

Dated _____

Signature of the Owner

Signature of the Architect

Signature of the Engineer.

FORM BRS-III

[see rule 47(2a)]

For Buildings Residential and Industrial Buildings applied under rule 39 (1A)

Application for permission to occupy

From

To

The Director,
Town and Country Planning Department, Haryana,
Chandigarh.

Sir,

I/ We hereby give you notice that the building/ part-of-building described below and sanctioned vide your order No. _____, dated _____, has been completed on _____ in all respects according to the sanctioned plans and the structural design made for the same and the suggested modifications have been carried out.

Description of Building

Plot no. _____, Sector _____,

Colony _____

City/Town _____.

Name of the
owner _____.

Complete address of the owner
_____.

2. Detail of compoundable violation from the approved building plans in the building

_____.

3. Demand draft no._____, drawn on _____(Bank), favouring, Director, Town and Country Planning, Haryana for Rs._____ of the due payment for compounding charges of such violations at the rates determined by the Director.

4. Certified that corresponding to the above modifications made in the building plans, the necessary amendments were also carried out in the structural design and implemented at site.

5. Completion certificate on form BRS-IV from the architect and engineer who supervised the construction of the building is submitted herewith.

6. Kindly issue an occupation certificate as required by rule 47(2a) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.

Dated_____

Signature of the Architect supervising the construction at site

Signature of the Engineer supervising the construction at site

Signature of applicant.

FORM BRS-IV

[see rule 47(2a)]

For Buildings other than Residential and Industrial Buildings applied under rule 39 (1A)

Completion certificate by the Architect and the Engineer in respect of building on

Plot No._____, Sector_____,
Colony_____ City/Town_____.

Name of the owner_____

Complete address of the owner_____

It is hereby certified that the above work has been supervised by us and has been completed to our satisfaction in accordance with the sanctioned building plans/compoundable violations from the approved building plans. Its structural design as checked and certified by the proof consultant, the workmanship and all the material used for construction meet the specifications laid down in the National Building Code. No provision of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965, and no rules made, conditions prescribed or order issued thereunder has been transgressed in the course of the work.

Detail of compoundable violation from the approved building plans in the building are;-

_____.

Dated_____

Signature of the Architect

Signature of the Engineer.

FORM BRS-V

{see rule 47 (2a)}

Form of Occupation Certificate Residential and Industrial Buildings applied under rule 39 (1A)

From

The Director,
Town and Country Planning Department,
Haryana, -Chandigarh.

To

Memo No.

Dated.....

Whereashas applied for the issue of and application certificate in respect of the building described below, I hereby:-

- (i) grant permission for the occupation of the said building ;or
- (ii) refuse permission for the occupation of the said building for reason given below:-

Description of building

City -----Street/Road-----

Site No. -----House No. (if any)-----

Dated-----

Director

D.S. Dhesi,
Financial Commissioner and Principal Secretary to Government,
Haryana, Town and Country Planning Department.