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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**DEPARTMENT OF MUNICIPAL AFFAIRS**  
**WRITERS' BUILDINGS, KOLKATA**

**NOTIFICATION**

No. 563/MA/O/C-4/3R-2/2015

Dated, Kolkata, the 18th day of August, 2015.

The following draft of amendments which the Governor, in exercise of the power conferred by section 417 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), proposes to make in the West Bengal Municipal (Building) Rules, 2007, published under this Department notification No. 67/MA/O/C-4/3R-8/2002, dated the 14th day of February, 2007 (hereinafter referred to as the said rules), is hereby published, as required by sub-section (1) of section 417 of the said Act, for the information of persons likely to be affected thereby;

The draft will be taken into consideration after *fifteen days* from the date of its publication in the *Official Gazette* and any objection or suggestion with respect thereto which may be received by the undersigned within the period as aforesaid shall be duly considered:—

**Draft amendments**

In the said rules,—

(1) in rule (2A), after clause (k), insert the following clauses :—

“(l) ‘Green Building’ means a structure created by using processes that are environmentally responsible and resource-efficient throughout a building’s life-cycle i.e. from design, construction, operation, maintenance, renovation, and demolition. The same should be certified by the designated authorities or agencies notified by Municipal Affairs Department, Government of West Bengal;”;

“(m) ‘Mass Housing Project’ means the housing development project which should be certified by Housing Department, Government of West Bengal, as mass housing project;”;

“(n) ‘Mega Commercial Project’ means a project of floor area of twenty thousand square meters or above under use group Assembly building and /or Business building and/ or Mercantile building;”;

(2) after rule 24, insert the following rule:—

“24A. **Schedule of rates for Incremental Floor Area Ratio** – (1) Notwithstanding anything contained in rule 24 of these rules, the rate fee or charge payable for the incremental Floor Area Ratio as stated in rule 53A shall be payable in terms of the rates formulated in terms of ‘Circle Rates’ of the Inspector General (Registration) and as prescribed by the Finance Department, Government of West Bengal:

Provided that the provision of this sub-rule shall not be applicable in case of incremental area accrued by providing additional parking in terms of provision of clause (v) of sub-rule(2)(VI)(b) of rule 53;

(2) All incremental fees or charges collected under sub-rule(1) on account of grant of additional Floor Area Ratio will be payable to the State Exchequer directly. As may be decided by Finance Department, in consultation with Department of Municipal Affairs, a portion of such collected fees or charges may be allotted or transferred to the municipal bodies for undertaking developmental schemes.”;

(3) to clause (v) of sub-rule (2) (VI) (b) of rule 53, add the following proviso:—

“Provided that, if additional parking is provided in excess of provisions in table of clause (1) of sub-rule B of rule 52 in case of big residential complexes, old residential high-rise buildings, Mega Commercial Project, hospitals and educational buildings, the additionally provided parking space should not be counted as consumption of Floor Area Ratio.”;

(4) after rule 53, insert the following rule:—

**“53A. Allowing additional Floor Area Ratio –** (1) Notwithstanding anything contained in clause (VI) of sub rule (2) of rule 53, or in rule 111 (for Salt Lake), and in rule 162 (for hill municipalities) of these rules, incremental Floor Area Ratio may be allowed over and above the Floor Area Ratio allowable under these rules in the following cases:

[a] 10% additional Floor Area Ratio shall be allowed in cases of any proposed or constructed green buildings and certification of green buildings will be done by the designated authorities or agencies to be notified by the Department of Municipal Affairs, Government of West Bengal;

[b] additional Floor Area Ratio of 15% may be allowed in cases of Mass Housing Projects, Hospitals, IT Buildings, Mega Commercial Projects, if there are adequate municipal infrastructure and facilities available in the locality to cater to the enhanced civic demands;

[c] in areas located within 500 meters on either side of the operational metro corridor or under Construction Metro Corridor where Construction work has actually began, a maximum of 15% additional Floor Area Ratio may be allowed over the prescribed limit in respect of the properties abutting means of access of 15 meters to less than 24 meters, and a maximum of 20% addition Floor Area Ratio may be allowed over the prescribed limit for properties abutting means of access 24 meters and above.”

(2) For allowing additional Floor Area Ratio, as mentioned in clauses (a) to (c) of sub-rule (1) of this rule, following conditions shall be complied with:

(1) in no case the benefit, as mentioned in clauses (a) to (c) of sub-rule (1) of this rule, shall be clubbed;

(2) the grant of additional Floor Area Ratio must be in conformity with the LUDCP and must not contravene any other building rule or the norm for structural stability or any norm of other regulatory authorities (e.g. Environment Department, Pollution Control Board, Fire and Emergency Services Authority, etc);

(3) there should be adequate municipal infrastructure and facilities to cater the enhanced civic demand.”;

(5) In rule 169,—

(1) to sub-rule (1), add the following proviso:—

“Provided that additional Floor Area Ratio to the tune of 100% will be allowed over and above the Floor Area Ratio being presently utilized in the existing structure/premises.”;

(2) after sub-rule (1) insert the following sub-rule:—

“(1A) For the building upto 50 years old and is declared unfit for human habitation by the appropriate authority, and when tenants demand, and are assured of equivalent amount of renewed space, post re-construction may also be allowed additional Floor Area Ratio to the tune of 100% over and above the Floor Area Ratio being presently utilized in the existing structure or premises.”.

By order of the Governor,

M. CHATTERJEE

*Joint Secretary to the Government of West Bengal.*