

**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

OFFICE ORDER

Subject: Dealing of cases for Regularization of Deviations and Un-authorized Constructions under Section 30-B of the Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 2016(Ordinance No. 1 of 2016).

The Government of Himachal Pradesh has promulgated the Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 2016 (Ordinance No. 1 of 2016) vide Notification No. LLR-D (6)-14/2016-Loose, dated 8.6.2016. The following officers vested with the powers of the Director (TCP) shall be the competent authority to examine and decide the cases for the purpose of Section 30-B of the Ordinance, ibid:-

Sr. No.	Competent Authority	Jurisdiction
1	2	3
1	Deputy Commissioner, Kullu	Municipal Council, Manali.
2	Deputy Commissioner, Chamba	Municipal Council, Dalhousie.
3	Commissioner, Municipal Corporation, Shimla	Municipal Corporation, Shimla
4	Chief Executive Officer, Baddi -Barotiwala-Nalagarh Development Authority	Baddi- Barotiwala- Nalagarh Special Area.
5	Chairman, Special Area Development Authority	Shoghi, Kufri, Hatkoti, Ghanahatti, Sarahan, Kandaghat, Barog, Chail, Jabli, Harat, Paonta Sahib, Trilokpur, Una, Baba Balak Nath Ji, Chintpurni, Ner-Chowk, Solang, Rohtang, Manikaran, Naggar, Pong Dam, Chamunda, Garli-Pragpur, Bir-Billing, Khajjar, Bharmour, Pangi (Killar), Chamera, Reckong Peo, Kaza, Keylong, Tabo and Udaipur.
6	Town and Country Planner, Divisional Town Planning Office Shimla, Solan, Dharamshala, Nahan, Mandi, Kullu and Hamirpur.	All the Planning Areas under their jurisdiction.
7	Assistant Town Planner, Sub-Divisional Town Planning Office, Parwanoo, Una, Bilaspur, Rampur and Chamba.	All the Planning Areas under their jurisdiction.
8	Planning Officer, Town Planning Office, Palampur, Manali and Sundernagar.	All the Planning Areas under their jurisdiction.
9	Executive Officer, Municipal Council Chamba, Una, Hamirpur, Rampur, Bilaspur, Nahan, Paonta Sahib, Mandi, Palampur, Solan, Nalagarh and Parwanoo.	All the Municipal Councils under their jurisdiction.

The powers for deciding, the cases of deviations and un-authorized constructions shall be as under:-

Sr. No.	Particulars	Planning Officer	Assistant Town Planner	Commissioner/ Chairman (SADA)/ Town and Country Planner / Executive Officer	Director
1	2	3	4	5	6
1.	(a) Residential Use	Upto plot area of 200 M ²	Upto plot area of 500 M ²	Individual Residential plots & Layouts below 2500 M ²	Schemes, Colonies, Apartments, Residential Layouts of 2500 M ² & above.
	(b) Commercial Use	Upto 5 shops (Area upto 100 M ²)	Upto 8 shops only, Dhabas, Restaurants, Guest House (Area upto 500 M ²)	Hotels, Petrol Pumps, Cinema Halls, Guest Houses, Commercial Layout below 2500 M ²	Shopping Complexes. Commercial Layouts of 2500 M ² & above.
	(c) Facilities & Services and Recreational Use	Nursery School, Primary School, dispensary, Sub-Post Office, Police Post etc. Area upto 250 M ²	Middle to Senior Secondary School, Health Centre, Police Station, Fire Station, community Hall, Library, Religious Building, Govt. / Semi Govt. Building. Area upto 500 M ²	College, Hospital etc. and equivalent thereof below 2500 M ²	University, State Level Institutions etc. 2500 M ² & above.
	(d) Industrial Use	Area upto 250 M ²	Upto 1000 M ²	Below 2500 M ² (individual units), Industrial Layouts below 2500 M ² .	Individual units, Industrial Layouts 2500 M ² & above.

Note:- The powers for deciding, the cases of deviations and un-authorized constructions in respect of buildings containing more than eight Apartments shall vest with the Director (TCP).

The sub-section (6) of Section 30-B of the Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 2016 provides that, “the regularization fee shall be credited to the State Government and concerned Urban Local Bodies or Special Area Development Authorities (SADAs) in the ratio of 50:50 and shall be deposited through Treasury Challan in the Government account and by way of demand draft to the Urban Local Bodies or Special Area Development Authorities (SADAs) respectively.” In this regard, to facilitate you, necessary **Guidelines** for Mode of depositing Regularization Fee, Opening of separate Fund as well as Utilization of Fund are enclosed herewith.

There could be number of queries and doubts about the said Ordinance. Some of the Frequently Asked Questions (**FAQ**) and their replies are also enclosed herewith enabling you to satisfy the general public applying for regularization of deviations and un-authorized constructions on one hand and the Registered Private Professionals on the other.

It is further intimated that the State Government vide Notification No. TCP-A (3) -1/2015 dated 15-6-2016 has notified the date of commencement of the provisions of the Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 2016 (Ordinance No. 1 of 2016) w.e.f **15-6-2016**. In all the Planning Areas and Special Areas under the jurisdiction of TCP Department, applicant would apply **online** for regularization of deviations and un-authorized constructions under the said Ordinance. Applicant can apply **offline or online** in Urban Local Bodies (except where jurisdiction is vested in TCP Department). All the officers are requested to start receiving the cases of regularization of deviations and unauthorized constructions within 45 days that is upto **29.7.2016**, please.

In view of above, you are requested to deal the cases accordingly, please.

Encl: As above.

Yours faithfully

(Sandeep Kumar)

Director

Town and Country Planning Department,
Himachal Pradesh, Shimla-171009

Phone No. 0177-2622494.

No. HIM/TP/PJT/RP/2012/Vol-VI/ 11356-11439

Shimla, Dated 16.6.2016

Copy forwarded to the following for information please:-

1. The Additional Chief Secretary (TCP) to the Government of Himachal Pradesh, Shimla.
2. The Additional Chief Secretary (UD) to the Government of Himachal Pradesh, Shimla.
3. The Director, Urban Development Department, Himachal Pradesh, Shimla.
4. The Senior Private Secretary to the Hon'ble TCP Minister.
5. All the above named Officers.

(Sandeep Kumar)

Director

Town and Country Planning Department,
Himachal Pradesh, Shimla-171009

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GUIDELINES FOR UTILIZATION OF REGULARIZATION FEE.

The sub-section (6) of Section 30-B of the Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 2016 provides that, “the regularization fee shall be credited to the State Government and concerned Urban Local Bodies or Special Area Development Authorities (SADAs) in the ratio of 50:50 and shall be deposited through Treasury Challan in the Government account and by way of demand draft to the Urban Local Bodies or Special Area Development Authorities (SADAs) respectively.”

In this regard, following Guidelines are issued:-

1. Mode of depositing Regularization Fee.

- 1.1 For crediting in the State Government Account-
 - (i) Through Treasury Challan Form in Receipt Head of Account 0217- Urban Development-60-Government-800-Receipt-01-Other Receipt.
 - (ii) Through e-payment.
- 1.2 For credited in the Urban Local Body’s Account-
 - (i) Through Demand Draft.
- 1.3 For credited in the Special Area Development Authority’s Account -
 - (i) Through Demand Draft.

2. Opening of separate Fund.

- 2.1 An Urban Development Fund shall be created (if not already created) which will be managed by followings:-
 - (i) The Commissioner, Municipal Corporation, Shimla.
 - (ii) Concerned Executive Officer, Municipal Councils.
- 2.2 The Commissioner and Executive Officer(s) concerned shall maintain proper record of Regularization Fee and the amount collected.
- 2.3 A Development Fund shall be created (if not already created) which will be managed by followings:-
 - (i) The Chairman, Special Area Development Authority.
- 2.4 The Member Secretaries concerned shall maintain proper record of Regularization Fee and the amount collected.

3. Utilization of Urban Development Fund/ Development Fund.

- 3.1 The Fund shall be used for the development work within the area falling under the jurisdiction of Urban Local Bodies and Special Area Development Authorities from where the same has been collected for improving the civic amenities.
- 3.2 The fund may also be used for the demolition of the un-authorized construction which remains un-regularized under the provisions of the said Ordinance and for constituting a flying squad/demolition squad.
- 3.3 Salaries of the staff employed in the Urban Local Bodies and Special Area Development Authorities shall not be charged from the Fund.
- 3.4 No vehicles shall be purchased from the Fund.
- 3.5 The funds may be used for preparation of Development Plans, any Development Scheme in the interest of town planning including Land Pooling & Re-constitution Schemes.

**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

OFFICE ORDER

In exercise of the powers vested in me under second proviso to clause (a) of sub-section (7) of Section 30-B of the Himachal Pradesh Town and Country Planning (Amendment) Ordinance, 2016 (Ordinance No. 1 of 2016), promulgated vide Notification No. LLR-D(6)-14/2016-Loose, dated 8.6.2016, following Committee(s) are hereby constituted for carrying out the Structural Stability Audit of all buildings except those buildings which comprise of more than two floors with built up area exceeding 150 M² :-

Town and Country Planning Areas

- | | | |
|----|------------------------------------------------------------------------------------|-------------|
| 1. | Director or Town and Country Planner or Assistant Town Planner as the case may be. | Chairperson |
| 2. | Registered Private Professional | Member |
| 3. | Concerned Structural Engineer | Member |

Urban Local Body Areas

- | | | |
|----|----------------------------------------------------|-------------|
| 1. | Commissioner/Executive Officer as the case may be. | Chairperson |
| 2. | Registered Private Professional | Member |
| 3. | Concerned Structural Engineer | Member |

Special Area Development Authority Areas

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | Chairman, Special Area Development Authority not below the rank of Town and Country Planner or Assistant Town Planner as the case may be. | Chairperson |
| 2. | Registered Private Professional | Member |
| 3. | Concerned Structural Engineer | Member |

The undersigned or the Commissioner or the Chairman, Special Area Development Authority may co-opt any other Member to access the structure stability as and when required or can refer the case to reputed Govt. Institution/ Department for carrying out Structural Audit, if need be.

(Sandeep Kumar)

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Phone No. 0177-2622494.

No. HIM/TP/PJT/RP/2012/Vol-V/ 11299-11355

Shimla, Dated 16.6.2016

Copy to following for information, please:-

1. The Additional Chief Secretary (TCP) to the Govt. of Himachal Pradesh, Shimla.

2. The Additional Chief Secretary (UD) to the Govt. of Himachal Pradesh, Shimla.
3. The Director, Urban Development Department, Himachal Pradesh, Shimla.
4. The Deputy Commissioner, District Kullu and Chamba, Himachal Pradesh.
5. The Commissioner, Municipal Corporation, Shimla.
6. The Chief Executive Officer, Baddi-Barotiwala and Nalagarh Development Authority, Jharmajri District Solan, Himachal Pradesh.
7. The Chairman, Special Area Development Authority, Shoghi, Kufri, Hatkoti, Ghanahatti, Sarahan, Kandaghat, Barog, Chail, Jabli, Harat, Paonta Sahib, Trilokpur, Una, Baba Balak Nath Ji, Chintpurni, Ner-Chowk, Solang, Rohtang, Manikaran, Naggar, Pong Dam, Chamunda, Garli-Paragpur, Bir-Billing, Khajjiar, Bharmour, Pangi (Killar), Chamera, Reckong Peo, Kaza, Keylong, Tabo & Udaipur.
8. The Private Secretary to the Hon'ble TCP Minister.
9. The Town and Country Planner, Divisional Town Planning Office, Shimla, Solan, Nahan, Mandi, Kullu, Hamirpur and Dharamshala.
10. The Assistant Town Planner, Sub-Divisional Town Planning Office, Parwanoo, Una, Chamba, Rampur and Bilaspur.
11. The Planning Officer, Town Planning Office Palampur, Manali and Sundernagar.
12. The Executive Officer, Municipal Council Chamba, Una, Hamirpur, Rampur, Bilaspur, Nahan, Paonta Sahib, Mandi, Palampur, Solan, Nalagarh and Parwanoo.

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