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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**

Urban Development Department

“NAGARAYAN”

DF-8, Sector-1, Salt Lake,

Kolkata-700 064

No. 3945-UD/O/M/HID/4I-3/2011

Dated, Kolkata, the 3rd November, 2016.

**NOTIFICATION**

In exercise of the powers conferred by section 159 read with section 65 of the New Town Kolkata Development Authority Act, 2007 (West Bengal Act XXX of 2007) (hereinafter referred to as the said Act), the Governor is hereby pleased to make, after previous publication as required under sub-section (1) of section 159 of the said Act, the following amendments in the New Town Kolkata (Building) rules, 2009 (hereinafter referred to as the said rules) :—

*Amendments*

In the said Rules the amendments made vide Gazette Notification No. 4150 - UD/O/M/HID/4I-3/2011, dated 18<sup>th</sup> December 2014 shall be repealed and following provisions shall be inserted:

1) In Rule 21,

Immediately after table IV and before the “note”, following provisions shall be inserted—Provided that some **incremental FAR** to buildings may be allowed over and above the FAR ordinarily allowable under existing rules in the following manner:

A) **10% additional FAR** is to be allowed in cases of green buildings and granting of this 10% additional F.A.R shall be given as per the provisions of the notification from Urban Development Department, Govt. of West Bengal, vide No. 2052 - UD/O/M/HID/5M - 28/2016, dated 11<sup>th</sup> July, 2016.

[**Explanation:** For the definition of ‘Green Building’, specification of the incremental fees/charges on the additional F.A.R, the guideline for the certification and grant of additional F.A.R and designated agencies for certification of ‘green Building’ within New Town, Kolkata, the following clauses as notified

from Urban Development Department, Govt. of West Bengal, vide No. 2052 - UD/O/M/HID/5M-28/2016, dated 11<sup>th</sup> July, 2016. shall be referred:

- i. Definition: 'Green Building' inter alia means a structure created by using processes that are environmentally responsible and resource efficient throughout the building's life cycle i.e. from design, construction, operation, maintenance, renovation and demolition.
  - ii. 10% additional F.A.R for 'Green Building' shall be allowed only for buildings which have been granted 'Gold' rating or higher under Indian Green Building Council (IGBC) rating system or at least 'Four Star' rating or higher under GRIHA rating system.
  - iii. Sanction of building plan for construction of 'Green Building' and grant of additional F.A.R shall be allowed on the basis of pre - certification by the designated agencies that are following GRIHA/IGBC rating system as mentioned hereinafter.
  - iv. The projects which are under construction/implementation and pre - certified under the Rating System will also be eligible for availing additional F.A.R subject to observation of other conditions mentioned in the relevant Notification issued by Municipal Affairs Department.
  - v. Periodic inspection during the construction in regard to compliance of 'Green Building' norms shall be done by the rating agencies who has issued the pre - certification.
  - vi. Grant of additional F.A.R. should not be in contravention of any building rules of any regulatory/statutory authorities.
  - vii. Plan sanctioning Authority, i.e. New Town Kolkata Development Authority may issue partial completion certificate on the basis of inspection report from the rating agency. However, final completion certificate shall be issued by the Authority only after receipt of the 'FINAL CERTIFICATION' from the rating agency.
  - viii. In case of non - compliance of the guidelines and upon failure to obtain the rating as mentioned above, penalty equivalent to one hundred fifty percent of the value of the floor area sanctioned for availing the additional FA.R as per IGR value of the said building, shall be imposed by the Plan Sanctioning Authority i.e. New Town Kolkata Development Authority.
  - ix. Agencies designated for certification: the agencies to be notified, which follow the rating programme given below will be the designated agencies for certification (Pre - certification or Provisional Certification and Final - certification of 'Green Building')
    - Green Rating Integrated Habitat Assessment (GRIHA) India, and
    - Indian Green Building Council (IGBC).]
- B) 15% additional FAR** is to be granted in case of mass housing projects, hospitals, IT buildings, mega commercial projects etc., if there are adequate municipal infrastructure and facilities available in the locality to cater to the enhanced civic demands.
- C)** In areas 500 meters on either side of the 'Under construction Metro Corridor where construction work has actually begun' a maximum of **15% additional FAR** is to be allowed over the prescribed amount for properties abutting 15 meter to 24 meter wide roads and a maximum of **20% additional FAR** is to be allowed over the prescribed amount for properties abutting more than 24 meter wide roads.
- D)** To ensure equitable & inclusive growth, housing society for Low Income group people and economically weaker section and to encourage "Affordable Housing" projects for these categories, **10% additional FAR** may be allowed only in cases of exclusively affordable housing projects having plot area 5000 sq.mt or more,.

**[Explanation: Affordable Housing project** means the residential complex consisting of LIG/ EWS/ any combination of the above two category only. For definition of LIG and EWS category, the following criteria as notified by Govt. of West Bengal, Urban Development Dept. Vide No. 1448/T & CP/C-2/3A-2/2011, dated 20<sup>th</sup> July 2011 shall have to be followed:

1	2	3	4	5	6
Sl. Nos.	Beneficiary Category	Beneficiary Monthly Income	Carpet Area in case of walk up apartment per family unit	Plot Size in case of plotted development per family unit	Minimum project (Housing/sub-division of plot or land) area.
1.	EWS	Up To Rs. 6,000.00	Not less than 20 sq.m.	Not less than 30 sq.m.	5000 sq.m.
2.	LIG	Rs.6,000.00 to Rs. 10,000.00	Not less than 34 sq.m.	35 sq.m. to 65 sq.m.	5000 sq.m.

- E) The benefits as mentioned above in Sub Rules. (A) - (D) may be simultaneously availed provided that, during calculation of the additional F.A.R (in each case) basic allowable F.A.R shall be considered as detailed in Rule 21, Table IV and Rule 25A.

In case of CBD & Sub - CBD, the facilities of additional F.A.R due to proximity to metro corridor can be availed only once (i.e. either as per provision of sub rule (C) above or as per sub rule (f) of rule 25(A) of this rules.

[● Illustration-1:

Say, basic F.A.R as per existing rules (Rule 21; Table - IV)	= 2
Say, Additional F.A.R for green building	= 10% of 2 = 0.2
Say, Additional F.A.R for mega commercial project	= 15% of 2 = 0.3
Say, Additional F.A.R for Metro alignment	= 20% of 2 = 0.4
Say, Additional F.A.R for Affordable Housing	= 10% of 2 = 0.2
Hence, Final permissible F.A.R	= 2+0.2+0.3+0.4+0.2 = <b>3.1</b>

● Illustration - 2 (For Sub - CBD) Plots within 250 mt. Of proposed Metro rail corridor/LRT corridor:

Say, basic F.A.R as per existing rules (Rule 21; Table - IV)	= 2.25
Maximum allowable F.A.R for location within 250 mt. of Metro rail corridor as per sub rule (f) of rule 25(A) of these rules	= 4
Say, Additional F.A.R for green building	=10% of 2.25 = 0.2250
Say, Additional F.A.R for mega commercial project	=15% of 2.25 = 0.3375
Say, Additional F.A.R for Affordable Housing	=10% of 2.25 = 0.2250
Hence, Final permissible F.A.R	=2.25+0.225+0.3375+0.225= <b>3.0375</b>

Or

$$= 4+0.225+0.3375+0.225 = \mathbf{4.7875}$$

Or

$$= (3.0375+ \text{Additional F.A.R for Metro alignment as per provision of sub rule (C) of rule 21 i.e. 20\% of 2.25}) = \mathbf{3.4875}$$

*The facilities of additional F.A.R due to proximity to metro corridor can be availed only once (i.e. either as per provision of sub rule (C) of rule 21 above or as per sub rule (f) of rule 25(A) of these rules.*

● Illustration - 3 (For Sub - CBD) Plots beyond 250 mt. Of proposed Metro rail corridor/LRT corridor:

Say, basic F.A.R as per existing rules (Rule 21; Table - IV)	=2.25
Say, Additional F.A.R for green building	=10% of 2.25 = 0.2250
Say, Additional F.A.R for mega commercial project	=15% of 2.25 = 0.3375
Say, Additional F.A.R for Metro alignment	=20% of 2.25 = 0.4500
Say, Additional F.A.R for Affordable Housing	=10% of 2.25 = 0.2250
Hence, Final permissible F.A.R	= 2.25+0.225+0.3375+0.45+0.225 = <b>3.4875</b>

*Additional F.A.R for Metro alignment sub rule (f) of rule 25(A) of these rules is not applicable in this case.*

- Illustration - 4 (For CBD) Plots within 250 mt. Of proposed Metro rail corridor/LRT corridor:
 

Say, basic F.A.R as per existing rules (Rule 21; Table - IV)	= 3.5
Maximum allowable addl F.A.R for location within 250mt of metro rail corridor as per sub rule (f) of rule 25(A) of this rules	= 6
Say, Additional F.A.R for green building	= 10% of 3.5 = 0.350
Say, Additional F.A.R for mega commercial project	= 15% of 3.5 = 0.525
Say, Additional F.A.R for Affordable Housing	= 10% of 3.5 = 0.350
Hence, Final permissible F.A.R	= 3.5+0.350+0.525+0.350 = <b>4.725</b>
	<b>Or</b>
	= 6+0.350+0.525+0.350 = <b>7.225</b>
	<b>Or</b>
	= (4.725+ Additional F.A.R for Metro alignment as per provision of sub rule (C) of rule 21 i.e. 20% of 3.5)
	<b>= 5.425</b>

*The facilities of additional F.A.R due to proximity to metro corridor can be availed only once (i.e. either as per provision of sub rule (C) of rule 21 above or as per sub.rule (f) of rule 25(A) of these rules.*

- Illustration - 5 (For Sub - CBD) Plots beyond 250 mt. Of proposed Metro rail corridor/LRT corridor:
 

Say, basic F.A.R as per existing rules (Rule 21; Table - IV)	= 3.5
Say, Additional F.A.R for green building	= 10% of 3.5 = 0.350
Say, Additional F.A.R for mega commercial project	= 15% of 3.5 = 0.525
Say, Additional F.A.R for Metro alignment	= 20% of 3.5 = 0.700
Say, Additional F.A.R for Affordable Housing	= 10% of 3.5 = 0.350
Hence, Final permissible F.A.R	= 3.5+0.35+0.525+0.7+0.35 = <b>5.425</b>

*Additional F.A.R for Metro alignment sub rule (f) of rule 25(A) of these rules is not applicable in this case.]*

Provided further that:

- i) The grant of **additional FAR** must be in conformity with the LUDCP and must not contravene the norm for structural stability and or any norm of other regulatory authorities (e.g. Environment Department, Pollution Control Board, Fire & Emergency Services Authority, Airport Authority of India etc.).
- ii) The rate / fee / charge payable for the **additional FAR** as detailed in sub rule (A) - (C) shall be decided in terms of "circle rates" of the I.G. (Registration) / Finance Department, Government of West Bengal. For availing additional F.A.R as per sub rule (D) for "Affordable Housing" no such rate / fee / charge shall be payable. **All incremental fees / charges** collected on account of grant of **additional FAR** will be payable to WBHIDCO Ltd. directly.

By order of the Governor,

DEBASHIS SEN,  
*Additional Chief Secretary to the Govt. of West Bengal.*