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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. 3946-UD/O/M/HID/4I-03/2013 Pt.

Dated, Kolkata, the 3rd November, 2016.

**NOTIFICATION**

In exercise of the powers conferred by section 138 of the West Bengal Town & Country (Planning & Development Act, 1979. (West Ben. Act XXX of 1979), the Governor is hereby pleased to make, after previous publication as required under section 138 of the said Act, the following amendments in the New Town Kolkata Planning Area (Buildings) Rules, 2014 (hereinafter referred to as the said rules) :—

*Amendments*

In the said Rules:—

1) In Rule 27

After table VIII immediately after the first proviso following provisions shall be inserted—

Further 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.

[**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 shall be referred; following clauses has been adopted *mutatis mutandis* from the gazette notification of Urban Development Department, Govt. of West Bengal, vide No. 2052 - UD/O/M/HID/5M - 28/2016, dated 11<sup>th</sup> July, 2016.:]

- 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, 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 F.A.R as per IGR value of the said building, shall be imposed by the Plan Sanctioning 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)** 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,.

[**Note: 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 parameters 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.



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) 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 (B) 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.*