

## FREQUENTLY ASKED QUESTIONS UNDER BRS

**Q1. What are the advantages of Regularization of Unauthorized Constructions?**

**A:** The construction building will get formal orders of regulation which will remove the uncertainty and threat of demolition and will get the occupancy certificate which is mandatory as per Municipal Laws.

**Q2. It is compulsory to apply for Regularization of Unauthorized Constructions?**

**A:** Yes

**Q3. What are the consequences if I do not apply?**

**A:**a) Such unauthorized constructions would be treated as continuing offense and penalty as per law would be levied.

b) Other enforcement action including demolition shall be initiated by the local authority as per law

c) No further building approvals shall be considered by the building sanctioning authority in the said site.

**Q4. Unauthorized construction made before 1.1.1985 can be penalized if applied?**

**A:** Person who have made unauthorized constructions before 1.1.1985 need not apply. However, if persons apply under this scheme, It will be considered subject to verification of structural stability and heritage angle.

**Q5. Whether the time prescribed for filing the applications for Regularization of unauthorized constructions scheme will be extended?**

**A:** No

**Q6. My neighbor has complained against me on building setbacks violation and a case is pending in the court. Can I apply for building regularization?**

**A:** Yes, provided there are no specific court orders/directions in this matter. Sites under legal litigation / disputes regarding ownership of the site / building will not be regularized.

**Q7. Whether unauthorized construction made in a parking area which was in excess of the required parking area, can be regularized under these rules? A:** No. the said area has to be utilized for parking only.

**Q8. Permission has been obtained for one use (e.g. residential use) and constructed as per plan but the use of the building is changed (e.g. for commercial use), can it be regularized?**

**A:** If the present usage of the building is in accordance with Zoning Regulations such cases are eligible for regularization.

**Q9: Sanction for construction of the building is obtained but the sanctioned copy is not available. How the regularization charge will be levied?**

**A:** The concerned competent authority shall assist the applicant to trace out the copy of sanctioned plan from the record. If it is found that there is no sanction for the said construction, the entire building will be treated as unauthorized and regularization charges will be levied accordingly.

**Q10: Permission is obtained for 3 floors but constructed 4 floors. What regularization charges will be levied?**

**A:** If the permitted 3 floors are constructed as per plan no regularization charges will be collected for the 3 floors. If there are deviations in the permitted floors, the regularization charges will be

collected as per that rate. But the entire 4th floor will be treated as unauthorized construction and regularization charges will be collected as per that category.

**Q11: Permission was obtained for individual residential building but converted in to Apartment Complex. Whether such apartments are eligible for regularization?**

A: Yes, regularization charges will be levied as applicable in the case of apartment complexes.

**Q12: Whether Constructions made in parks, green areas and layout open spaces are eligible for regularization?**

A: No.

**Q13: Permission was obtained for stilt for parking + 5 floors for apartments but converted the stilt floor for other purposes (flats/shops/office etc). Whether the apartments in the upper 5 floors are eligible for regularization?**

A: Constructions made in the stilt floor are not eligible for regularization. However apartments in upper floors are eligible for regularization. Prompt action will be taken for removal of structures in the parking area.

**Q14: Whether the constructions affected in road widening are eligible for regularization?**

A: Constructions/buildings falling in the road widening portion are not eligible for regularization. However the remaining portion is eligible for regularization after handing over the affected portion to the concerned Local Body.

**Q15: There are cases where certain builders are constructing additional floors during the interregnum period. Will these be covered under these Penalization Rules?**

A: No. Such additional constructions are liable to be demolished besides taking penal action against the builders including black-listing.

**Q16: My builder has unauthorized constructed an additional cellar for parking. Will the parking floor be considered for regularization?**

A: Yes.

**Q17: Whether the regularization charges can be paid in instalments?**

A: Yes, regularization charges may be paid in two instalments i.e." Rs. 10,000/- as initial processing charges shall be paid along with submission of application from and the balance amount shall be paid not beyond six months from the date of application.

**Q19. Whether regularization charges paid in excess will be refunded?**

A: Yes refunded after issue of the proceedings.

**Q20. If the application is rejected, whether the regularization charges paid are returned?**

A: Yes 10% of regularization charges will be deducted towards scrutiny and processing fee. In case of false declaration/misrepresentation of acts regularization charges will not be refunded.

**Q21. Permission is taken in two plots by amalgamating them but constructed in one plot only, what would be the regularization charges?**

A: The regularization charges will be levied on excess built up area i.e, Difference between the proportionate permitted area on the extent plot applied for regularization and the total area constructed.

**Q22. A person has constructed 3 floors with extra balconies and a 4th floor which is not permitted as per the sanctioned plan. What penalties would be levied?**

**A:** He has to apply for regularization for both deviations in the permitted floor (extra balconies) and unauthorized 4th floor, as given in the Application Form, viz., the penal charges for the extra balconies which are deviation to the sanctioned plan; and separate penal charges for the additional floor which is totally unauthorized shall have to be paid as per relevant category.

**Q23. My builder has taken sanctioned plan from the Gram Panchayat with stilt+ 5 upper floors and constructed according to the sanctioned plan only. I have purchased a flat in the said building. Am I liable for any penalization?**

**A:** Yes, and all the flat owners are required to pay penalization since the sanctioned plan of the Gram Panchayat is not valid as they are not empowered to approve such type of constructions as per delegation of powers without prior technical approval from HMDA/UDA/ DTCP as per the Gram Panchayat Building Rules, 2002. This is clearly indicated on the plans.

## **REQUENTLY ASKED QUESTIONS UNDER LRS**

**Q1. What is meant by unapproved and illegal layout?**

**A:** a) Land which is sub-divided into plots without permission from Competent Authority.  
b) Sub-division of land and sale of plots without approval from the Municipal Corporations, Municipalities and Urban Development Authorities and Metropolitan Development Authority as the case maybe.  
c) Un-authorized illegal layouts would also include tentative layouts approved by Municipal Corporation/Municipalities/Urban Development Authorities / and Metropolitan Development Authority where plots have been sold without Obtaining final layout approval.  
d) Gram Panchayat layouts (covered in UDA/Master Plan) without prior approval from Director of Town and Country Planning/Urban Development Authority / and Metropolitan Development Authority.

**Q2. What are the advantages of regulating an unapproved layout?**

**A:** a) Regulation of unapproved layouts will entitle the applicant to get building permission from the Competent Authority.  
b) Civic amenities like roads, water supply, drainage, streetlights will be provided subject to total payment of all required charges by all plot owners.  
c) The unapproved layout areas will be brought in to the fold of planned development of the Towns/Cities.

**Q3. What are the consequences if one does not apply for regulation of unapproved layout?**

**A:** The following consequences have to be faced:  
a) No building permission will be given.  
b) Such layout plots will be treated as continuing offence and exemplary penalties as per law would be levied.  
c) No regular water supply connections and services like roads, drainage, streetlights will be extended in such areas.  
d) Information will be sent to Registration Department to enter the land into Prohibitory Register of lands and no sale / disposal or transactions shall be allowed in such sites.  
e) Other enforcement action including demolition of the building if any on such plot/plots shall be initiated.

**Q4. Whether the layout regulation scheme is applicable to all Gram Panchayat areas also?**

A: No.

**Q5. Whether a layout approved by a Gram Panchayat (covered in UDA limits or Master Plan limits) without technical approval of Director of Town & Country Planning/Urban Development Authority is a valid layout?**

A: No

**Q6. If I have purchased a plot in unapproved layout, can my plot be regularized under this Scheme?**

A: Yes, It can be regularized subject to submission of application along with sale deed executed prior to date of notification of the Rules and payment of prescribed fees and charges.

**Q7. The layout owner has taken an approval from the Gram Panchayat with technical clearance of Director of Town & Country Planning / Urban Development Authority but subsequently changed the layout and its constituent plots, open spaces and roads and I purchased a plot based on this changed layout on ground. Can my plot be regularized?**A: No.

**Q8. The owner has sold away the open spaces in the approved layout by carving plots. Can these be regularized?**

A: No.

**Q9: If total area of the site is 3 acres and only 10 plots holders having plots of 250 sq.yards each apply for approval, whether the owners of 10 plots can get their plots regularized?**

A: Yes. The plot holders who come forward for regulation of their plots will be considered for approval subject to u conditions.

**Q10: A100 ft Master Plan is proposed through our colony layout. The alignment of the said 100 ft road is passing through plot and in adjoining plots which have buildings. Can my plot and the said adjoining plots be regularized?**

A: Plots affected in Master Plan road will not be regulated.

**Q11: Can I purchase a plot in an unapproved layout after the date of notification and come forward for regularization payment of all fees and charges?**

A. No. This scheme is applicable only for plot owners who have registered sale deed executed prior to the date notification of the Rules.

**Q12: The neighboring land owner has blocked a road by showing the end of the road as plot and constructed a building. Can this plot blocking the road be regularized?**

A: No.

**Q13: I have a plot in a layout approved by Gram Panchayat falling in UDA limits without**

**getting technical clearance from UDA. Do I need to apply for regulation under this scheme?**

**A:** Yes.

**Q14: I have a plot in a layout approved by Gram Panchayat without getting technical approval from the DT&CP but covered by the sanctioned Master Plan. Do I need to apply for regulation under this scheme?**

**A:** Yes

**Q15: Whether charges for regulation of unapproved layouts can be paid in installments?**

**A:** Yes. The penalization may be remitted in installments i.e., 10% of the amount or minimum of Rs. 10,000/- shall be paid along with the application form and balance amount shall be paid within 6 months from the date submission of the application.

**Q16: I have constructed a building in an unapproved plot. Can I apply for regulation of my plot and building?**

**A:** Yes. You have to file separate applications, one for regulation of unapproved plot and another for penalization regulation of unauthorized building.

**Q17: What is the method for computation of the betterment Charges, Conversion charges and shortfall of open charges?**

**A:** The computation of the required fees and charges have been simplified and given in the working sheets in three tables along with the application which can be computed with the help of registered architect or licensed technical personnel.