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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. 479/MA/O/C-4/3R-8/2002 (Pt. I)

Kolkata, the 10th September, 2007.

In exercise of the power conferred by sub-section (1) of section 417, read with section 198 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 417 of the said Act, the following amendments in the West Bengal Municipalities (Building) Rules, 2007, published under notification No. 67/MA/O/C-4/3R-8/2002, dated the 14th day of February, 2007 (hereinafter referred to as the said rules):

Amendments

In the said rules:

(1) after Part I the following new Part shall be inserted:

“Part IA

2A. Classification of Buildings - For the purpose of classification of a building according to occupancy; an occupancy shall be deemed to include subsidiary occupancies, which are contingent upon it. The occupancy classification shall include residential, educational, institutional, assembly, commercial, mercantile (retail), mercantile (wholesale), industrial, storage and hazardous occupancies. Principal occupancy shall be the occupancy of covering not less than 50% of the floor area of the building. In case no single occupancy covers more than 50% of the floor area of a building, it shall be classified as a building of “mixed use or occupancy”. The classification of buildings, based on principal occupancy, shall be as follows:

- (a) “Residential building” means, any building in which sleeping accommodation is provided for normal residential purpose as the principal use with cooking facility or dining facility or both; such building shall include one or two or multi-family dwellings, lodging, hostels, old age homes, dormitories, apartment houses and flats; In case of hostels or dormitories attached to educational institution there may or may not be any cooking facilities.

- (b) "Educational building" means, any building used for school, college, library or training institute, or day-care purpose involving assembly for instruction, education or recreation incidental to educational buildings;
- (c) "Institutional building" means, any building or part there of ordinarily providing sleeping accommodation for occupants and used for the purposes of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged persons and for penal or correctional detention in which the liberty of the inmates is restricted; such buildings shall include hospitals, clinics, diagnostic centres, doctor's chamber, dispensaries, nursing homes, sanatoria, custodial institutions and penal institutions like jails, prisons, mental hospitals and reformatories;
- (d) "Assembly building" means, any building or part thereof where group of people congregate or gather for amusement or recreation or for social, religious, patriotic, civil, travel, sports, and similar other purposes; such buildings shall include theatres, motion picture houses, drive-in-theatres, city halls, town halls, ceremonial halls, auditoria, exhibition halls, museums, skating rinks, gymnasium, restaurants/bars, food court, eating houses, hotels, boarding houses, places of worship, dance halls, club rooms/houses, entertainment centers, gymkhanas, passenger stations and terminals of air, surface and other public transportation services, recreation piers, multiplex and stadia;
- (e) "Commercial building" means, any building or part thereof used for transaction of business for keeping of accounts and records or for similar purposes; such buildings shall include offices, banks, professional establishments and court houses, for the principal function of transaction of public business and keeping of books and records, and shall also include office buildings (premises) solely or principally used as an office or for office purposes.

Explanation.-

- i) The expression "office purpose" shall include the purpose of administration and clerical work (including telephone/telegraph and computer operating), and
- ii) The expression "clerical work" shall include writing; book-keeping, sorting papers, typing duplicating; punching cards or tapes, machine calculating drawing of matter for publication, and editorial preparation of matter for publications;
- (f) "Mercantile building" means, any building or part thereof used as shops, stores or markets for display or sale of merchandise and providing services, for office-storage or service facilities incidental to the sale of merchandise and/or services located in the same building; such building shall include establishments, wholly or partly engaged in wholesale trade, warehouses, and establishments engaged in truck transport (including truck transport booking agencies) and shall also include ATM Space, Hyper Market, Safe Deposit Vault and other similar uses.
- (i) "Mercantile building (retail)", that is to say, any building or part thereof used principally as shops, stores or markets for display of merchandise for retail sale thereof or for office and storage of service facilities incidental thereto;
- (ii) "Mercantile building (wholesale)", that is to say, any building or part thereof used principally as shop, store or market for display of merchandise for sale thereof on wholesale basis, or for office and storage or service facilities incidental thereto, and shall include establishment, wholly or partly engaged in wholesale trade, manufacturer's wholesale outlets including related storage facilities, warehouses and establishments engaged in truck transport (including truck transport booking agencies);
- (g) "Industrial building" means, any building or structure or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plants; such buildings shall include laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies, factories, workshops, automobile repair garages, and printing press;
- (h) "Storage building" means, any building or part thereof used primarily for the storage or sheltering of goods, wares or merchandise as in warehouses; such building shall include cold storages, freight depots, transit sheds, store houses, public garages, hangars, truck terminals, grain elevators, barns and stables;
- (i) "Hazardous building" means, any building or part thereof used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling, manufacture or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other liquids or chemicals producing flames, fumes, explosions or mixtures of dust which result in the division of matter in to fine particles subject to spontaneous ignition;

- (j) "Buildings with Mixed Occupancies" shall mean those buildings in which more than one compatible occupancy are present in different proportions thereof; and shall follow Mixed Use Rules in the matter of means of access, occupancy distribution, permissible use of open space, FAR, car parking, and height of building for the purpose of this "Building Rules". The building or buildings will be treated as Mixed Occupancy Group only if the aggregate of other use group is exceeding 25% or in other words predominant use is less than 75%;
- (k) "IT/ITES Building" means, any building or part thereof used for IT/ITES purposes as stipulated in sub-section (2) of section 102B.";
- (2) in sub-rule (1) in rule 109, in the table,—
- (i) in the second column against row number (ii), before the letter "6", the letter and sign "5", shall be *inserted*, and
- (ii) in the second column against row number (v), for the words and sign "& other permissible Industrial & Commercial Sector Buildings" the words "and other permissible Industrial, Institutional and Commercial Sector Buildings" shall be *substituted*;
- (3) In sub-rule (2) of rule 153,—
- (a) after the word "Storage", the words and sign, "IT/ITES" shall be inserted;
- (b) for clause (ii) the following new clause shall be substituted :

"(ii) minimum mandatory open space shall be as follows :

Size of plot	Front open space (in meter)	Side open space (1) (in meter)	Side open space (2) (in meter)	Rear open space (in meter)
10 K	2.0	4.0	4.0	7.0
20 K	3.0	4.0	4.0	8.0
30 K	4.0	4.0	4.0	9.0
Above 30 K	5.0	4.0	4.0	10.0

For plots of intermediate sizes, the amount of front and rear open spaces may be suitably interpolated:

Provided that a 'No objection' certificate shall be produced from the authorities as indicated below for construction of any building on any plot of 4K or above :

- (a) Directorate of Fire and Emergency Services, Government of West Bengal,
- (b) the Director of Factories or Industries, Government of West Bengal,
- (c) the West Bengal Pollution Control Board.
- (d) the West Bengal State Electricity Board or the Calcutta Electric Supply Corporation, whichever is applicable, and
- (e) Directorate of Public Health Engineering, Government of West Bengal."; and
- (c) clause (iii) shall be omitted.

By order of the Governor,
K. C. MONDAL
Jt. Secy. to the Govt. of West Bengal.