

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS
(MUNICIPAL AFFAIRS BRANCH)
DF-8, SECTOR-I, SALT LAKE, KOLKATA- 700 064

NOTIFICATION

No. 876/UDMA-15011(24)/1/2022-LS-MA SEC

Dated, Kolkata, the 26th August, 2022

WHEREAS the Kolkata Municipal Building Rules, 2009 has been made applicable, mutatis mutandis, to the Howrah Municipal Corporation (hereinafter referred to as the said Corporation) for controlling building activities within the limits of the said Corporation vide Notification No.43/MA/O/C-4/1A-5/2010 dated 15.02.2011 of this Department;

AND WHEREAS the Commissioner, Howrah Municipal Corporation has informed that the City of Howrah is more or less 500 years old where many large plots of land are now converted to small plots by generation wise partition in between co-shares and number of small passages are increasing day by day. So, the citizens of Howrah are facing lot of difficulties for sanctioning building plans in respect of new buildings or making addition or alteration of the existing buildings or old and insecure buildings or buildings to be erected at the corner plot due to small plot size of land and also non availability of adequate of means of access (hereinafter referred to as the said difficulties);

AND WHEREAS the Commissioner, Howrah Municipal Corporation has informed that the Board of Administrators of Howrah Municipal Corporation in the meeting held on 29.06.2022 has approved the proposal for allowing some relaxation in certain provisions of the Kolkata Municipal Building Rules, 2009 made applicable, mutatis mutandis, to the said Corporation for removal of the said difficulties and send the proposal to the Department of Urban Development and Municipal Affairs for consideration;

NOW THEREFORE for the sake of removal of the said difficulties as proposed by the Board of Administrators of Howrah Municipal Corporation, the State Government, in exercise of powers conferred by rule 141 of the Kolkata Municipal Building Rules, 2009, hereby allows the following relaxation in certain provisions of the Kolkata Municipal Building Rules, 2009 made applicable, mutatis mutandis, to the said Corporation, subject to clearance of the Fire and Emergency Services Department before sanction of building plans for all buildings except residential building upto 15.5 mtr. height and not having basement:

1. In rule 142 of the KMC Building Rules, 2009 :

a. Height of building will be governed by following table:

Width of Means of Access	Maximum Permissible Height
Road width 1.2 m. upto 2.4 m.	10.0 m.
Road width above 2.4 m. upto 3.5 m.	12.5 m.
Road width above 3.5 m. upto 6.0 m.	15.5 m.
Road width above 6.0 m. upto 9.0 m.	21.5 m.
Road width greater than 9.0 m.	Rule 74 of the said rules shall be applied.

- b. No car parking requirement shall be insisted upon if the road with abutting the premises is less than 3.5 metres.
- c. Lift area with lobby (subject to maximum 3.00 sq.m. for every lift in each floor including roof, if any) may be exempted along with other exemptions as specified in rule 69(2) in calculation of floor area for FAR.
- d. There should be no bar in respect of tenanted area to apply rule 142 of the KMC Building Rules, 2009.
- e. Registered undertaking is given jointly by owners and tenants identified by the lawyer stating the name, date, year of tenancy and area occupied by tenants should be demarcated in the existing floor plan along with undertaking stating the area of tenants as well as owners in different floor in the existing floor plan jointly certified by tenant, owner and Architect/ L.B.S. After that, the second stage of verification will be done by the building department/Borough office and if any discrepancy develops afterwards, sanction will stand revoked. Rehabilitated area is proposed in the submitted plan in compliance with rule 142(2)(b) of the KMC Building Rules, 2009.
- f. Written consent of each tenant that the tenant has no objection for the proposed development by the demolition of the existing building and the rehabilitated area proposed in the submitted plan in compliance with rule 142(3) of the KMC Building rules, 2009.
- g. In case of unavailability of I.B. copy, it is recommended that creation of I.B. copy stating the area under tenant & owner occupation will have to be initiated by Assessment Dept. as soon as possible.
- h. The applicant will submit a registered declaration stating the names of the tenants, carpet area enjoyed by the tenants and the use group in a tabular form. He will also provide the information about the area enjoyed by himself and the existing use group of the area. The statement will also include the common area of the existing building.
- i. The verified list, as mentioned in point number (h) should also be enclosed with the application along with the Registration Number and Date of the registered declaration.
- j. The applicant will submit a photographic documentation of the existing building for future reference.
- k. Area statement (existing and proposed) along with use group (existing and proposed) against each tenant and owner will be shown in a tabular form. The area statement will also include the respective common area enjoyed by the tenant(s) and owner(s) except exempted area in terms of rule 69 of the KMC building rule 2009 for existing and proposed building.
- l. The identity document of each tenant will be rent receipt, ration card, Aadhaar card, voter card, electricity bill paid up before the date implementation of building rule at HMC. Submission of rent receipt before 2011 is mandatory for residential building. For other uses, the copy of certificate of license before 2011 is mandatory.

- m. During processing of the applications under section 174 of the HMC Act 1980 read with the rule 142 of the KMC building Rules 2009, the applicant has to ensure and undertake that the tenants' rights are protected in terms of the West Bengal Premises Tenancy Act as amended till date at the time of Sanction of Building Plan and execution of the same.
- n. In case, if there is no specific mention of area under tenancy in supplied documents regarding description of dwelling units, Building Department/Borough Office will measure the area information as prepared by LBS/Architect during inspection. However, where area is mentioned in supplied documents, Building Department / Borough office will consider the minimum value of area among the physical area measured during physical inspection and area recorded in supplied documents.
- o. All applications for relaxation of Building Rules made under this rules have to be recommended by the Municipal Building Committee and its recommendations have to be approved by the Mayor-in-Council.
- p. For the proposed residential building, maximum 60% ground coverage will be allowed & other than residential building, the ground coverage should not be more than 50%.
- q. Attempts should be made to make the road width at least 1.75 meter from the existing centre line of the road in case strip of land are to be thrown.
- r. No additional construction under section 174B of HMC Act 1980 as amended till date will be considered once the building was sanctioned under section 142 of building rule 2009
- s. Comparative area statement between the existing building and the proposed building should be incorporated in the MBC agenda note as well as in the submitted plan.
- t. All floor plans, section and elevation as proposed are to be shown in one sheet. The architectural drawing of the existing structure will be shown in a separate sheet to be authenticated by the architect/LBS concerned, if sanctioned plan of the existing building is not available.
- u. Open space of the proposed building having driveways within the premises shall be minimum 3.5 metres. For all cases, final opinion of the municipal building committee shall have to be obtained.
- Open space of the proposed building to be provided:
- i. In case of area of land upto 200 sqm. and height upto 15.5 m. – front open space – 1.2 m., side open space at one side – 1.2 m., side open space on other side – 1.2 m, and rear open space – 2.00 m.
 - ii. In case of area of land above 200 sqm. but less than 500 sqm. and height upto 15.5m – front open space – 1.2m, side open space at one side – 1.2m, side open space on ther side – 1.5m, and rear open space – 3.00 m.
 - iii. In case of area of land 500 sqm. and more and height upto 21.5m – front open space – 2.0 m, side open space at one side 1.5m, side open space on other side – 3.50m, and rear open space – 4.00m.
- All other rules shall apply mutatis and mutandis.

2. Following norms have to be followed for sanction of Building plan for residential use on small land area & small scale industries in Industrial Estates approved by Government.

A. For residential on small land area upto 160 Sq. M.

(i) For residential Buildings having land area upto 125 Sq. M.

Rule	Existing		Proposed	
70 - Ground Coverage	60%		70%	
62 - Open Space	7.0 m height	10.0 m height	7.0 m height	10.0m height
	Front : 1.20m Side 1 : 1.20m Side 2 : 1.20m Rear : 2.00 m	Front : 1.20m Side 1 : 1.20m Side 2 : 1.20m Rear : 3.00 m	Front : 0.60m Side 1 : 0.70m Side 2 : 1.20m Rear : 2.00 m	Front : 0.60m Side 1 : 0.70m Side 2 : 1.20m Rear : 3.00 m
106- Habitable room	Area - 6.00 Sq. M., Width - 2.40 m		Area - 5.00 Sq. M., Width - 2.40 m	
107- Kitchen / Kitchen-cum-dinning	Area - 4.50 Sq. M., Width-1.50m		Area - 3.00 Sq. M., Width-1.50m	
	Area - 9.50 Sq. M., Width - 2.40 m		Area - 7.00 Sq. M., Width - 2.40 m	
109- Toilet / WC	Area -1.80 Sq. M., Width-1.20m		Area - 1.50 Sq. M., Width-1.20m	
	Area -1.20 Sq. M., Width - 1.00 m		Area - 1.20 Sq. M., Width - 1.00 m	
127- Stair width	1.00 m with landing 1.20 m.		width- 0.9 m for height upto 7.0m width- 1.0 m for height upto 10.00 m	

(ii) For erection of residential Buildings having land area more than 125 Sq. M. upto 160 Sq. M.

Rule	Existing		Proposed		
70 - Ground Coverage	60%		65%		
62 - Open Space	7.0 m height	10.0 m height	7.0 m height	10.0 m height	
	Front : 1.20 m	Front : 1.20 m	Front : 0.75 m	Front : 0.75 m	
	Side 1 : 1.20 m	Side 1 : 1.20 m	Side 1 : 0.90 m	Side 1 : 0.90 m	
	Side 2 : 1.20 m	Side 2 : 1.20 m	Side 2 : 1.20 m	Side 2 : 1.20 m	
	Rear : 2.00 m	Rear : 3.00 m	Rear : 2.00 m	Rear : 3.00 m	
	106-Habitable room	Area - 6.00 Sq. M., Width - 2.40 m		Area - 5.00 Sq. M., Width - 2.40 m	
	107- Kitchen/Kitchen-cum-dinning	Area - 4.50 Sq. M., Width - 1.50m		Area - 3.00 Sq. M., Width - 1.50m	
Area - 9.50 Sq. M., Width - 2.40 m		Area - 7.00 Sq. M., Width - 2.40 m			
109- Toilet / WC	Area -1.80 Sq. M., Width - 1.20 m		Area - 1.50 Sq. M., Width - 1.20 m		
	Area -1.20 Sq. M., Width - 1.00 m		Area - 1.20 Sq. M., Width - 1.00 m		
127- Stair width	1.00 m with landing 1.20 m.		1000 mm		

(iii) 500mm wide cupboard may be allowed from 1st floor level on wider side open space only.

(iv) 1.0 m. wide cantilever projection from 1st floor level at rear side may be allowed for building of height above 7.0 m. upto 10.0 m. No cupboards will be permissible in this projected portion.

(v) FAR 1.0 and height upto 7.00 m may be allowed on a plot area upto 160 Sq. m. and abutting means of access, width of which is less than 1.2 m. but not less than 1.0m. may be considered provided that the width of all such streets or passages on the front, sides or rear be increased to make width of the said passage/streets 1.75 m. from the center line of the passage/ road by gifting the required portion of land in front by registered document to the Corporation or by relinquishing the required portion of land on the sides or the rear by the applicant if such gifting/relinquishing is practicable. However, advantage of FAR and ground coverage for such relinquished portion of land shall however be considered, in general.

B. (i) For sanction of Building plan for small scale industries in Industrial Estates approved by Government.

1. Open Space & width of Stair Case :					
Rule	Building Height		Existing	Proposed	
				Upto 300 Sq. M.	Above 300 Sq. M.
97 - Ground Coverage			upto 500 Sq. M. - 50% Above 500 Sq. M. - 40%	60%	50%
99- (Front Open Space)	Upto 12.50m Above 12.50m upto 15.50m. Above 15.50m upto 21.50 m.	2.00m. 2.00m. 4.00 m.		1.20m 1.50 m	1.50m 2.00m 4.00 m
100- (Rear Open Space)	Upto 12.50m Above 12.50m upto 15.50m. Above 15.50m upto 21.50 m.	4.00m. 4.00m. 6.00 m.		2.50m 3.00 m	3.50m 4.00m 6.00 m
101- (Side Open Space)	Upto 12.50m Above 12.50m upto 15.50m. Above 15.50m upto 21.50 m.	1.50 m. & 4.00 m. 1.50 m. & 4.00 m. 6.00 m.		1.20 m. & 3.00 m. 1.20 m. & 3.50 m.	1.50 m. & 4.00 m. 1.50 m. & 4.00 m. 3.50 m. & 6.00 m.
127- (Stair Width)	Upto 12.50m Above 12.50m upto 15.50m. Above 15.50m upto 21.50 m.			One no 1.50m. One no 1.50 m.	Two nos. 1.35 m. Two nos. 1.50 m. Two nos. 1.80 m.

(ii) Floor Area Ratio (FAR), Rule 102 :

Width of mean access	Existing	Proposed
5.0 m to 7.0 m	1.5	1.75
Above 7.0 m to 9.0 m	1.75	2
Above 9.00 m	2	2.25

All other rules shall apply mutatis and mutandis.

3. In sub- rule (5) of rule 15 of the KMC Building Rules, 2009 :

- a. For plots situated at the corner of two streets, and if width of any of such streets exceeds 2.40 meters, splayed corner is to be provided as follows:
- b. For plot area upto 200 sq.m. -splayed corner of 1.20 M x 1.20 m to be provided and required clearance from splay has to be minimum 600 MM
- c. For plot area above 200 sq.m. -splayed corner of 2.40 M x 2.40 m to be provided and required clearance from splay has to be minimum 1200 MM
- d. Such space must be demarcated at site by constructing boundary wall and to be handed over by registered deed to HMC beforehand.

4. In sub- rule (2) of rule 59 of the KMC Building Rules, 2009 :

Gifted/Relinquishing of land is not practicable if

- a. number of plots are less than equal to 4 (Four)
- b. there is a sweeper passage as recorded in the registered deed in between plots &
- c. there is no easement right over passages in the pit deed.

Reduction of F.A.R. is not applicable for the above three cases.

If the frontage of land is not more than 6 mt. after gifting/relinquishing of land, it will be placed to MBC meeting.

All other rules shall apply mutatis and mutandis.

By order of the Governor,

Addl. Secy. to the Govt of West Bengal

No. 876/1(5)/UDMA-15011(24)/1/2022-LS-MA SEC

Dated, Kolkata, the 26th August, 2022

Copy forwarded for information and taking necessary action to the:-

1. Special Secretary (S. K. Dutta), UD & MA Department.
2. Commissioner, Howrah Municipal Corporation.
3. Chief Engineer, Municipal Engineering Directorate, West Bengal.
4. PS to Hon'ble Minister-in-Charge, UD & MA Department.
5. Sr. PS to Principal Secretary, UD & MA Department.

Additional Secretary