

**GOVERNMENT OF WEST BENGAL
URBAN DEVELOPMENT & MUNICIPAL AFFAIRS DEPARTMENT
POURA PRASHASAN BHAWAN
DD – I, SECTOR – I, SALT LAKE CITY, KOLKATA – 700064**

ORDER

NO. 567/ MA/O/C-4/3R-2/2015

Dated, Kolkata, the 28th day of December, 2016

WHEREAS in terms of the amendment of the West Bengal Municipal Building Rules, 2007, issued vide Notification No. 773/MA/O/C-4/3R-2/2015 dated 1st December, 2015 (herein referred as the said rules), the definition of “Green Building” has been incorporated in clause (i) under rule 2A of the said rules which, inter alia, states – “ ‘Green Building’ 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;

AND WHEREAS designated authorities or agencies for certification of “Green Building” (pre-certification or provisional certification and final certification) have been notified by the Department of Municipal Affairs vide Notification No. 633/MA/O/C-4/3R-4/2014 dated 14.09.2015 ; and

AND WHEREAS the Schedule of Rates to be charged for allowing the additional Floor Area Ratio (hereinafter to be referred as F.A.R.) for “Green Building” have been notified by the Municipal Affairs Department with the concurrence of Finance Department vide No. 624/MA/O/C-4/3R-3/2014 (Pt.) dated 09.09.2015 ;

NOW THEREFORE, the Governor is pleased hereby to specify the incremental fees/ charges on the additional “Floor Area Ratio (F.A.R.)” and lay down the guidelines for grant of additional Floor Area Ratio (F.A.R.) and certification of “Green Building” and also designate the agencies for certification (Pre-certification or Provisional Certification and Final-certification) of “Green Building” within the ambit of the said rules:-

A. Incremental fees/ charges on additional Floor Area Ratio (F.A.R.) on “Green Building”:-

(i) In case of “Green Building” the rates/ charges payable for availing addition “Floor Area Ratio” as mentioned in clause [a] of sub-rule (1) of Rule 53A of the of the West Bengal Municipal Building Rules, 2007, notified by Municipal Affairs Department vide Notification No. 773/MA/O/C-4/3R-2/2015 dated 01.12. 2015, shall be 10% of the incremental land, as per the circle rates of the Inspector General (Registration) of the said land.

(ii) In case of other categories as mentioned in clause [b] and [c] of sub-rule (1) of Rule 53A of the said Rules, the fees/ charges payable for additional ‘Floor Area Ratio’ shall be 25% of the incremental land, as per the circle rates of the Inspector General (Registration) of the said land.

‘Head of Accounts’ for the purpose of collection and transfer of fees and charges on account of additional Floor Area Ratio in respect of Green buildings:-

i) 0216-Housing-02- Urban Housing-800-Other Receipts-010-collection of fees and charges on account of additional floor area ratio in respect of Green and other categories of buildings -16-Other Fees.

ii) 3604-Compensation and Assignments to Local Bodies and Panchayati Raj Institution-00-200- other Miscellaneous Compensation and Assignments-NP-035-Transfer of fees and charges on account of additional floor area ratio in respect of Green and other categories of buildings -31-02.

B. Guidelines for certification and grant of additional Floor Area Ratio (F.A.R.):-

- (1) 10% additional floor Area Ratio for “Green Building” as per provision under Rule 53A of the West Bengal Municipal Building Rules, 2007, notified by Municipal Affairs Department vide Notification No. 773/MA/O/C-4/3R-2/2015 dated 01.12. 2015 shall be allowed only for buildings which have been granted “Gold” rating or higher under IGBC rating system or at least “Four Star” rating or higher under GRIHA Rating Systems.

- (2) Sanction of building plan for construction of "Green Building" and grant of additional F.A.R. on the basis of pre-certification by the agencies that are following GRIHA/ IGBC Rating System vide Notification No. 633/MA/O/C-4/3R-4/2014 dated 14.09.2015.
- (3) The projects which are under construction/ implementation and are pre-certified under the Rating System will also be eligible for availing additional F.A.R. subject to observance of other conditions mentioned in this order.
- (4) The fees/ charges for availing additional F.A.R. shall be deposited as per rates notified by the Municipal Affairs Department vide 624/MA/O/C-4/3R-3/2014 (Pt.) dated 09.09.2015 and as per provisions under sub-rule (2) of Rule 24A of the West Bengal Municipal Building Rules, 2007, notified by Municipal Affairs Department vide Notification No. 773/MA/O/C-4/3R-2/2015 dated 01.12. 2015.
- (5) Periodic inspection during the construction in regard to compliance of "Green Building" norms shall be done by the rating agencies issuing the pre-certification.
- (6) Grant of additional F.A.R. should not be in contravention of any building rules of any regulatory/ statutory authorities.
- (7) Plan sanctioning authorities may issue partial Completion Certificate on the basis of inspection report from the rating agency. However, final Completion Certificate shall be issued by the plan Sanctioning Authority only after receipt of the Final Certification from the rating agency.
- (8) In case of non-compliance of the guidelines and upon failure to obtain the rating as mentioned at Para (1) above, penalty equivalent to one hundred and fifty percent of the value of the floor area sanctioned for availing the additional F.A.R., as per I.G. (Registration) value of the said building, shall be imposed by the Plan Sanctioning Authority.

C. 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") :-

(I) Green Rating Integrated Habitat Assessment - GRIHA India; and

(II) Indian Green Building Council – IGBC.

By Order of the Governor

Sd /-

Jt. Secy. to the Govt. of West Bengal

NO. 567/1(150)/ MA/O/C-4/3R-2/2015

Dated, Kolkata, the 28th day of December, 2016

Copy forwarded for information and necessary action to, the -

1. Chairman/ Chairperson, _____ Municipality/ NAA/ Industrial Township Authority.
2. Commissioner, Asansol/ Bidhannagar/ Chandernagore/ Durgapur/ Siliguri Municipal Corporation.
3. Chief Engineer, Municipal Engineering Directorate, West Bengal.
4. PS to MIC, MA & UD Departments, Govt. of West Bengal.
5. Pr. S to Secretary of this Department.


Joint Secretary

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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. 773/MA/O/C-4/3R-2/2015

Dated, Kolkata, the 1st day of December, 2015.

In exercise of the power conferred by section 417 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), the Governor is pleased 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 Municipal (Building) Rules, 2007, published under this Department 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) in rule (2A), after clause (k), insert the following clauses :—

“(l) ‘Green Building’ means a structure created by using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle i.e. from design, construction, operation, maintenance, renovation, and demolition. The same should be certified by the designated authorities or agencies notified by Municipal Affairs Department, Government of West Bengal;”;

“(m) ‘Mass Housing Projects’ means the housing development project which should be certified by Housing Department, Government of West Bengal, as mass housing project;”;

“(n) ‘Mega Commercial Project’ means a project of floor area of twenty thousand square meters or above under use group Assembly building and / or Business building and/ or Mercantile building;”;

(2) after rule 24, insert the following rule:—

“**24A. Schedule of rates for Incremental Floor Area Ratio** — (1) Notwithstanding anything contained in rule 24 of these rules, the rate, fee or charge payable for the incremental Floor Area Ratio as stated in rule 53A shall be payable in terms of the rates formulated in terms of ‘Circle Rates’ of the Inspector General (Registration) and as prescribed by the Finance Department, Government of West Bengal:

Provided that the provision of this sub-rule shall not be applicable in case of incremental area accrued by providing additional parking in terms of provision of clause (v) of sub-rule(2)(VI)(b) of rule 53;

(2) All incremental fees or charges collected under sub-rule(1) on account of grant of additional Floor Area Ratio will be payable to the State Exchequer directly. As may be decided by Finance Department, in consultation with Department of Municipal Affairs, a portion of such collected fees or charges may be allotted or transferred to the municipal bodies for undertaking developmental schemes.”;

(3) to clause (v) of sub-rule (2) (VI) (b) of rule 53, add the following proviso :—

“Provided that, if additional parking is provided in excess of provisions in table of clause (1) of sub-rule B of rule 52 in case of big residential complexes, old residential high-rise buildings, Mega Commercial Project, hospitals and educational buildings, the additionally provided parking space should not be counted as consumption of Floor Area Ratio.”;

(4) after rule 53, insert the following rule :—

“53A. Allowing additional Floor Area Ratio — (1) Notwithstanding anything contained in clause (VI) of sub rule (2) of rule 53, or in rule 111 (for Salt Lake), and in rule 162 (for hill municipalities) of these rules, incremental Floor Area Ratio may be allowed over and above the Floor Area Ratio allowable under these rules in the following cases:

- [a] 10% additional Floor Area Ratio shall be allowed in cases of any proposed or constructed green buildings and certification of green buildings will be done by the designated authorities or agencies to be notified by the Department of Municipal Affairs, Government of West Bengal;
- [b] additional Floor Area Ratio of 15% may be allowed in cases of Mass Housing Projects, Hospitals, IT Buildings, Mega Commercial Projects, if there are adequate municipal infrastructure and facilities available in the locality to cater to the enhanced civic demands;
- [c] in areas located within 500 meters on either side of the operational metro corridor or under Construction Metro Corridor where Construction work has actually began, a maximum of 15% additional Floor Area Ratio may be allowed over the prescribed limit in respect of the properties abutting means of access of 15 meters to less than 24 meters, and a maximum of 20% additional Floor Area Ratio may be allowed over the prescribed limit for properties abutting means of access 24 meters and above.”

(2) For allowing additional Floor Area Ratio, as mentioned in clauses (a) to (c) of sub-rule (1) of this rule, following conditions shall be complied with:

- (1) in no case the benefit, as mentioned in clauses (a) to (c) of sub-rule (1) of this rule, shall be clubbed;
- (2) the grant of additional Floor Area Ratio must be in conformity with the LUDCP and must not contravene any other building rule or the norm for structural stability or any norm of other regulatory authorities (e.g. Environment Department, Pollution Control Board, Fire and Emergency Services Authority, etc);
- (3) there should be adequate municipal infrastructure and facilities to cater the enhanced civic demand.”;

(5) In rule 169,—

(1) to sub-rule (1), add the following proviso:—

“Provided that additional Floor Area Ratio to the tune of 100% will be allowed over and above the Floor Area Ratio being presently utilized in the existing structure/premises.”;

(2) after sub-rule (1) insert the following sub-rule:—

“(1A) For the building upto 50 years old and is declared unfit for human habitation by the appropriate authority, and when tenants demand, and are assured of equivalent amount of renewed space, post re-construction may also be allowed additional Floor Area Ratio to the tune of 100% over and above the Floor Area Ratio being presently utilized in the existing structure or premises.”.

By order of the Governor,

MITRA CHATTERJEE

Jt. Secy. to the Government of West Bengal.