

THE PONDICHERRY TOWN AND COUNTRY PLANNING RULES, 1974

GOVERNMENT OF PONDICHERRY

HEALTH, ELECTRICITY AND WORKS DEPARTMENT
(G.O.Ms.No.60/74 UD., dated 18th April 1974)

NOTIFICATION

G.S.R.No.7.-In exercise of the powers conferred by section 81 of the Pondicherry Town and Country Planning Act, 1969 (no.13 of 1970), the Lieutenant-Governor, Pondicherry hereby makes the following rules, namely:-

THE PONDICHERRY TOWN AND COUNTRY PLANNING RULES, 1974

CHAPTER – I

PRELIMINARY

1. **Title:** This rules may be called the Pondicherry Town and Country Planning Rules, 1974.
2. **Definition:**
 - (i) “Act” means the Pondicherry Town and Country Planning Act, 1969;
 - (ii) “Board” means the Town and Country Planning Board constituted under the Act;
 - (iii) “Section” means section of the Act;
 - (iv) “Form” means a form appended to this rule.

CHAPTER – II

THE BOARD, ITS CONSTITUTION, FUNCTION AND POWERS

3. Constitution of the Board:

(1) The Board shall be constituted as provided in section 3 of the Act.

(2) In the case of a member nominated under sub-section (3) of section 3 to represent a commune shall cease to be a member of the Board if he ceases to be a member of the commune which he represents.

4. Qualification and disqualification for membership:

(1) A member of the Board other than those who are appointed by virtue of their office shall possess one or more of the following qualifications, namely:-

- a) he must have been associated with town planning work for not less than one year in municipalities;
- b) he must be a qualified Town Planner or Architect or Engineer;
- c) he must be a person who is taking part in town planning work;
- d) he must be a person who is an Economist, Geographer or Sociologist.

(2) A person shall be disqualified for being a member of the Board.-

- a) if he holds any office of profit under the Board; or
- b) if he is of an unsound mind and stands so declared by a competent court; or
- c) if he is an undischarged insolvent; or
- d) if he has been sentenced by a Criminal Court to imprisonment for an offence which involves moral turpitude and he is punishable with imprisonment for a term exceeding 6 months; or
- e) if he has been removed from the Board under rule 5.

(5) Removal of members: (1) The Government either *suo moto* or on a resolution passed by the Board by a majority of not less than two-thirds of the members of the Board recommending the removal of any member of the Board may, after such enquiry as it deems necessary, remove such member if he has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has been incapable of performing his duties as member;

Provided that no order of removal shall be made unless the member concerned has been given a reasonable opportunity to show cause against the action proposed to be taken.

(2) A member other than an ex-officio member shall be disqualified for being a member and shall be removed from membership if he absents himself from the meeting of the Board for three consecutive meetings except with the leave of the Board:

Provided that no such leave shall be granted in case of absence from the meetings of the Board during a period not exceeding six consecutive months.

6. **Resignation:** A member other than an ex-officio member may resign his membership by giving a notice to that effect to the Chairman and such resignation shall take effect from the date of receipt of notice.

7. **Casual vacancies:** Where a vacancy occurs in the office of a member by reason of resignation, disqualification, death, removal or otherwise prior to the expiry of his term of office, the vacancy shall be filled as soon as may be after the occurrence of such vacancy by nomination:

Provided that the member so nominated shall hold office so long only as the member in whole place he is nominated would have held office if the vacancy had not occurred.

8. **Meeting of the Board:** (1) The Board shall ordinarily hold at least one meeting in every six months for the transaction of business, and also at other times as a meeting may be convened by the Chairman.

(2) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

9. **Notice of meetings and business:** Fifteen clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the members and pasted up at the Board Office.

10. **Quorum:** No business shall be transacted at any meeting unless at least five members are present from the beginning to the end of such meeting. If at any meeting quorum is not present, the presiding authority shall after waiting for thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix and a notice of such adjournment shall be affixed to the notice-board of the Office of the Board, and the business which should have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting.

11. **Members not to vote on matter in which they are interested:**

(1) No member of the Board shall vote or take part in the discussions on any questions coming up for consideration at the meeting of the Board if the question is one in which, apart from its general application to the public he has any direct or indirect pecuniary interest for himself or his relatives.

(2) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussions, or vote on or take part in it. Any other member may be chosen or elected to preside at the meeting during the continuance of such meeting.

12. **Adjournment of meetings:** Any ordinary meeting may with the consent of a majority of the members present, be adjourned from time to time to a later hour on the same day or to any other day; but not business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place. A notice of such adjournment shall be pasted in the Office of the Board and shall be deemed sufficient notice of the adjourned meeting.

13. **Motions and amendments:**

(1) Every motion or any, amendment thereof shall be in writing.

(2) Any motion or amendment may be withdrawn by the proposer with the consent of the Board.

14. **Conduct of ordinary meetings:** (1) At an ordinary meeting, business shall be conducted in the following order,-

- (a) the minutes of the previous ordinary meeting and of any special meeting held since shall be read and confirmed;
- (b) business postponed at the previous meeting shall be considered;
- (c) subjects included in the agenda shall then be considered.

(2) A member may propose any resolution connected with or incidental to the subjects included in the list of business:

Provided that the Chairman may propose any subject relating to a matter of urgency not included in the list of business.

(3) All points of order shall be decided by the presiding authority with or without discussions as he may deem fit and his decision shall be final.

(4) Any question of procedure not provided for, in these rules shall be decided by a majority of the members present and voting.

15. Appointment of officers and other staff: (1) Subject to the general or special orders of the Government, the Board may employ such officers and servants as may be necessary for the discharge of its duties.

(2) The terms and conditions of service of officers and servants of the Board shall be those applicable to the corresponding categories of officers and servants in the Department of Town and Country Planning.

(16) Functions of the Board: (1) Subject to the provisions of the Act and the rules, the functions of the Board shall be as are entrusted to its under section 5, to advise and assist the local planning authorities and the Government in matters relating to planning development and use of rural and urban lands in the Union Territory.

17. Functions of the Senior Town Planner: Subject to the general powers of the Board and the Chairman, the Senior Town Planner shall-

- i. assist the Board in preparing and co-ordinating planning policies of the Government machinery;
- ii. supervise local planning programmes on behalf of the Board and report to the Board the progress of these programmes;
- iii. furnish to the Board any return statements, estimates statistics and other information relating to the administration of the Board and reports on such matter and copies of documents in his charge wherever called upon by the Board to do so;
- iv. exercise, supervise and control over the act of all officers and servants of the Board in matters relating to executive, administration, accounts and records of the Board;
- v. furnish to the Government a copy of every resolution passed at any meeting of the Board;
- vi. any specific functions assigned to the Senior Town Planner by the Government;
- vii. furnish extracts from the minutes of the proceedings of the Board to the Planning Authorities concerned; and
- viii. preparation of land use map, land use register, development plans in case of default of the planning authorities under section 20, 23 and 29 of the Act.

18. Travelling and other allowance to members of the Board and its Committees: A member of the Board or of any committee other than a Government servant shall be entitled to draw in respect of any journey performed by him for the purpose of attending meeting of the Board or a committee thereof or for the purpose of discharging any duty assigned to him by the Board or the committee concerned, traveling allowance and daily allowance and daily allowance admissible to Class I servants under the rules and orders made by the central Government from time to time.

19. Budget and Accounts: (1) The Board shall determine annually on or before such date and in such form as the Government may direct a statement of-

- a) the opening balance for the following financial year;
- b) the expenditure proposed on establishment and in charge of duties entrusted to the Board.

(2) The accounts of the Board shall be kept in such form as may be directed by Government.

(3) An annual report of the Board shall be prepared and the accounts and the annual report shall be placed before the Board for its approval. The annual statement of such accounts together with annual report is approved, shall be sent to Government may direct.

20. **Audit of accounts:** The accounts of the Board shall be audited each year as per rules of the Government.

CHAPTER – III

PLANNING AUTHORITY, ITS CONSTITUTION, POWER, ETC.

21. **Constitution:** The Planning Authority for each planning area shall be constituted in accordance with the provisions of section 11 of the Act.
22. **Meetings of planning authority:** (1) The Planning Authority shall ordinarily hold atleast one meeting in a month for the transaction of business and also at other times as often as a meeting may be convened by the Chairman.
- (2) Any meeting may be adjourned until the next or any subsequent date and an adjourned meeting may be further adjourned in like manner.
23. **Notice of meetings and business:** Ten clear days' notice of an ordinary meeting, and three clear days' notice or such shorter period as is reasonable, of a special meetings, specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be given to the members and pasted up at the Office of the Planning Authority.
24. **Place of holding meetings and maintenance of order thereat:** (1) Every meeting of the Planning Authority shall except for reasons to be specified in the notice convening the meeting, be held in the Office of the Planning Authority.
- (2) The Chairman, the Vice-Chairman or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.
- (3) The Chairman, the Vice-Chairman or the person presiding over a meeting may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting and any member so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.
- (4) Notwithstanding anything contained in sub-rule (3) in the case of grave disorder arising in a meeting, the Chairman, the Vice-Chairman or the presiding authority may, if he thinks necessary to do so, adjourn the meeting to a date to be specified by him.
25. **Quorum:** No business shall be transacted at any meeting unless six members are present from the beginning to the end of such meeting. If at any meetings quorum is not present, the presiding authority shall, after waiting for thirty minutes adjourn the meeting to such hour on the following day or some other future date as he may reasonably fix and a notice of such adjournment shall be affixed on the notice board of the Office of the Planning Authority, and the business which should have been brought before the original meeting, had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting.
26. **Method of deciding questions:** (1) At any meeting unless voting is demanded by at least six members a declaration by the Chairman the Vice-Chairman or any member presiding over such meeting that a resolutions had been carried or lost and an entry to that effect in the minutes of the proceeding shall for the purpose of these rules, be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of, or against such resolution.
- (2) If voting as aforesaid is demanded the votes of all the members present who desire to vote shall be taken under the direction of the Chairman, the Vice-Chairman or any member presiding over such meeting and the result of the voting shall be deemed to be the resolution of Planning Authority at such meeting.
27. **Business to be transacted at meetings and order of business how to be settled:** Save as provided in the provision to sub-rule (2) of rule 32, no business shall be transacted and no proposition shall be discussed at any meeting unless it has been mentioned in the notice convening such meeting.

28. Members not to vote on matters in which they are interested: (1) No member of the Planning Authority shall vote or take part in the discussions on any questions coming up for consideration at the meeting of the Planning Authority if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest for himself or his relatives.

(2) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other member may be chosen or elected to preside at the meeting during the continuance of such meeting.

(3) The Chairman or the presiding authority may prohibit any member from voting or taking part in the discussions on any subject matter in the notice in which the member is believed to have such interest or he may require the member to absent himself during the discussions and abstain from voting.

29. Adjournment of meetings: An ordinary meeting may with the consent of a majority of the members present, be adjourned from time to time to the later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left and disposed of at the meeting from which the adjournment takes place. A notice of such adjournment pasted in the Office of the Planning Authority shall be deemed sufficient notice of the adjourned meeting.

30. Modification and cancellation of resolutions: No resolutions of the Planning Authority shall be modified or cancelled within three months after the passing thereof, except at a meeting of the Planning Authority specially convened therefore and by a resolution of the Planning Authority supported by six members.

31. motions and amendments: (1) Every motion or any amendment thereof shall be received in writing and then duly move:

(2) Any motion or amendment, may be withdrawn by its proposer with the consent of the Planning Authority.

32. Conduct of ordinary meetings: (1) At an ordinary meeting business shall be conducted in the following order:

- a) the minutes of the previous ordinary meetings and any special meeting held since shall be read and confirmed;
- b) business postponed at the previous meeting shall be considered;
- c) subjects included in the agenda shall then be considered

(2) A member may propose any resolution connected with or incidental to the subjects included in the agenda:

Provided that the Chairman may propose any subject relating to a routine matter of urgency not included in the list of business, if no member objects to it.

(3) All points of order shall be decided by the presiding authority with or without discussion as he may deem fit and his decision shall be final.

(4) Any questions of procedure not provided for, in these rules shall be decided by a majority of the members present and voting.

33. Functions of the Planning Authority: Subjects to the provisions of the Act, the powers and functions of Planning Authority shall be-

- i. to prepare in respect of the Planning area;
 - (a) an existing land use map and land use register;
 - (b) an Interim Development Plan;
 - (c) a Comprehensive Development Plan;
 - (d) a Detailed Development Plan;

- ii. to prescribe uses of land within its area and for these purposes it may carry out or cause to be carried out surveys of its Planning area; and
- iii. to prepare report or reports of such survey;
- iv. to control and regulate development and use of land through development plans, building, bye-laws and zoning regulations and levy development charges; and
- v. to enforce and implement detailed development schemes namely reconstitution or improvement of plots, etc; and
- vi. to make any agreement with any person or body in furtherance of carrying out detailed development plan, and
- vii. to perform any other functions which is supplemental incidental or consequential to any of the functions aforesaid or which may be prescribed form time to time.

34. Temporary association of persons with the Planning Authority: (1) The Planning Authority may associate with any person residing within the local planning area for expert opinion on matters pertaining to architectural control, planning techniques, traffic and transportation, proposals for industrial location, public and semi-public institutions, alignment of roads and highways and for such other specialized subjects which may be considered by Planning Authority.

(2) The manner for which the Planning Authority may temporarily associate with any person under section 15.

- (a) The Planning Authority may associate with any person residing with in the local planning area for the purpose of three meetings continuously and in case it is desired to associate with persons outside the local planning area or to invite for attending more than three meetings, the Planning Authority shall obtain prior permission of the Government to that effect after passing a resolution with a majority of six members.
- (b) The persons who are invited to associate with the Planning Authority may be allowed traveling allowance and dearness allowance as admissible to the members of the Town and Country Planning Board.

35. Staff of Planning Authority: (1) Under section 16 of the Act the Planning Authority shall obtain approval of the Government for the creation of the different categories of post required for the efficient working of the Planning Authority.

(2) The designation, scale of pay, qualification and mode of recruitment of the staff to be appointed by the Planning Authority shall be governed by the recruitment rules made in respect of Town and Country Planning Department.

(3) The designation, scale of pay, qualification and mode of recruitment of persons not covered under the above rules shall be governed by the cadre and recruitment rules sanctioned by the Government from time to time.

CHAPTER – IV
PRESENT LAND USE AND DEVELOPMENT PLANS

36. **Map and register showing present land use:** The map prepared by the Planning Authority under section 17 showing the present land use in the planning area under its jurisdiction shall contain the following particulars:

(a) LAND USE CODE:

000	..	..	Vacants
100	..	..	Residential
200	..	..	Commercial
300	..	..	Industrial
400	..	..	Transport and Communication
500	..	..	Public utilities and services
600	..	..	Public and semi-public use
70	..	..	Parks, playgrounds and open spaces
800	..	..	Agricultural land
900	..	..	Water bodies, canals etc.

Each Major head can be classified into 9 sub-heads and each sub-head can be further classified into 9 sub-heads, Decimal coding has been adopted so as to enable addition of more categories of uses either under sub-heads or sub-heads who suit the local conditions and the purpose of land use surveys. Details of the categories are as follows-

000	..	..	Vacant
010	..	..	Partly built, but unoccupied
020	..	..	Under construction
030	..	..	Vacant

100 .. Residential:

110	..	..	Hotel and holiday homes
120	..	..	Dwellings

200 .. Commercial:

210	..	..	Retail trade
211	..	..	Weekly market
212	..	..	Petrol pump
220	..	..	Wholesale trade
230	..	..	Warehouse and storage
231	..	..	Petrol and kerosene oil depot
240	..	..	Business establishment
241	..	..	Banks
250	..	..	Restaurants
251	..	..	Hotels, Dharmasala, Trust house
260	..	..	Cinema
270	..	..	Professional establishments
280	..	..	Service establishments

300 .. Industrial:

310	..	..	Service industries
320	..	..	Light industries
321	..	..	Saw mills
330	..	..	Extensive industries
340	..	..	Heavy industries
350	..	..	Noxious industries

	360	..	Mining and quarrying
400 ..	Transport and Communication:		
	410	..	Railway station
	411	..	Railway yard and sidings
	420	..	Road
	421	..	Transport depot
	422	..	Bus stand
	423	..	Parking area
	430	..	Airports and air ships.
500 ..	Public utilities and services:		
	510	..	Water supply installation
	520	..	Drainage and sanitary installation including disposal work
	530	..	Electric power plant HT & LT Transmission lines sub-station, etc.
	540	..	Gas installation
	550	..	Cremation
	551	..	Grave yard
	560	..	Fire station including their training grounds, if any.
600 ..	Public and semi-public uses:		
	610	..	Government and semi-Government
	611	..	Architectural and historical monuments
	612	..	Library and reading-rooms
	613	..	Circuit house and rest house.
	620	..	Schools
	621	..	Colleges
	622	..	Technical institutions
	623	..	University
	630	..	Religious
	640	..	Hospital
	641	..	Dispensaries and health centers
	650	..	Cultural institutions
	660	..	Land belonging to defence
700 ..	Parks and playgrounds and open spaces:		
	710	..	Sports ground
	720	..	Parks and gardens
	721	..	Open area
	730	..	Other recreational uses
	740	..	Closed cemeteries
800 ..	Agricultural land:		
	810	..	Market garden
	820	..	Orchards and nurseries
	830	..	Staple crops
	840	..	Grazing and pastures
	850	..	Forest
	860	..	Marshy
	870	..	Barren
	880	..	Dairy farming
	881	..	Fish farming
900 ..	Water bodies:		
	910	..	Lakes and ponds and tanks
	920	..	Rivers and rivulets
	930	..	Canals

- (b) The locality, division or ward, boundary of each land use zone, major street pattern.
- (2) Such a map shall not be less in size to the one prepared on a scale of 1:2000
- (3) The existing land use map shall be prepared using the standard codes or symbols adopted by the Town and Country Planning Department.
- (a) Standard form and Code material given separately as above.
- (4) A register showing the particulars in Form I shall be maintained by the Planning Authority along with existing land use map.

37. Form and content of Interim Development Plan: (1) An Interim Development Plan shall broadly indicate the manner in which the development and improvements of the entire planning area within the jurisdiction of the Planning Authority are to be carried out and regulated. In particular it shall allocate areas of zones of land for residential, commercial, industrial, educational, agricultural, public and semi-public, open spaces, parks, play grounds major recreational uses and deferred development both existing and proposed.

- (2) It should indicate, define and provide:-
 - (a) for existing and proposed national highways, arterial roads, ring roads and major streets;-
 - (b) existing and proposed lines of communication including railway, canals, water bodies, airport etc.
 - (c) include regulations (herein called zoning regulations to regulate within each zone the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land);
 - (d) proposals for the reservation of land for the purposes of the Union, any Stat, any local authority or any other authority established by law;
 - (e) proposals for declaring certain areas as areas of special control, development in such areas being subject to such regulations as may be made in regard to building line, height of buildings floor area ratio, architectural features and such other particulars a may be prescribed;
 - (f) such other proposals for public or other purposes as may from time to time be approved by the Planning Authority or directed by the State Governemnt in this behalf.

3. The followings particulars shall be published and sent to the Government through the Board along with the Interim Development Plan.

- (a) a report of the surveys carried out by the Planning Authority before the preparation of such plan with maps and illustrations;
- (b) a report explaining the provision and proposals of such plan with maps and illustrations;
- (c) regulations in respect of each land use zone to enforce the provisions of such plan and explaining the manner in which necessary permission for developing any land can be obtained from the Planning Authority.
- (d) A report of the stages by which it is proposed to meet the obligations imposed on the by such plan;

- (e) An approximate estimate of the cost involved in the acquisition of lands reserved for public purpose.

38. **Form and content of Comprehensive Development Plan:**

(1) The Comprehensive Development Plan shall-

- (a) include, define and provide for all the matters that have to be or may be indicated, defined or provided for in the interim Development Plan with such modifications as the Planning Authority deems fit;
- (b) indicate, define and provide for-
 - i. areas reserved for agriculture, public and semi-public open spaces, parks, play grounds gardens and other recreational uses, green belts and nature reserves;
 - ii. comprehensive land allocation of areas or zones for residential commercial, industrial educational, agricultural and other purposes;
 - iii. complete road and street pattern and traffic circulation pattern for present and future requirement;
 - iv. major road and street improvements;
 - v. area reserved for public buildings and institutions and for new civic developments;
 - vi. areas for future development and expansion and areas for new housing;
 - vii. amenities, services and utilities;
 - viii. all such matters as may be prescribed by the rules or may be directed by the Government or the Board to be indicated, defined and provided for:
- (c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;
- (d) indicate the stages by which the plan is proposed to be carried out:

(2) The Comprehensive Development Plan may-

- (a) indicate, define and provide for
 - i. all such matters as the Planning Authority may consider expedient to be indicated, defined and provided for in the development plan;
 - ii. detailed development of specific areas for housing shopping centers, industrial areas and civic centers, educational and cultural institutions and control of architectural features, facade of buildings and structures;
- (b) designate as land subject to acquisition for any public purpose, and in particular but without prejudice to the generality of this provision, for the purpose of-
 - i. the Union of India, the State, the Planning Authority or any other authority established by law and public utility concern;
 - ii. dealing satisfactorily with areas of bad layout or obsolete development and slum areas and provision for rehabilitation or population;

- iii. the provision of open spaces, parks and play grounds;
- iv. securing the use of the land in the manner specified in the development plan;
- v. any of the matters as are referred to in sub-rule (2);
- vi. the particulars reports and study maps and other illustrations in Comprehensive Development Plan shall be as prescribed in that Interim Development Plan but with modification as deemed by the Planning Authority

39. **Time limit for preparation Development Plans etc. by Senior Town Planner:** The period within which the Senior Town Planner has to prepare and submit to the Board, the land use map and register Interim Development Plan, Comprehensive Development Plan, Detailed Development Plan, in case of default of Planning Authority under sections 20,23 and 29 respectively shall be the same as prescribed under sections 17, 21, 22 and 26 and it shall be from the date the Government directs, the Senior Town Planner to prepare such maps.

40. **The time within which the Government is to direct modification or to give its consent, for publication or notice of preparation of and approval to the Development Plan:** (1) As soon as the Development Plan is submitted to the Board and the Government under sub-section (1) of section 30 the Government within a period not exceeding three months may direct the Planning Authority to make such modification in the Development Plan as it thinks fit; and Planning Authority thereupon shall make the modifications as directed by the Government within a period of two months.

(2) As soon as the modifications as directed by Government under section 30 (1) are made it shall give its consent to the publication of a public notice under section 31 (1) of the preparation of the Development Plan to the Planning Authority.

(3) The Planning Authority shall issue public notice in the official gazette under section 31 (1) and invite objections on writing from any person within a period of two months from the date of publication of the notice.

(4) After expiry of period under section 31 (1), the Planning Authority shall appoint a Committee under section 31 (2) to consider the objections filed and report on them within a period of two months.

(5) As soon as, may be after the receipt of the report from the Committee, the Planning Authority under section 31 (5) shall within a period not exceeding three months consider report and make amendments in the Development Plan and submit to the Board and to the Government.

(6) As soon as, may be after the submission of the Development Plan under section 32, the Government within a period of two months shall either approve the Development Plan or approve it with modifications or return it to the Planning Authority to modify the plan or prepare a fresh plan in accordance with its directions.

41. **Planning Authority Publication of Development Plan:** (1) An Interim Development Plan, Comprehensive Development Plan and Detailed Development Plan shall be published under section 33 (1) of the Act making a copy thereof available for inspection and displaying a notice in prescribed form.

- a) at the Office of the Planning Authority; and
- b) at any such other places as may be specified by Planning Authority

(2) The Planning Authority shall also publish the notice in Form II in the official gazette and in one or more newspapers.

42. **Comprehensive Development Plan to supersede the Interim Development Plan:** On the publication of Comprehensive Development Plan and the report as finally approved by the Government under section 33 (1) such Comprehensive Development Plan and the report as finally approved by the

Government Plan and the report shall have effect and shall govern all changes in the land use and development of the area under the jurisdiction of the Planning Authority and the Interim Development Plan and regulations published shall be deemed to be superseded.

Provided that, if on the date on the which the Comprehensive Development plan takes effect a provision of the Interim Development Plan is before enforced against any property or plot of land such enforcement shall continue as regards the conditions of notice for enforcing the said provision, subject however, to the condition that such conditions may be modified without prejudice to the time stipulated in the original notice if such modifications are required to make the development to conform to the Comprehensive Development Plan.

43. Application for permission for Development or change of use: Application for permission for development or change in use of land shall be made in Form III with the particulars, documents and plans referred in the said form so as to accompany the applications.

DETAILED DEVELOPMENT PLAN

44. Form and contents of Detailed Development Plan: The Detailed Development Plan shall contain the following particulars, namely-

- (a) Plan showing the lines of existing and proposed roads;
- (b) the area, ownership and tenure of each original plot covered under the plan;
- (c) the land allotted or reserved under section 28 (2) (k) with a general indication of uses to which the land has to be put and the terms and conditions subject to which such lands is put to such uses;
- (d) the extent to which it is proposed to alter or redistribute the boundaries of the lands or reconstitution or plots of sites covered in the plan;
- (e) the estimate and cost of the plan;
- (f) a full description of all the details of the plan and particulars of all lands for purposes under section 28 (1) and (2) as may be applicable;
- (g) the laying out or re-laying out of land either vacant or already built upon;
- (h) the filling up or reclamation of low-lying swamp on unhealthy areas, or leveling up of land; and
- (i) zoning regulations and regulations for enforcing or carrying out the provisions of the Detailed Development Plan.

45. Re-constituted plot: (1) In the Detailed Development Plan the size and shape of every reconstituted plot shall be determined so far as may be, to render it suitable for building Purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of that Detailed Development plan as regards open spaces.

- (2) For the purposes of sub-rule (1) the Detailed Development Plan may contain proposals.
 - (a) to form a re-constituted plot by the alteration of the boundaries of an original plot;
 - (b) to form a reconstituted plot by the transfer wholly or partly, of the adjoining lands;

- (c) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severality or in joint ownership shall hereafter with, or without alteration of boundaries be held in ownership in common as reconstituted plot;
- (d) to allot a plot to any dispossessed of the land in furtherance of Detailed Development Plan and
- (e) to transfer the ownership of a plot from one person to another.

46. **Restrictions after declaration to make a Detailed Development Plan:** (1) On or after the date on which the Planning Authority declare its intention to make a Detailed Development Plan under section 24 or if the notification issued by Government under section 27 is published;-

- (a) no person shall within the area included in the Detailed Development Plan erect or proceed with any building work or remove, pull down, alter, make additions to or make any substantial repairs to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material, or subdivide any land or change the use of any land or building unless such person has applied for and obtained necessary permission which shall be contained in a commencement certificate granted by the Planning Authority in the Form XII prescribed;
- (c) the Planning Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and may after enquiry and consultation with the Senior Town Planner either grant or refuse such certificate or grant it subject to such conditions as the Planning Authority may with the previous approval of the Senior Town Planner, think fit to impose if the Planning Authority communicates no decision to the applicant within three months from the date of such acknowledgement, the applicant shall be deemed to have been granted such certificate;
- (d) any expenses incurred by the under clause (c) shall be a sum due to such authority under this Act from the person in default or the owner of the plot.

(2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Planning Authority under sub-rule (1) except in respect of a building of work begun or a contract entered into before the date on which the Planning Authority published a declaration of intention to make a scheme under section 24 or the Government published a notification under section 27 and only in so far as such building or work has proceeded at the time of publication of such declaration or notification.

47. **Effect of Detailed Development Plan:** (1) On the, day on which the Detailed Development Plan comes into force,

- (a) all lands required by the Planning Authority shall unless it is otherwise determined in such plan, vest absolutely in the Planning Authority free from all encumbrances;
- (b) all rights in the original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the Planning Authority.

(2) On or after the day on which the Detailed Development plan comes into force any person continuing to occupy any land which he is not entitled to occupy under the Detailed Development Plan, may, in accordance with the prescribed procedure be summarily evicted by the Planning Authority.

48. **Power to enforce Detailed Development Plan:** (1) On or after the day on which the Detailed Development Plan comes into force the Planning Authority, may after giving the prescribed notice and in accordance with the provisions of the plan;

(a) remove, pull down or alter any building or other work in the area included in the Detailed Development Plan which is such as to contravene the plan or in the erection or carrying out of which, any provision of the plan has not been complied with;

(b) execute any work which it is the duty of any person to execute under the plan in any case where it appears to the Planning Authority that delay in the execution of the work would prejudice the efficient operation of the plan.

(2) Any expenses incurred by Planning Authority under this rule may be recovered from the persons in default or from the owner of the plot in the manner provided for the recovery of sums due to the Planning Authority under the provisions of this Act.

(3) If any question arises as to whether any building or work contravenes a Detailed Development Plan or whether any provision of a Detailed Development Plan is not complied with in the erection of any such building or the carrying out of any such building or work, it shall be referred to the Government of the Senior Town Planner if authorized by the Government in the behalf, and the decision of the Government or the Senior Town Planner as the case may be, should be final and conclusive and binding on all persons.

49. Power to vary Detailed Development Plan on the grounds of error, irregularity or informality:

(1) If after the Detailed Development Plan has come into force, the Planning Authority considers that the plan is defective on account of an error, irregularity or informality, the Planning Authority may apply in writing to the Government through the Senior Town Planner for the variation of the Plan.

(2) If on receiving such application or otherwise, the Government is satisfied that the variation required is not substantial, the Government shall publish a draft of such variation in the prescribed manner.

(3) The draft variation published under sub-rule (2) shall state every amendment proposed to be made in the plan and if any such amendment relates to a matter specified in any of the clauses (a) to (p) of section 28 (2) the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at the Office of the Planning Authority.

(5) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the Government through the Senior Town Planner and send a copy thereof to the Planning Authority.

(6) After receiving the objections under sub-rule (5) the Government may, after consulting the Senior Town Planner and the Planning Authority and after making such inquiry as it may think fit, by notification, approve the variation with or without modification or refuse to make the variation.

(7) From the date of the notification making the variation, with or without modifications, such variation shall take effect as if it were incorporated in the plan.

50. Cost of Detailed Development Plan: (1) The costs of a Detailed Development Plan shall include-

(a) all sums payable by the Planning Authority under the provisions of this Act, which are not specifically excluded from the costs of the Plan;

(b) all sums spent or estimated to be spent by the Planning Authority in the making and in the execution of the plan;

(c) all sums payable as compensation for land reserved or designated for any public purpose or purpose of the Planning Authority, which is solely beneficial to the owners or residents within the area of the plan;

- (d) such portion of the sums payable as compensation for and reserved or designated for any public purpose or purpose of the Planning Authority which is beneficial partly to the owners or residents within the area of the plan and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the plan from such reservation or resignation;
 - (e) all legal expenses incurred by the Planning Authority in the making and in the execution of the plan;
 - (f) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the Detailed Development Plan, each of such plots being estimated at its market value on the date of the declaration of intention to make a plan with all the buildings and works thereon on that date and without reference to improvements contemplated in the plan other than improvements due to the alteration of its boundaries.
- (3) If in any case, the total of the values of the plots included in the plan exceeds the total of values of the original plots each of such plots being estimated in the manner provided in clause (f) of sub-rule (1), then the amount of such excess shall be deducted in arriving at the costs of the plan, as defined in sub-rule(1).

51. **Calculation of increment:** For the purpose of this Act, the increment shall be deemed to be the amount by which on the date of the declaration of intention to make a plan, the market value of a plot included in the plan estimated on the assumption that the scheme has been completed would exceed on the same date the market value of the same plot estimated without reference to improvements contemplated in the plan:

Provided that in estimating such values the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

52. **Contribution towards the costs of plan:** (1) The costs of the plan shall be met wholly or in part by a contribution to be levied by the Planning Authority on each plot included in the Detailed Development Plan calculated in proportion to the increment which is estimated to accrue in respect of such plots by the Planning Authority provided that:-

- (a) no such contribution shall exceed one-third of the increment estimated by the Planning Authority to accrue in respect of such plot;
- (b) where a plot is subject to a mortgage with possession or to a lease, the Planning Authority shall determine in what proportion the mortgagee or lessee on the one hand and the mortgager or lesser on the other hand shall pay such contribution.
- (c) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purpose of the Planning Authority which is solely for the benefit of owners or residents within the area of the plan; and
- (d) the contribution levied on a plot used, allotted or reserved for a public purpose or purpose of the Planning Authority which is beneficial partly to the owners or residents within the area of the plan and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(2) The owner of each plot included in the Detailed Development Plan shall be primarily liable for the payment of the contribution leviable in respect of such plot.

53. Planning Authority Transfer of right from original to reconstituted plot or extinction of such right: Any right in an original plot which in the opinion of the Planning Authority incapable of being transferred wholly or in part. Without prejudice to the making of a Detailed Development Plan to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the Planning Authority is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without consent of all the parties to such lease.

54. Compensation in respect of property or right injuriously affected by plan: (1) The owner of any property or right which is injuriously affected by the making of Detailed Development Plan shall, if he makes a claim before the Planning Authority within the prescribed time, be entitled to obtain compensation in respect thereof from the Planning Authority or from any person benefited or partly from the Planning Authority and partly from such person as the Planning Authority may in each case determine

(2) Detailed Development Plan for redistribution or alteration of boundaries or lands or reconstitution of plots or sites in the planning area which may be made by the owner or owners concerned or by the Planning Authority in conformity with the Interim Development Plan / Comprehensive Development Plan shall be submitted to an arbitrator with necessary maps at any time.

(3) Any person whose property is injuriously affected by any refusal to grant the permission or by making of the plan shall if he wants to make a claim submit such claim within 25 months of the date of declaration of the Detailed Development Plan or within such period as the Government may order otherwise. And the compensation shall be as in the schedule prescribed in the Pondicherry Town and Country Planning (Amendment) Act, 1971, (See section 51 of the Act.)

55. Exclusion or limitation of compensation in certain cases: (1) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reasons of any provisions contained in the Detailed Development Plan, if any other law for the time being in force applicable to the area for which such plan is made, no compensation is payable for such injurious affection.

(2) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a Detailed Development Plan, which, with a view to securing the amenity of the area included in such plan or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (n) of sub-section (2) of section 28.

56. Provision for cases in which amount payable to owner exceeds amount due from him: If the owner of an original plot is not provided with a plot in the Detailed Development Plan or if the contribution to be levied from him is less than the total amount payable to him under any of the provisions of this Act, the net amount of his loss shall be payable to him by the Planning Authority in cash or in such other way as may be agreed upon by the parties.

57. Provisions for cases in which value of developed plot is less than the amount payable by owner: (1) If, from any cause the total amount, which would be due to the Planning Authority under the provisions of this Act from the owner of a plot to be included in the Detailed Development Plan exceeds the value of such plot estimated on the assumption that the Detailed Development Plan has been completed. The Planning Authority shall direct the owner of such plot to make payment to the Planning Authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the Planning Authority shall acquire the original plot of such defaulter and apportion the compensation among the owner and the other persons interested in the plot on payment by the Planning Authority of the value of such plot and thereupon the plot included in Detailed Development Plan shall vest absolutely in the Planning Authority free from all encumbrances, but subject to the provisions of this Act;

Provided that the payment made by the Planning Authority on account of the value of the original plot shall not be included in the cost of the scheme.

58. **Payment by adjustment of account:** All payments due to be made to any person by the Planning Authority under this Act shall as far as possible be made by adjustment in such person's account with the Planning Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

59. **Payment of net amount due to Planning Authority:** (1) The net amount payable under the provisions of this Act by the owner of a plot included in the Detailed Development plan may, at the option of the contributor, be paid in lump sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at four and a half per cent per annum shall be charged on the net amount payable. If the owner of a plot fails to do so elect on or before the date specified in a notice issued to him, he shall be deemed to have elected to pay the contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid.

(2) Where two or more plots included in the Detailed Development Plan are in the same ownership; the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot, unless the owner and Planning Authority agree to a different method of distribution.

60. **Planning Authority to make agreement:** (1) The Planning Authority may make any agreement with any person or body in furtherance of carrying out of the plan or any matter in connection therewith provided that such agreement is not inconsistent with Detailed Development Plan.

(2) The Planning Authority may at the request of any group of persons registered or deemed to be registered as a Co-operative Building Society for the purpose of developing a Co-operative building Scheme afford such facilities as are possible for the acquisition of land either by such society or on its behalf and enter into any agreement with such society for the development of such land in accordance with the provisions of the plan.

(3) The Planning Authority may, if it thinks fit, in any particular case and subject to such conditions as it may impose dispense with or modify with the approval of the Senior Town Planner any of the requirements of the plan other than requirements made obligatory by any law:

Provided that it is satisfied that there are circumstances warranting such dispensation or modification and that the interest of the plan will not be prejudicially affected thereby and its decision shall be final.

61. **Particulars for layout Plan:** (1) Every person who applies for permission for sub-division, reconstitution or improvement of plots shall submit an application with the particulars and documents as started under rule 43.

(2) The period within which a Planning Authority may sanction or refuse to sanction a layout submitted to it shall be six months from the date of its receipt by the Planning Authority .

62. **Disposal of application:** (1) Within 6 months of the receipt of the application along with all relevant informations, filed according to these rules, the Planning Authority must communicate to the developer the manner in which his application has been treated by the Planning Authority .

(2) The Planning Authority may ask the developer to furnish some more information which if deemed essential before approval of the plan, but such information shall be demanded within 90 days of the receipt of the application under rules.

(3) In case further details of information are asked for from the developer with respect to his plan, a further period of ninety days from the receipt of further information under this sub-rule shall be allowed to the Planning Authority to communicate the developer the final decision of the Planning Authority on his application.

(4) Should the Planning Authority neglect /omit for three months after the receipt of the application for permission for subdivision, reconstitution or improvement of plots along with the all relevant information and plans as prescribed by these rules or after the receipt of some more information or further details of information required by the Planning Authority under sub-rules 2 and 3 shall be deemed to have sanctioned the proposed application and the plan for subdivision, reconstitution or improvement of plots.

63. **Withdrawal of applications: (1)** A developer may withdraw his application for subdivision, reconstitution or improvement of plots together with all documents filed in accordance with these rules, within fifteen days of date of its submission giving one or both the following reasons:

- (i) the plan needs to be further modified or some more information is to be included in the applications; and
- (ii) that the applicant has changed his mind and does not intend to undertake the proposed scheme of sub-division, reconstitution or improvement of plots.

(2) In every such case the withdrawal shall only be effected by making a written application for withdrawal. The fees and other deposits made in this respect will be refunded to the applicant in full:

Provided that where any application for withdrawal made after fifteen days of its submission no fees shall be refunded;

Provided further that no fresh fees shall be charged in case where an application for subdivision or reconstitution or improvement of plots re-submitted within thirty days of the date of withdrawal if the fees have not been refunded on its first withdrawal.

(3) Where withdrawal is made at any time after the expiry of thirty days from the date of its submission, fresh fees shall be charged every time the fresh application is submitted.

64. **Obligation to improve the site:** The applicant shall realize only 50% of the amount from any person to whom he sells the plot once an interim sanction is accorded subject to certain improvements on site as specified by the Planning Authority . A final approval will be accorded once the improvements as required are carried out to the satisfaction of the Planning Authority and the applicant shall thereafter realize the rest of the amount.

65. **Form of registration of application and particulars therein:** The registration of application for permission of development shall be made in Form IV.

66. **Appeals:** (1) Appeals that are to be filed under this Act shall be in Form V appended to these rules and shall also be accompanied by the original or a certified copy of the order appealed against.

(2) The appeal should be filed within one month of communication of the order to the party concerned.

(3) Every appeal shall-

- (a) specify the name and address of the applicant and also the name and address of the respondent, if any;
- (b) state by whom the order appealed against was made;
- (c) set forth concisely and under distinct heads the grounds of objections to the order appealed against with a memorandum of evidence;
- (d) state precisely the relief which the appellant claims; and
- (e) give the date of the order appealed against.

(4) The appeal shall be accompanied by a receipt for payment of fees or chalan, as the case may be, and the said fees to be paid for the appeal shall be as prescribed from time to time.

67. The manner in which acquisition notice is to be served and claim of compensation to be made:

(1) The form of notice to be served under section 40/ section 46 of the Act shall be in Form VI.

(2) The procedure to be followed for assessment of compensation shall be as laid down in the Pondicherry Town and Country Planning Act, 1969 (Amendment Act 1971).

(3) When an order in appeal under section 38 refusing to grant permission or granting permission subject to conditions relates to the developments as envisaged under section 41, or when permission is revoked or modified under section 42 (1) the applicant may claim for compensation to the Planning Authority within a period of three months in Form VII.

(4) The Planning Authority after receiving the report from the Senior Town Planner assess the compensation. If the owner does not accept the compensation, he may within a period of one month refer the matter to adjudication to court as required under section 41 (5) section 42 (3).

68. Levy of development charge and exemption from it: (1) The development charge shall be leviable on any person who undertakes or carries out any development or institutes or changes any use and the Planning Authority may levy a charge not exceeding 1/3 of the estimated increase in the value of land or building as prescribed from time to time.

(2) No development charge shall be levied on development or institution or any change of use of land in the following cases:

(a) any land vested in or under the control or possession of Central, State or Local Government.

(b) Any land allotted or reserved for a public purpose or purpose of the Planning Authority

(3) The development charge shall be levied on any land allotted or reserved for a public purpose or purposes of Planning Authority beneficial partly to the owner and partly to the public and it shall be calculated in proportion to the benefit estimated to accrue to the public of such use.

69. Application for assessment: The application for assessment of development charge shall be made to the Planning Authority in Form VIII.

70. Application/appeal under section 44 (2) : Any person aggrieved by a notice issued under section 44 (1) within a period of 30 days shall apply for permission as required under section 41 (2) or appeal to the Board in Form IX.

71. Claim of compensation under section 46: Any person who has suffered damage in consequence of or carried out development works in compliance with the notice issued by the Planning Authority under section 46 shall claim compensation from Planning Authority within a period of 90 days in the manner prescribed in Form X.

72. Disposal of land: Land acquired under section 49 for execution of any development plan shall be disposed off to any person or body as required under section 52 in the manner prescribed below:

(1) Land shall be subdivided into residential, commercial, industrial, public and semi public, sites or plots.

(2) Plots for residential purposes shall be sold to person to whom they are allotted through the Planning Authority or any Committee constituted for the purpose and the rules of allotment shall be as prescribed in the Pondicherry Land Acquisition and Development Scheme Rues, 1969 which shall be modified from time to time. The size of such residential plot shall not ordinarily exceed 500 sq. metres.

(3) In case of State Government, Local Authority or Central Government any public agency the sites for residential, Commercial or industrial purposes shall be disposed on outright sale without development or as developed sites.

(4) The plots for commercial, commercial-cum-residential and industrial purposes shall be sold by public auctioneer or by inviting open tenders to the highest bidder. In respect of other housing plots the Planning Authority may charge such price as it considers appropriate.

(5) "Development" for the above purpose may comprise some or all the following items of work as may be necessary:

(i) Clearing, cutting, filling, levelling and landscaping the site including horticultural operations and the provisions of such services such as roads, lands, paths, drainage, water supply, sewerage, electricity and street lighting; and

(ii) bringing water supply and electricity from the nearest possible supply points, constructing approach road and providing out fall drain and sewers where necessary. If however, these services befit adjoining areas these areas must share the cost of these services.

(6) The Planning Authority amongst other things shall utilize any profit gained by sale of land for commercial etc., purposes and to persons in the higher income groups for the purpose of reducing the price of land to be utilized for public housing and to be sold to persons and co-operatives in the lower income groups.

73. Maintenance of accounts: (1) Every Planning Authority shall maintenance in prescribed Form XIV an account of its trans actions in two sections, namely 'Ordinary' 'Capital' under the head "Planning Authority" Fund".

(2) A summary of the Planning Authority Fund account for any year shall be submitted to the Government through the Senior Town Planer not latter than the 1st June of the year following and a copy thereof shall be sent to the Local Audit Circle of jurisdiction.

(3) The items of expenditure which shall be debited and the item of receipts which shall be credited to the "ordinary" section of the Planning Authority Fund account shall be as follows:

(a) Items of expenditure-

- i. Salary of staff;
- ii. Allowances, pensionery contributions and cost of conveyance or hire of vehicles for the officers and servants;
- iii. Survey charges;
- iv. Contingencies and equipment renewals;
- v. Fees levied on licences and permissions;
- vi. Interest on loans;
- vii. Stationery, printing and notification expenses and cost of preparation of maps and maintenance of records and registers.

(b) Items of receipts

- i. Rent of lands;
- ii. Ground rent;
- iii. Produce of lands;
- iv. Betterment contributions;
- v. Fees levied on licences and permissions;
- vi. Interest on investments;

- vii. Legal expenses recovered;
- viii. Sundry receipts including sale proceeds of copies of maps.

(4) The items of expenditure which shall be debited and the items of receipts which shall be credited to the "Capital" section of the Planning Authority Fund account shall be as follows-

(a) Items of expenditure-

- i. Cost of acquisition of land, buildings etc.
- ii. Cost of works of improvement;
- iii. Repayment of loans;
- iv. Investments;
- v. Compensation for injurious affection;
- vi. Advances made;
- vii. Miscellaneous;

(A) Cost of special surveys required or under particular schemes;

(B) Salary of Town Planning Officer including his staff and contingencies.

- viii. Cost of enforcement under sections 44 and 45 of the Act.

(b) Items of receipts-

- i. Government grants;
- ii. Collection from-
 - (A) Government departments;
 - (B) Other local authorities;
- iii. Sale proceeds of lands, buildings and equipment;
- iv. Loans;
- v. Investments realized;
- vi. Contribution from municipal funds;
- vii. Recoveries of advances;
- viii. Recoveries of the expenses for enforcement under the Act.

(5) The surplus of receipts over expenditure, if any, in the ordinary section of the account at the end of a year shall be shown as balance under the ordinary account, appropriation being made to the capital account whenever circumstances require such appropriation.

74. Budget : The budget of the Planning Authority shall be prepared in prescribed Form XV. The budget so prepared for any financial year shall be submitted to the State Government in the month of January preceding commencement of the financial year. Six copies of the budget shall be prepared out of which three copies shall be sent to the State Government.

75. Account and audit: (1) In respect of the items included under the receipt and expenditure account the Planning Authority shall maintain two ledgers one in respect of receipts and another in respect of expenditure.

(2) Accounts of the Planning Authority shall from time to time and once in every year at the least be audited by the Accountant General and also by such other agency, if any, as may be appointed by Government.

(3) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other record of the Planning Authority.

(4) The auditor, shall, within three months after the completion of audit forward a copy of the audit report to the Planning Authority, the Senior Town Planner and State Government.

76. Production of documents and attendance of person concerned etc.: (1) Auditor may,-

(a) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit.

(b) require in writing any salaried servant of the Planning Authority accountable for, or having the custody or control of such vouchers, statements, returns, correspondence notes or other documents or of any property of the Planning Authority or any persons having directly or indirectly by himself or his partner any share or interest in any contract with or under the Planning Authority to appear in person before him at the Office of Planning Authority and answer any questions.

(c) in the event of an explanation being required from the Chairman or other members of the Planning Authority in writing invite such person to meet him at the Office of the Planning Authority and shall in writing specify the point on which his explanation is required.

(2) The auditor may, in any requisition or invitation made under sub-rule (1) fix a reasonable period, not being less than three days within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the Planning Authority not less than two weeks' notice in writing of the date on which he proposes to commence the audit:

Provided that, notwithstanding anything contained in this sub-rule, the auditor may, for special reasons which shall be recorded in writing, give shorter notice than two weeks or commence a special or detailed audit on the authority of the Government without giving notice.

77. Contents of audit report: The auditor shall include in his report a statement of-

(a) every expenditure which appears to him to be contrary to law.

(b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any persons;

(c) the amount of any sum received which ought to have been but is not brought into account by any persons; and

(d) any material impropriety or irregularity which may observe in the accounts other than those mentioned in clauses (a), (b) and (c).

78. Procedure to be adopted after report of the auditor under rule 77: (1) On receipt of a report under rule 77, the Member-Secretary of the Planning Authority shall remedy any defects or irregularities which may have been pointed out in the report, and shall within, two months of the receipt of the report place the report, together with a statement of action taken or proposed to be taken thereon and an explanation in regard thereto before a meeting of the Planning Authority. He shall also, within three months of the receipt of the report, send to the Accountant-General intimation of his having remedied the defects or irregularities, if any pointed out in the report, or shall, within the said period, supply the Accountant-General, any further explanation in regard to such defects or irregularities as the Planning Authority may wish to give.

(2) On receipt of such intimation or explanation the Accountant-General, may in respect of all or any of the matters discussed in the report-

- (a) accept the intimation or explanation given by the Secretary of the Planning Authority and withdraw the objection; or
- (b) direct that the matter be re-investigated at the next audit or at any earlier date; or
- (c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.

(3) The Accountant-General shall send a report of his decision to the Member-Secretary of the Planning Authority within one month of the date of the receipt by him of the intimation or the explanation of the Member-Secretary of the Planning Authority referred to in rule 78 or in the event of the Member-Secretary of the Planning Authority failing to give such intimation or explanation on the expiry of the period of three months mentioned in the said rule and shall forward a copy of such report to the Member-Secretary, Planning Authority. If the Accountant-General holds that any defects or irregularities have not been removed or remedied he shall state in the report, whether in his opinion the defects or irregularities can be regularised and if so, by what method and if they do not admit of being regularized, whether they can be condoned, and if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should in his opinion, be surcharged or charged.

(4) The Planning Authority concerned shall include in its next administration report such portions of the report under sub-rule (1) as dealt with defects and irregularities falling under clause (c) of sub-rule (2), together with the explanation thereof, if any given under rule 78 and the final report of Accountant-General thereon under sub-rule (2). Such report of defects and irregularities and explanation shall be open to the inspection of the public at the Office of the Planning Authority for a period of one month from the date of their receipt.

(5) Nothing in this rule shall preclude the Accountant-General at any time from bringing to the notice of the Government for such action as the Government may consider necessary any information which appears to Government to support a presumption of criminal misappropriation or fraud or which in Government opinion deserves special attention or immediate investigation.

79. Government to surcharge or charge illegal payments or loss caused by gross negligence or misconduct: (1) The Government may, after considering the recommendation of the Accountant-General and after taking the explanation of the person concerned, or making such further enquiry, as Government may consider necessary disallow any item which appears to Government to be contrary to law and surcharge the same on the person making, or authorizing the making of the illegal expenditure; and may charge against any person responsible therefore the amount of any deficiency or loss caused by the negligence or misconduct of that person, or any sum received which ought to have been but is not brought into account by that person shall, in every such case certify the amount due from such person.

(2) The Government shall intimate in writing the reason for the decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made.

(3) If a person to whom a copy of the Government's decision is sent under sub-rule 2 refuses to take delivery thereof the person concerned shall be deemed to have duly received it on the day on which it was refused.

80. Penalty for disobeying requisition under rule 76: Any person who willfully neglects or refuses to comply with any requisition lawfully made upon him under clause (a), (b) or (c) of sub-rule (1) 82 shall be punished with fine which may extend to one hundred rupees:

Provided further that before giving such sanction the Government shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

81. **Administration report:** The Annual Administration report of the Planning Authority along with the Balance Sheet in prescribed Form XVI shall be sent to the Government n or before the 30th June of the year succeeding the year in respect of which the report is made.

82. **Fees, etc., to be charged is to be notified:** All fees' development charges, levies, etc., envisaged under the Act and its rules and regulations shall be specified separately from time to time and published in the Official Gazette.

(By order of the Lieutenant-Governor)

C.A.BALARAMASOUNARIN,
Under Secretary to Government.