

FREQUENTLY ASKED QUESTIONS UNDER BUILDING
PENALIZATION SCHEME

Q1. What are the advantages of Penalization of Unauthorised Constructions?

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

Q2. Is it compulsory to apply for penalization of Unauthorised Constructions?

A. Yes.

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

A. Action will be taken against such unauthorised construction as per the provisions of the Municipal Laws for levy of exemplary fines including demolition of the unauthorised constructions.

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

A. Persons who have made unauthorised constructions before 1.1.1985 need not apply. However, if persons apply under this scheme, it will be considered in conformity with Master Plan Land use and Zoning Regulations (if applicable) subject to verification of structural stability and heritage angle.

Q5. Whether the time prescribed for filing the applications for penalization of unauthorised constructions Scheme will be extended?

A. No

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

A. Yes, provided there are no specific court orders/directions in this matter.

Q7. Whether unauthorised construction made in a parking area which was in excess of the required parking area, can be penalized under these rules?

A: No. The said area has to be utilized for parking only.

Q8. Sanction for construction of the building is obtained but the sanctioned copy is not available. How the penalization charges will be levied?

A. The concerned Urban Local Body / UDA / CRDA shall assist the applicant to trace out the copy of sanctioned plan from the Municipal records. If it is found that there is no sanction for the said construction, the entire building will be treated as unauthorized and penalization charges will be levied accordingly.

Q9. Permission is obtained for 3 floors but constructed 4 floors. What penalization charges will be levied?

A. If the permitted 3 floors are constructed as per plan no penalization charges will be collected for the 3 floors. If there are deviations in the permitted floors, the penalization charges will be collected as per that rate. But the entire 4th floor will be treated as unauthorized construction and penalization charges will be collected as per that category.

Q10. Permission was obtained for individual residential building but converted in to Apartment Complex. Whether such apartments are eligible for penalization?

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

Q11. Whether Constructions made in parks, green areas, layout open spaces and nalas are eligible for Penalization?

A. No.

Q12. Permission was obtained for stilt for parking + 5 floors for apartments but converted the stilt floor for other purposes (flats/shops/office etc). Whether the apartments in the upper 5 floors are eligible for penalization?

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

Q13. Whether the pent houses constructed over Stilt + 5 floors Apartment Complex can be penalized?

OR

I have a flat on the 3rd floor of an Apartment Complex with sanctioned plan of 5 floors which has balcony violations. In addition to these violations, the owner/builder constructed a pent house on the 6th floor and sold off the pent house. What penalties do I need to pay under these Rules?

A. As per the Circular Memo No. 750/2019/P, dated: 28.07.2020, O/o. DT&CP, shall consider regularization of residential apartment flats/floors below 18 meters height i.e., (up to stilt + 5 floors/G+5 floors) irrespective of area of the pent house/pent houses constructed above 18 meters without insisting Fire NOC.

The pent house/floors constructed over and above 18 meters height (stilt + G + 4 floors) shall obtain No Objection Certificate (NOC) from Fire Services Department and also if required Airport Authority of India NOC shall be obtained. In respect of flats on other floors, the pro-rata charges as applicable for an Apartment Complex would be levied.

Q14. Whether the constructions affected in road widening are eligible for penalization?

- A. Constructions/buildings falling in the road widening portion are not eligible for penalization. However the remaining portion is eligible for penalization after surrendering the affected portion through notarized affidavit (as prescribed in Annexure-VI enclosed to G.O.Ms No.14, MA&UD(M) dated, 04.01.2019) to the Urban Local Body at free of cost.

Q15. Whether the constructions made in the area earmarked for Tot-lot are eligible for penalization?

- A. Yes.

Q16. There are cases where certain builders are constructing additional floors during the interregnum period. Will these be covered under these Penalization Rules?

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

Q17. My builder has unauthorisedly constructed an additional cellar for parking. Will the parking floor be considered for penalization?

- A. Yes.

Q18. Whether the penalization charges can be paid in installments?

- A. Yes, penalization charges may be paid in two installments i.e., minimum Rs. 10,000/- shall be paid along with submission of Online Application and balance penal charges on intimation by the Competent Authority within 30 days from the date of intimation.

Q19. Whether Penalization charges paid in excess will be refunded?

- A. Yes, refunded after issue of the proceedings.

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

- A: Yes, 10% of penalization charges will be deducted towards processing fee.

In case of false declaration/misrepresentation of facts penalization charges will not be refunded.

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

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

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

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

Q 23. My builder has taken sanctioned plan from the Gram Panchayat with stilt+ 5 upper floors and constructed according to the sanctioned plan only. I have purchased a flat in the said building. Am I liable for any penalization?

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