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GOVERNMENT OF GUJARAT
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Gujarat Regularization of Unauthorized
Development Ordinance, 2022
(Gujarat Ordinance No. 3 of 2022)

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Gujarat Regularization of Unauthorized
Development Rules, 2022

.....◆.....
Notification of Fees

Urban Development and Urban Housing Department
Sachivalaya, Gandhinagar



GOVERNMENT OF GUJARAT

**Gujarat Regularization of
Unauthorized Development
Ordinance, 2022**

(Gujarat Ordinance No. 3 of 2022)

October 2022

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 17th October, 2022.

GUJARAT ORDINANCE NO. 3 OF 2022.

AN ORDINANCE

to regularise the unauthorised development in the Municipal Corporation areas, Nagarpalika areas and development areas in the State and for matters connected therewith or incidental thereto.

WHEREAS there have been large scale unauthorised development in the Municipal Corporation areas, Nagarpalika areas and development areas in the State;

AND WHEREAS such unauthorised development has been put up without obtaining building use permission;

AND WHEREAS such unauthorised development is liable to be removed and pulled down;

AND WHEREAS citizens have not earlier regularised their unauthorised development due to economical constrains and other reasons;

AND WHEREAS by removal and pulling down of such unauthorised development, hardship to a large number of people more

particularly common men who have invested their hard earned saving is likely to be caused;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to provide for regularisation of certain unauthorised development as a one-time measure to give another opportunity consistent with the fire safety and security of people in the State;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:--

1. Short title, extent and commencement.- (1) This Ordinance may be called the Gujarat Regularisation of Unauthorised Development Ordinance, 2022.

(2) It extends to whole of the State of Gujarat.

(3) It shall come into force at once.

2. Definitions.- (1) In this Ordinance, unless the context otherwise requires, —

(a) “applicant” means an occupier or owner who makes an application for regularisation of unauthorised development under section 5;

(b) “Designated Authority” means the Municipal Commissioner or the Chief Executive Officer of the Development Authority or the Chief Officer of the Municipality or any other authority or person appointed as the Designated Authority.

President’s Act
No. 27 of 1976.

(c) "Gujarat Act" means the Gujarat Town Planning and Urban Development Act, 1976;

- (d) “CGDCR” means the Comprehensive General Development Control Regulations made under clause (m) of sub-section (2) of section 12 and clause (c) of sub-section (2) of section 13 of the Gujarat Act;
- (e) “land” means the land as defined in clause (xiii) of section 2 of the Gujarat Act;
- (f) “occupier” means,—
- (i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner living in or otherwise using his land or building;
 - (iii) a rent free tenant;
 - (iv) a licensee in occupation of any land or building;
 - (v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;
- (g) “owner” in relation to any property, means and includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof;
- (h) “prescribed” means prescribed by rules made under this Ordinance;
- (i) “relevant law” means the Gujarat Provincial Municipal Corporation Act, 1949 or the Gujarat Municipalities Act, 1963 or the Gujarat Town Planning and Urban Development Act, 1976 or the Gujarat Fire Prevention and Life Safety Measures
- Guj. LIX of 1949.**
Guj. 34 of 1964.
President’s Act No. 27 of 1976.
Guj. 11 of 2013.
16 of 2016.
Guj. 18 of 2021.

Act, 2013 or the Real Estate (Regulation and Development) Act, 2016 or the Gujarat Clinical Establishments (Registration and Regulation) Act, 2021 or any rules or bye-laws, regulations, standing orders or orders made thereunder;

- (j) “unauthorised development” means the development where, irrespective of ownership, no permission to use a building or a part thereof is obtained from the authority competent to give such permission, or having obtained the permission, the development is in contravention of the relevant law or of such permission.

(2) Words and expressions used in this Ordinance but not defined shall have the meaning as assigned to them in the Gujarat Act and the rules made there under.

3. Designated Authority.- (1) The State Government may appoint, by notification in the *Official Gazette*, the Municipal Commissioner or the Chief Executive Officer of the Development Authority or the Chief Officer of the Municipality as the Designated Authority for the area as specified in such notification.

(2) The State Government may also appoint, by notification in the *Official Gazette*, any other authority or person as the Designated Authority as it deems fit for the area specified in such notification.

4. Public awareness.- The Designated Authority, as soon as may be, after the commencement of the Ordinance, shall cause the substance of the Ordinance to be published for the information and awareness of the public in such manner as may be prescribed.

16 of 2016.

5. Application for unauthorised development.- (1) At any time on or before the 30th September, 2022, a notice issued to an owner or occupier or any order issued or decision taken under the relevant law, except under the provisions of the Real Estate (Regulation and Development) Act, 2016, requiring such owner or occupier to remove or pull down or alter unauthorised development carried out shall be deemed to have stood suspended unless and until such notice, order or decision stands revived

under sub-section (2) of section 6:

Provided that such provision shall not be applicable in case of development carried on land in respect of matters provided in sub-sections (1), (2) and (3) of section 8.

(2) Any applicant who has been served with the notice under the relevant laws as provided in sub-section (1), or not, may make an application in such form and in such manner as may be prescribed to the Designated Authority for regularisation of any unauthorised development within a period of four months from the commencement of this Ordinance. Making an application shall be an obligation on part of owner/occupier:

Provided that in case where more than one owners or occupiers are availing the facility of unauthorised development in part or whole, all such owners or occupiers shall make an application jointly to the Designated Authority;

Provided further that the Designated Authority may after making such inquiry as it thinks fit, if satisfied, allow the lesser number of owners or occupiers to make an application.

(3) The above provision of sub-section (1) shall not be applicable to the notice issued to the owners or the occupiers under the Real Estate (Regulation and Development) Act, 2016.

16 of 2016.

6. Grant or refusal to regularise unauthorised development.- (1) On receipt of the application made by the applicant under section 5, the Designated Authority shall, within a period of six months, scrutinize the same and after making such inquiry as it may deem fit, is of the opinion that the unauthorised development can be regularised, shall pass an order requiring the applicant to pay fees, if any, payable under the relevant laws and the fees payable in accordance with the provisions of this Ordinance for regularisation of unauthorised development as a one-time measure.

(2) The applicant shall pay the fees as required under sub-section (1) within a period of two months from the date of the order, failing which the

notice or order or decision as referred to in section 5, shall stand revived and in a case where no notice under the relevant law has been given as provided in sub-section (1) of section 5, the application shall stand refused and such unauthorised development shall be liable to be removed as per the relevant laws.

(3) On payment of fees as provided under sub-section (2), the Designated Authority shall pass an order regularizing the unauthorised development, wholly or partly, with or without conditions, in such form and in such manner as may be prescribed.

(4) If, on scrutiny of the application of the applicant and after making such inquiry, as it deems fit, the designated authority is of the opinion that the unauthorised development cannot be regularised, it shall pass an order, within six months of such application seeking regularisation, refusing to regularise such unauthorised development, stating the grounds therefore, in such form and in such manner as may be prescribed.

7. Fees for regularization.- The State Government shall specify, by notification in the *Official Gazette*, the fees payable under this Ordinance and the mode of calculation of such fee for regularisation of any unauthorised development in respect of the matters specified in section 10.

8. Circumstances in which unauthorised development shall not be regularised .- (1) Notwithstanding anything contained in this Ordinance, an unauthorised development shall not be regularised in a case where unauthorised development is carried out on any of the following lands, namely:-

- (a) land belonging to Government, local authority or statutory body;
- (b) land acquired or allotted by the Government, local authority or statutory body for a specific purpose;
- (c) land under alignment of roads indicated in development plan or a town planning scheme or under alignment of a public road;
- (d) land designated or reserved under a development plan or a town

planning scheme;

- (e) water courses and water bodies like tank beds, river beds, natural drainage and such other places;
- (f) areas earmarked for the purpose of obnoxious and hazardous industrial development;
- (g) playground attached with the educational institution.

(2) The Designated Authority shall not regularise unauthorised development in respect of the following matters, namely: -

- (a) where the permissible FSI (Floor Space Index) in a zone is less than 1.0;
- (b) where FSI consumed in other than residential use, is more than fifty per cent. of the maximum permissible FSI as per CGDCR;
- (c) where projections are beyond the plot boundary;
- (d) where the change of use which in the opinion of the Designated Authority may cause danger to health or lead to health and safety hazard;
- (e) where the unauthorised development falls under the alignment of means of water supply, drainage, sewerage, supply of electricity or gas or of any other public utility service; and
- (f) such unauthorised development which the State Government may, prescribe.

(3) An unauthorised development shall not be regularised if it is inconsistent with the provisions of -

**Guj. 11 of
2013.
16 of 2016.
Guj. 18 of
2021.**

- (a) the Gujarat Fire Prevention and Life Safety Measures Act, 2013, or
- (b) the Real Estate (Regulation and Development) Act, 2016, or
- (c) the Gujarat Clinical Establishments (Registration and Regulation) Act, 2021, or
- (d) structural stability requirements as per the CGDCR:

Provided that subject to other provisions of this Ordinance, on presentation of a certificate from the authority, for the fire safety measures and a certificate from the structural engineer authorised by the authority as may be prescribed, with regard to the compliance of the provisions of clause

(a) or (d) or both, as the case may be, the Designated Authority may regularise the unauthorised development.

(4) Any unauthorised development carried out or an order issued or decision taken as specified in section 5, on or after the 1st October, 2022 shall not be regularized.

9. Regularisation of unauthorised development deemed to be Building use Permission.- Notwithstanding anything contained in the Gujarat Provincial Municipal Corporations Act, 1949 and the Gujarat Municipalities Act, 1963, any grant of regularisation of unauthorised development or part thereof under this Ordinance shall be deemed to be a Building use Permission for that building as sought under CGDCR or any such provisions of the laws/orders/bye-laws.

Guj. LIX of 1949.
Guj. 34 of 1964.

10. Circumstances in which unauthorised development may be regularised.- Subject to the rules framed under this Ordinance, the Designated Authority may regularise any unauthorised development in respect of the following matters, namely: -

- (i) Margins,
- (ii) Built up area,
- (iii) Height of building,
- (iv) Change of use,
- (v) Common plot subject to limit of fifty per cent. coverage and of permissible use only,
- (vi) Covered Projection,
- (vii) Parking, subject to the further condition that the occupier or owner shall provide parking at least fifty per cent. of the requirement as per CGDCR in unauthorised development and where it is not so feasible, in a place owned or occupied by himself or in case of more than one applicant, within such distance not exceeding five hundred meters from the unauthorised development as directed by the Designated Authority. For the rest of the fifty per cent. parking required,

the compounding shall be permissible at the prescribed rates.

- (viii) Sanitary facility, subject to the condition that the Designated Authority is satisfied that the sanitary facility provided is adequate;
- (ix) such other matters which the State Government may prescribe.

11. *Consequences of regularisation.*- (1) On regularisation of such unauthorised development under section 6, all court cases or other proceedings, filed by the Designated Authority or the occupant or the owner or otherwise and pending in any court in so far as they relate to such unauthorised development, shall stand abated.

(2) Any decision under this Ordinance shall not be deemed to have decided the ownership of the unauthorised development.

12. *Appeal.* - (1) Any person aggrieved by the order or decision of the Designated Authority under section 6 may within sixty days from the date of the receipt of such order prefer an appeal to an Appellate Officer, who shall be a person who has held the office of a Judge of District Court for a period not less than three years or a Secretary to the Government of Gujarat, and appointed in this behalf by the State Government.

(2) The State Government may appoint as many Appellate Officers as it may deem fit for different areas or part thereof:

Provided that, the Appellate Officer may entertain the appeal after the expiry of the said period of sixty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) On receipt of an appeal under sub-section (1) along with a fee of rupees two hundred, the Appellate Officer may, after giving the appellant an opportunity of being heard, pass an order confirming, modifying or cancelling the order appealed against as expeditiously as possible.

(4) The decision of the Appellate Officer under sub-section (2) shall be final and shall not be questioned in any court of law.

(5) No appeal under this section by an aggrieved person shall be

entertained by the Appellate Officer unless an amount equivalent to the fifty per cent. of the fees payable under this Ordinance is deposited with the Designated Authority:

Provided that where in the opinion of the Appellate Officer amount to be deposited by the appellant is likely to cause undue hardship to him, the Appellate Officer may in his discretion, unconditionally or subject to such conditions as he may think fit to impose, dispense with a part of the amount to be deposited so however that the part of amount so dispensed with shall not exceed fifty per cent. of the amount required to be deposited.

(6) The Appellate Officer shall receive, such monthly salary and such other facilities and allowances from such Designated Authority as the State Government may determine from time to time.

13. *Constitution of Infrastructure Development Fund.*- Subject to the rules made under this Ordinance, all amounts received under this Ordinance shall be credited to a fund which shall be called the “Infrastructure Development Fund” which shall be held by the Designated Authority in trust for the purposes of augmentation, improvement or creation of an infrastructure facility including but not limited to fire safety, parking provision and steps for environmental improvement.

14. *Protection of action taken in good faith.*- (1) No suit, prosecution or other legal proceedings shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

(1) No suit or other legal proceedings shall lie against the State Government or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

15. *Removal of Doubt.*- For the removal of doubt, it is hereby declared that regularisation of unauthorised development under this Ordinance shall be without prejudice to any civil or the criminal liability to which an applicant may be subject to under any law for the time being in force.

16. Power of State Government to give directions.- (1) The State Government may issue, from time to time, direction to the designated authority as it may deem fit for giving effect to the provisions of this Ordinance and it shall be the duty of the Designated Authority to comply with such directions.

(2) If any dispute arises with respect to the exercise of powers and discharge of functions by the Designated Authority under this Ordinance, the same shall be referred to the State Government and the decision of the State Government thereon shall be final.

(3) Notwithstanding anything contained in the relevant law, the State Government may from time to time issue such directions as it may deem fit, to the Designated Authority with a view to prevent the unauthorised development.

17. Power to make rules.- (1) The State Government may, by notification in the *Official Gazette*, make rules generally for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely -

- (i) the manner of publication of the substance of the Ordinance for public awareness under section 4;
- (ii) the form of application to regularise unauthorised development and manner thereof under sub-section (2) of section 5;
- (iii) the form of order to regularise unauthorised development and the manner thereof under sub-section (3) of section 6;
- (iv) the form of order refusing to regularise unauthorised development and the manner thereof under sub-section (4) of section 6;
- (v) such other matters which shall not be regularised as specified in sub-section (2) of section 8; and
- (vi) such other matter under section 10 for regularisation of unauthorised development.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be they are made, and

shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

18. Application of other laws not barred.- The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

19. Repeal and Saving.- (1) The Gujarat Regularisation of Unauthorised Development Act, 2011 is hereby repealed. **Guj. 26 of 2011.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall in so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done or taken under this Ordinance.

STATEMENT

Urbanization is a part of the development process. The economic pull of cities in this phase of development offer jobs to large number of people. Influx of people in the urban area increase the demand for properties for residential, commercial and other use. Increasing size and scale of urban settlements because of rapid urbanization in the State has resulted in large number of buildings constructed without permission or where permission is granted, constructed in contravention of development and control regulations.

The owners and occupants of many buildings have been given notices under the Gujarat Provincial Municipal Corporations Act, 1949 or, the Gujarat Municipalities Act, 1963 or the Gujarat Town Planning and Urban Development Act, 1976, as the case may be, requiring them to remove, pull down or alter the buildings. However, the owners and occupants have failed to comply with the requisition of the notice. To meet with the situation, the Government of Gujarat in 2001 and in 2011 enacted the legislation to regularize the unauthorised development. Some of the unauthorised developments were regularized. But it did not provide the desired results and large number of buildings have not been regularized and still remains without BU permission.

The effects of the global economic crisis in late first decade of 2000 were evident in India leading to significant slowdown in India's economic growth past 2012. The FDI inflow into real estate dropped significantly and what had emerged as one of the most promising markets for foreign investments experienced a downturn.

Govt. has information that there still exist a number of unauthorised construction and many plot/building owners could not apply for regularization under the previous legislations. A sample survey was undertaken to identify the type of violations.

Removal, pulling down or alteration of buildings on a large scale is fraught with the possibility of creating law and order problem and hardship to the common man as a large number of the people would be rendered homeless and would lose

means of livelihood. The social and economic fabric of the society would be disturbed leading to a chaotic situation in the society. In order to avoid such a situation, the intervention of the Government by enacting suitable legislation to regularize unauthorised buildings and structures in cities across the State, on the payment of a compounding fee has become a compelling necessity.

Under this Ordinance, the unauthorised development can be regularized only if it is consistent with the provisions of fire safety measures, structures stability and safety of occupants. The Government, having regard to public interest and in order to improve the infrastructure, by this Ordinance, desires to reduce public inconvenience and ensure safety to the residents. The fees prescribed for the regularization of unauthorised construction shall be utilized for the development and upgradation of infrastructure which would be helpful and beneficial to the general public and societal interest at large.

As the Gujarat Legislative assembly is not in session, the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 is promulgated to achieve the aforesaid objects.

Gandhinagar

Dated the 16th October, 2022.

ACHARYA DEVVRAT,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

Mukesh Kumar,

Principal Secretary to Government.



GOVERNMENT OF GUJARAT

Gujarat Regularization of Unauthorized Development Rules, 2022

October 2022

NOTIFICATION

Urban Development And Urban Housing Department

Sachivalaya, Gandhinagar.

Dated the 17th October, 2022.

The Gujarat
Regularisation of
Unauthorised
Development
Ordinance, 2022

No.GH/V/154 of 2022/UDUHD/MSM/e-file/18/2022/4807-L:

WHEREAS, the Government of Gujarat is satisfied that the circumstances exist which render it necessary to take immediate action to make rules for carrying out the purpose of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022;

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 (Gujarat Ordinance No. 3 of 2022), and in suppression of the Gujarat Regularisation of Unauthorised Development Rules, 2012, the Government of Gujarat hereby makes the following rules, namely :-

1 Short title and commencement. -

- (1) These rules may be called the Gujarat Regularization of Unauthorized Development Rules, 2022.
- (2) They shall come into force on their publication in the *Official Gazette*.

2 Definitions.- (1) In these rules, unless the context otherwise requires,-

- i. 'Change of use' means use other than the use in respect of which the permission is granted under the Gujarat Act or relevant law and includes the use where the permission is not obtained for the same.
- ii. 'Form' means form appended to these rules;
- iii. 'Jantri' means annual statement of rates declared by the Revenue Department prevailing on the date of this notification;
- iv. 'Ordinance' means the Gujarat Regularization of Unauthorized Development Ordinance, 2022;
- v. 'Structural Designer' means a person registered as such under CGDCR;

(2) The terms and expressions not defined in these rules shall have the meanings as assigned to them in the Ordinance or relevant laws, the rules or regulations made there under, as the case may be.

3 Manner of public awareness. -

(1) The Designated Authority shall immediately after coming into force of the Ordinance, publish in at least two Gujarati newspapers having wide circulation within the area, the substance and the purpose of the Ordinance explaining the provisions of Ordinance in detail. The designated authority may also use other means to publicize.

(2) The substance shall include;-

- (a) the manner of making an application, the period within which the application may be made;
- (b) salient features of the CGDCR for making the people aware regarding unauthorised development carried out by them;
- (c) consequences which the owner or the occupier shall have to face in case of failure to get the unauthorized development regularized.

4 Manner of making an application for regularization of the unauthorized development. -

(1) Any owner or occupier shall, within a period of 4 months from the date of commencement of the Ordinance, make application in the prescribed **Form A** and furnish all relevant particulars and documents including **Form F** (Certificate of Structural Stability), **Form G** (Certificate of Fire Safety Compliance), **Form H** (Undertaking for permissions from other departments) as may be required attaching therewith;

(2) On receipt of the application under sub-rule (1), the designated authority shall, after making an inquiry in the manner as it deems fit, is of the opinion that the development can be regularised, pass an order in **Form B** requiring the owner or the occupier to pay the fees as may be notified by the State Government for the regularization of unauthorized development.

5 Procedure to be followed where the parking facility cannot be provided for regularizing the unauthorized development.-

(1) On receipt of the application, if the designated authority is of the opinion that the unauthorised development cannot be regularised since it is not feasible for the owner or the occupier to provide, with respect to the actual built-up area, the required parking facility in the unauthorized development then, the designated

authority shall direct by an order in **Form C** to provide such facility at suitable location which is within 500 meters of such unauthorised development within a period of three months from the date of the order.

- (2) The owner or occupier shall, as required, under sub-rule (1) to provide parking facility, give a compliance report to the designated authority giving therein the details of the place where such parking facility is provided.
- (3) On receipt of the compliance report under sub-rule (2), the designated authority shall, if he is of the opinion that unauthorized development can be regularized in respect of other matters, pass an order in **Form B**, within one month, requiring the owner or the occupier to pay the fees for the regularization of unauthorized development.

6 Fire Safety Measures. - Before making an order in **Form B**, the designated authority shall have due regard to the provisions of clause a) of sub-section (3) of section 8 of the Ordinance and accordingly shall, if required, consult the Chief Fire Officer or Regional Fire Officer who shall, after due inquiry, suggest the measures with regard to fire safety and on compliance of such measures by the owner or occupier, shall issue a certificate to that effect and on issuance of such certificate, if the designated authority is of the opinion that unauthorized development can be regularized in respect of other matters, pass an order in **Form B**.

7 Order to regularise or refuse to regularize. - If the designated authority is of the opinion that the unauthorised development cannot be regularised, shall pass an order in **Form- D** and if is of the opinion that the unauthorised development can be regularized shall pass the order of regularization in **Form E**.

8 Development which cannot be regularized under section 10. -

- (1) No unauthorised development in respect of matters specified in section 10 of the Ordinance shall be regularised in case of the followings:-
 - (a) Uses not permitted in obnoxious and hazardous industrial zone;
 - (b) Uses of obnoxious and hazardous nature in any zone other than the zone wherein the same is permitted;
 - (c) "Hazardous building" or part thereof used for, -
 1. storage, handling or manufacture or

processing of radio-active substances or of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes or explosive;

2. storage, handling, manufacture or processing of, which involves highly corrosive, toxic obnoxiousalkalis, acids or other liquids, gases or chemicals producing flame, fumes, and explosive mixtures or which result in division of matter into fine particles and capable of spontaneous ignition;

(d) Construction in the land occupied by the graveyards, kabrastans, burial grounds and crematoria.

(2) No unauthorised development shall be regularised in respect of any other matter in relation to the buildings used for performance of drama, cinema, theatres, multiplex, auditorium, exhibition halls, marriage hall, skating rings, gymnasia, stadia, dance halls, clubs, and stations for public transportation by road, air or sea, if there is a breach of parking regulations.

(3) The designated authority may regularise any unauthorised development subject to the condition of obtaining the permission so as to be in conformity with any or all of the following, -

(a) the Building line and Control line prescribed under the Government Resolution for the classified roads of the State Government and the Panchayat;

(b) Right of user acquired under the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962;

(c) Development regulated and controlled in the vicinity of an oil well installed by Oil & Natural Gas Commission according to provisions of the Indian Oil and Mines Regulations -1933;

(d) Development regulated in the vicinity of the Grid Lines laid by the power company under the Indian Electricity Rules, 1956;

(e) Development in the funnel of Airport as regulated by Ministry of Civil Aviation, Government of India;

(f) Development in the vicinity of the Railway Boundary regulated by the standing orders or

instructions of the Railway Authorities.

- (g) Development in the vicinity of monuments being protected or conserved under the relevant Law;
- (h) Development regulated under the provisions of Coastal Regulation Zone.

(4) No unauthorised development shall be regularised with respect to road width considering the length of the road or set back required as required under CGDCR. In case where the road width is not provided and maintained, the unauthorised development may be regularised after the plot is deducted in such manner that, half the road width or the setback as per CGDCR is maintained from the centerline of the existing road.

Provided that the Designated Authority may relax the road width as provided in the CGDCR subject to the condition that in no case road width become less than 4.50 mts.

9 Undertakings. - The designated authority shall obtain an undertaking from the owner / occupier to the effect that they have not received any notice from the Gujarat RERA authority for violation of any provisions of the Real Estate (Regulation and Development) Act, 2016 and / or any notice from the Competent Authority for violation of any provisions of the Gujarat Clinical Establishments (Registration and Regulation) Act, 2021.

10 Infrastructure Development Funds under section 13. - The designated authority shall credit all the fees arising on regularisation of the unauthorised development in a separate corpus fund, for which the designated authority shall maintain a separate account.

11 Single window system. - For the receipt of applications or any other documents or for any other inquiry or assistance in the matter the designated authority shall make an arrangement of single window system.

12 Contents of an application and manner of preparing plans for regularization unauthorized development. -

- (1) Any owner or occupier intending to get the unauthorised development regularised shall along with the application submit the required documents as mentioned in the **Form-A**.
- (2) The owner or occupier shall get the plans prepared by registered or authorized architect or engineer except in case of

Bungalow/ Tenement/Row house (Residential).

13 Liability. -

- (1) Any owner or occupier undertaking any alteration, modification or addition in the unauthorised development so as to get the unauthorised development regularised shall continue to be wholly and solely liable for any injury or damage or loss whatsoever that may be caused to any one in or around the area during carrying out such work and no liability whatsoever in this regard shall be cast on the designated authority.
- (2) Regularization of unauthorised development shall not in any way mean the acceptance of any statement, documents, structural report, structural drawings and shall not discharge the owner or occupier, engineer or architect and structural designer from the responsibilities imposed upon them under the relevant Act or CGDCR.
- (3) Regularization of unauthorised development shall not in any way relieve the owners / occupiers from the responsibility of any injury or damage or loss whatsoever that may be caused in future to anyone in or around the area. Also, it shall not impose any liability or responsibility on any officer or authority for action or decision taken for regularization of unauthorised development

Form-A

[see rule 4(1)]

Application Form for the Regularisation of Unauthorised Development

To,
The Chief Executive Authority/Municipal Commissioner/Chief Officer
_____Area/Urban Development Authority/Municipal Corporation/Nagarpalika

I/We hereby apply for getting the unauthorised development regularised as described in accompanying relevant drawings alongwith the certificate in **Form-F** for structural stability, **Form-G** for fire safety measures compliance and relevant undertakings, as the case may be.

1. Name of the owner/s or the occupier/s :
(Attach documentary proof like the extract from the Property Register for city survey lands or an extract from the Record of Rights for Revenue lands or the copy of the index of registered sale deed as the case may be)
2. Occupied the property since when
(Attach documentary proof like, property tax bill of local body, electricity bill, telephone bill, ration card etc.)
3. Details of property tax last paid:
 - (a) Tenement Number :
 - (b) Useable Area for assessment of property tax : Sq. mts
 - (c) Year of assessment :
 - (d) Use for which the assessment is done :
4. Is this land/building included in a layout/building plan sanctioned by the appropriate authority or any other authority?
If yes, date of sanction and order number submit the copy of the approved plan
 - (a) Plot area : (sq.mtrs.) No. of units :
 - (b) Details of violation;

Description	Unit	Actual area	Approved or Approvable as per CGDCR	Violation (C-D)
A	B	C	D	E
i. Ground coverage	Sq.mtr.			
ii. Built up area (excluding ground coverage)	Sq.mtr.			
iii. Height of building	Mtr.			
iv. Common plot	Sq.mtr.			
v. Change of Use (other than parking)	Sq.mtr.			
Note : <ol style="list-style-type: none">i. Cases where the building permission has been granted earlier, in such cases details to be filled in column-D shall be as per the sanctioned plan only for which authentic sanctioned documents shall be enclosed which includes plans and development permission (Raja Chitthi).ii. In other cases the building permission has not been granted details to be filled in column-D shall be as approvable under prevailing CGDCR.				

5. Required as per rule 4(1):

I am hereby furnishing the Undertaking in the Form-H for NOC's/approvals, in respect to the following matters:

- i. _____
- ii. _____
- iii. _____

6. Declaration : I hereby certify and declare that:

- (a) The land on which my property exists is not covered under sub-section (1) of section 8. Also my property does not attach any dues to the Government or local bodies.
- (b) For violation in the provision of sanitary facility, I abide to make the necessary provision as directed by authority in this regard.
- (c) I have submitted the plans for the portion for which I wish to get the unauthorised development regularised.
- (d) For that portions for which I have not submitted to regularise, I shall pull down such portions on my own.
- (e) I, the under signed _____ registered/authorized architect/Engineer, hereby certify that, while preparing the plan for the said unauthorised development, I/we have inspected the site and accordingly the plans are prepared.
- (f) The information provided by me/us in the application and documents submitted along with are true to the best of my/our knowledge. Also I am aware that, if found incorrect it shall lead to criminal proceedings and accordingly action shall be taken.

Date :
Registration No.

Date :

Name and Signature of the
architect/engineer
Address /Phone number.

Name and Signature of the applicant / owner
/occupier
Address /Phone number.

Instruction to applicant regarding particulars, documents and maps to be submitted along with the application

- i. In a building having more than one unauthorised development each owner/occupier shall make a separate application for each unauthorised development.
- ii. Certified copy of approved layout plan of final plot or revenue survey number or city survey number.
- iii. Sanctioned layout plan duly certified by registered or authorized Architect or Engineer empaneled by the authority
- iv. The plans shall be prepared according to sub-rule (1) of rule 12
- v. Stability Certificate of Structural Engineer in Form-F except for residential dwelling units having an area up to 125 sq mtr
- vi. Certificate of fire safety measures compliance from CFO/RFO, if applicable.
- vii. Copy of the demand notice for property tax
- viii. Receipt of payment of the property tax.
- ix. NOC of the society if applicable
- x. NOC/approval/Undertakings required under sub rule (1) of rule 4 and rule (9).

Form-B

[see rule 4(2), rule 5(3), rule 6]

Order to Pay Fees

To,
Shri/Mrs/Ms: _____

WHEREAS, I, the undersigned, is of the opinion that, you have carried out, owned or occupied the unauthorized development of the building in respect of the premises Tenement No./Flat No./Sub Plot No. _____ on Revenue Survey No./Final Plot No. _____ of T.P.Scheme No. _____ village _____ as described below.

(Description of the property)

NOW, therefore, in pursuance of the provisions of the section 4 of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022, you are liable to pay the below mentioned fees in respect of such unauthorised development, namely :-

	Description	Area Sq.Mt.	Rate Rs./Sq.Mt.	Amount in Rs.
A	Total Built Up area (Unauthorised Development)			
	1. Up to 50 Sq. Mt.			
	2. Exceeding 50 Sq. Mt. and Up to 100 Sq. Mt.			
	3. Exceeding 100 Sq. Mt. and Up to 200 Sq. Mt.			
	4. Exceeding 200 Sq. Mt. and Up to 300 Sq. Mt.			
	5. Exceeding 300 Sq. Mt.			
B	For the purpose of Parking and sanitary.			
	1. Parking			
	2. Sanitary			

You are required to pay the total amount of Rs. _____ (Rupees
_____ (in words) to the
_____ authority within a period of 2 months from the date of receipt of this
notice falling which action under the relevant law shall be taken.

Date the : _____
Place :

Signature of the Authorised Officer Area/Urban
Development Authority
Municipal Corporation/Nagarpalika

Form-C
[see rule 5(1)]
Order to Provide Parking Facility

To,
Shri/Mrs/Ms_____

WHEREAS, I, the undersigned, is of the opinion that, you have carried out, owned or occupied the unauthorized development of the building in respect _____ of the premises Tenement No._____/Flat No._____/Sub Plot No._____ on Revenue Survey No./Final Plot No._____ of _____village. T.P.Scheme No._____ as described below.

(Description of the property)

WHEREAS, you have made application for regularization of the unauthorized development;

WHEREAS, I am of the opinion that the unauthorised development cannot be regularised since it is not feasible for you to provide, with respect to the actual built-up area, the required parking facility in the unauthorized development.

NOW, THEREFORE in pursuance of the provisions of section 10, I undersigned hereby issue an order to provide such parking facility at suitable location mentioned below which is within 500 meters of such unauthorised development, within a period of three months from the date of the order.

You are required to provide parking facility, and give a compliance report to the designated authority giving therein the details of the place where such parking facility is provided.

Date the : _____
Place :

Signature of the Authorised Officer
Area/Urban Development Authority
Municipal Corporation/
Nagarpalika

Form-D
[see rule 7]
Order to Refuse Regularisation

To,
Shri/Mrs./Ms.
.....
.....
(Address)

WHEREAS, you have carried out, the unauthorised development, owned or occupied by you, on Plot No. Revenue Survey No./Final Plot No. of village/ T.P. Scheme No. , for use, without the permission of the competent authority or in contravention to the permission granted vide letter No. dated ;.....

I undersigned believe, for the reasons mentioned hereunder, that you have not fulfilled the requirements under the provisions of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 and the rules there under,

Reasons:

- a. _____
- b. _____
- c. _____
- d. _____

Now therefore, in pursuance of the provisions of sub section (4) section 6, I hereby refuse to regularize the development.

This order is not an evidence in any way to decide the ownership of the unauthorised construction or the title of the property as per sub-section (2) of section 11 of the Ordinance.

If you are aggrieved by this order, you may prefer an appeal to the Appellate Officer appointed under section 12 of the Ordinance within a period of sixty days from the date of receipt of this notice.

You are also requiring to inform the designated authority in this regard within fifteen days from the date of filling such appeal.

Date the : _____
Place :

Signature of the Authorised Officer
Area/Urban Development Authority
Municipal Corporation/
Nagarpalika

Form-E
[see rule 7]
Order of Regularisation

To,
Shri/Mrs./Ms.
.....
.....
(Address)

WHEREAS, you have carried out, the unauthorised development, owned or occupied by you, on Plot No._____Revenue Survey No./Final Plot No.____of village/ T.P. Scheme No.____, for_____use, without the permission of the competent authority or in contravention to the permission granted vide letter No. ____dated;.....

WHEREAS, you have made application for regularization of the unauthorized development;

WHEREAS, you have paid the fees on dt._____as demanded by the designated authority;

WHEREAS, under the provisions of the Gujarat Regularisation of Unauthorised Development Ordinance 2022 (hereafter referred as “the said Ordinance”) and the rules there under, you have fulfilled certain or all of the requirements;

NOW, THEREFORE in pursuance of the provisions of section 6, I undersigned hereby issue an order to regularize the below mentioned unauthorized development,

This order is not an evidence in any way to decide the ownership of the unauthorised construction or the title of the property as per sub-section (2) of section 11 of the Ordinance.

If you are aggrieved by this order, you may prefer an appeal to the Appellate Officer appointed under section 12 of this Ordinance within a period of sixty days from the date of receipt of this notice.

You are also requiring to inform the designated authority in this regard within fifteen days from the date of filling such appeal.

Date the : _____ Place :	Signature of the Authorised Officer Area/Urban Development Authority Municipal Corporation/ Nagarpalika
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Form-F

[see rule 4(1)]

Certificate of Structural Stability

(not required in case of independent residential development having dwelling unit area less than 125 sq. mts)

To,

The Chief Executive Authority/Municipal Commissioner/Chief Officer
.....Area / Urban Development Authority / Municipal Corporation / Nagarpalika

REF : Work of _____
(Title of Project)

C.S.No./RS.NO. _____ (F.P.No.) _____ in ward No. _____ at
Village _____ Taluka _____ T.P.S. No. _____ of _____ village
/Town/City

Certified that the plans of existing building submitted for regularisation satisfy the safety requirements as stipulated under prevalent National Building Code, CGDCR and other relevant laws and the information given therein is factually correct to the best of our knowledge and understanding.

Signature of the Owner /Occupier with
date

Signature of the Structural Engineer with
date

Name in Block Letters

Name in Block Letters

Address

Address

Signature of the Architect with date
Name in Block Letters

Address

Form-G
[see rule 4(1)]
Certificate of Fire Safety Compliance

To,

The Chief Executive Authority/Municipal Commissioner/Chief Officer

Area / Urban Development Authority / Municipal Corporation/ Nagaraplika

REF : Work of _____
(Title of Project)

C.S.No./RS.NO. _____ (F.P.No.) _____ in ward No: _____ at Village _____
Taluka _____ T.P.S. No. _____ of _____ village /Town/City.

I,(name of the architect) the under signed architect certify that the building existing on the above address for which application is submitted for regularisation of unauthorised development do not require to provide the facility for fire safety measures as stipulated under National Building Code, CGDCR and other relevant laws and that the information given therein is factually correct to the best of our knowledge and understanding.

OR

I the under signed owner / occupier undertake to provide the required fire safety measures which the designated authority may direct in consultation with Chief Fire Officer or the Regional Fire Officer.

OR

The copy of the Fire NOC obtained from the Chief Fire Officer or the Regional Fire Officer of(Name of the Municipal Corporation / Fire Region) dated..... and valid till dated is attached herewith.

Signature of the Owner / Occupier with
date

Signature of the Architect with date

Name in Block Letters

Name in Block Letters

Address

Address

Form-H
[see rule 4(1)]
Undertaking

To,
The Chief Executive Authority/Municipal Commissioner/Chief Officer
_____Area / Urban Development Authority / Municipal
Corporation/ Nagaraplika

REF : Work of _____
(Title of Project)
C.S.No./RS.NO. _____ (F.P.No.) _____ in ward No _____ at
_____ Village/Town/ City

I/We have applied for getting the unauthorised development regularised as described in relevant drawings along with other documents, particulars and certificates. I understand that for regularisation my aforesaid property, the construction carried out should be in confirmative with other acts or rules as mentioned in sub rule (1) of rule 4 and rule 9.

I/We hereby give an undertaking to take necessary permission as required. In case if the necessary permission is not granted from the relevant competent authority than I hereby abide to pull down/alter the unauthorised construction as required under the relevant rules or act or as per the directions issued by the relevant competent authority. Any cost incurred to carry out such direction shall be borne by me.

I/We hereby also give an undertaking that there is neither any violation of any provisions of the Real Estate (Regulation and Development) Act, 2016 and / or the Gujarat Clinical Establishments (Registration and Regulation) Act, 2021 nor I/We have received any order in the past under the above mentioned Acts for the unauthorized construction for which regularisation is sought for.

Signature of the Owner /Occupier
withdate

Signature of the Structural Engineer
withdate

Name in Block
letters

Name in Block
letters

Address

Address

Signature of the Architect/Engineer
withdate

Name in Block Letters

Address

By Order and in the name of Governor of Gujarat,

(Prakash Dutta)

Officer on Special Duty & Ex-Officio Joint Secretary
to the Government of Gujarat.
Urban Development and Urban Housing Department.

NOTIFICATION
Urban Development and Urban Housing
Department

Sachivalaya, Gandhinagar.

Dated 17th October, 2022.

**GUJARAT
REGULARISATION
OF
UNAUTHORISED
DEVELOPMENT
ORDINANCE,
2022.**

NO. GH/V/ 155 of 2022/ UDUHD/MSM/e-file/18/2022/4806-L: In exercise of the powers conferred by the section 7 of the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 (Gujarat Ordinance No.3 of 2022), the Government of Gujarat hereby specify the rates of fees payable for regularisation of unauthorised development and the manner of calculation as specified in the Schedule appended hereto,-

SCHEDULE

Rates of fees for unauthorised development

A . For the Purposes other than Parking:

Sr. No.	Total Built Up area (Unauthorised Development)	Rates
1	2	3
1	Up to 50 Sq. Mtrs.	Rs. 3,000/-
2	Exceeding 50 Sq. Mtr. and Up to 100 Sq. Mtrs.	Rs. 3,000/- plus additional Rs. 3,000/-
3	Exceeding 100 Sq. Mtr. and Up to 200 Sq. Mtrs.	Rs. 6,000/- plus additional Rs. 6,000/-
4	Exceeding 200 Sq. Mtr. and Up to 300 Sq. Mtrs.	Rs. 12,000/- plus additional Rs. 6,000/-
5	Exceeding 300 Sq. Mtrs.	Rs. 18,000/- plus additional Rs. 150/- per every square meter exceeding 300 Sq. Mtrs.

Note:

- a) The figure in Column 2 is total unauthorised built up area on all floors.
- b) Above rates shall be applicable for residential use only.
- c) With respect to Change of Use and for other than residential use, twice the rates of as mentioned above shall be applicable.
- d) For the violation in common plot, the unauthorised development shall be regularized only on the consent of owners or occupants who share the interest therein and for the purpose of common utility only.
- e) In case of any deficit in Sanitation facilities, lump sum charge of Rs. 7,500/- shall be paid in addition to above.

A. For the Purpose of Parking:

Sr. No.	Description	Rates
1	2	3
1	Deficit Parking Space for Residential use	15 % of Jantri rate
2	Deficit Parking Space for Non -Residential use	30 % of Jantri rate

By Order and in the name of Governor of Gujarat,

(Prakash Dutta)
Joint Secretary to the Government.



GOVERNMENT OF GUJARAT

Urban Development and Urban Housing Department
Sachivalaya, Gandhinagar