

## **5. DECISION OF THE AUTHORITY**

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### **5.1 GRANT OR REFUSE OF THE PERMISSION APPLICATION**

" On receipt of the application for Development Permission the Competent Authority after making such inquiry and clearance from such an expert whenever considered necessary for the safety of building as it thinks fit may communicate its decision granting with or without condition including condition of submission of detailed working drawing structural drawing along with soil investigation report before the commencement of the work or refusing permission to the application as per the provisions of the Act.

The Competent Authority however may consider to grant exemption for submission of working drawing structural drawing and soil investigation report in case the Competent Authority is satisfied that in the area where the proposed construction is to be taken similar types of structure and soil investigation reports are already available on record and such request is from an individual owner developer having plot of not more than 500 sqmt. in size and for a maximum 3 storeyed residential building."

As per the guidelines on "Soil testing" if the local site do not require any soil testing, or if a soil testing indicates that no special structural design is required. A small building having ground 1 or 2 floors having load bearing structure may be constructed.

If the proposed small house is to be constructed with load bearing type masonry construction technique where no structural design is involved no certificate from a structural Designer will be required (to be attached with Form 2-d) However a "special Building Information Schedule" appended here with has to be submitted duly filled in.

Such load bearing masonry construction has to be done as per the following guidelines prepared by Dr. Anand Swarup Arya and published by Gujarat State Disaster Management Authority.

On receipt of the application for Development Permission, the Competent Authority after making such inquiry as it thinks fit may communicate its decisions granting or refusing permission to the applicant as per the provisions of the Act. The permission may be granted with or without conditions or subject to any general or special order made by the State Government in this behalf.

The development permission shall be in Form No. D and it should be issued by an officer authorised by the Competent Authority in this behalf Every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

The competent Authority after making preliminary scrutiny of the plans received may give preliminary development permission by taking an affidavit from the owner the margin built-up area, internal roads open spaces parking and common plots shall be kept as per G.D.C.R. After making final scrutiny of the plans the final development permission may be granted.

### **5.2 SUSPENSION OF PERMISSION**

Development permission granted under the relevant section of the Act is deemed to be suspended in case of resignation by any of the licenses till the new appointment is made Any work on site during this time shall be treated as unauthorized development without any due permission.

### **5.3 GRANT OF DEVELOPMENT PERMISSION**

#### **5.3.1 GRANT OF DEVELOPMENT PERMISSION**

shall mean acceptance by the Authority of the following requirements:

- i) Permissible built-up area.
- ii) Permissible floor space index.
- iii) Height of a building and its various stories.
- iv) Permissible open spaces enforced under regulations. C.P., Marginal spaces. other open spaces set backs etc.
- v) Permissible use of land and built spaces.
- vi) Arrangements of stairs, lifts, corridors and parking.
- vii) Minimum requirements of high-rise buildings including N.O.C. from Fire Officer/ Fire Safety Consultant as appointed by the Appropriate Authority.
- viii) Minimum requirement of sanitary facility and other common facility.
- ix) Required light and ventilation.

Provided that it shall not mean acceptance of correctness. confirmation approval or endorsement of and shall not bind or render the Authority liable in any way in regard to:

- i) title of the land or building.
- ii) easement rights.
- iii) variation in area from recorded areas of a plot or a building.
- iv) structural reports and structural drawings.
- v) workmanship and soundness of material used in construction of the building.
- vi) location and boundary of the plot.

#### **5.3.2 SERVICE AND AMENITIES FEES**

Permission for carrying out any development shall be granted by the competent authority only on payment of service and amenities fees for execution of works referred to in clause [(vi)-a] of sub-section (1) of Section 7 of the Act and for provision of other services and amenities at the following rates in Bhavnagar Area Development Authority Area as delineated in the Revised Development Plan of BADA. These fees and maintenance charges may be revised on review by competent authority from time to time.

- a) Service and amenities fees shall be levied as under for any development within the Bhavnagar Area Development Authority area excluding agricultural zone and gamtal.
  - i) Rs. 50.00 per sq. mt. of built up area for the intended development of all uses.
  - ii) Rs. 25.00 per sq. mt. of built up area of intended development for schools, colleges educational institution. charitable trust. government and semi government building.

Provided these regulation shall not be applicable in the town planning scheme area and in the approved existing buildings. These fees shall not be leviable once the intention of making a town planning scheme is declared.

- b) The development permission may be granted after taking an indemnity bond to develop the said infrastructure on site. And if the developer has not put the infrastructure on site after completing the project the building use permission shall not be given unless the said service and amenities fees is paid.

#### **5.4 LIABILITY**

Notwithstanding any development permission granted under the Act and these regulations. any person undertaking any development work 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 such construction and no liability whatsoever in this regard

shall be cast on the Authority.

### **5.5 RESPONSIBILITIES OF THE APPLICANT**

Neither the grant of development permission nor the approval of the plans, drawings and specifications shall in any way relieve the applicant of the responsibility for carrying out the development in accordance with requirement of these regulations.

### **5.6 DEVELOPMENT WITHOUT PRIOR LEGITIMATE PERMISSION**

In cases where development has already started/commenced on site for which development permission in writing of the Competent Authority is not obtained, but where this development on site is in accordance with the provisions of these regulations, the development permission for such work on site without the prior permission may be granted by the Competent Authority on the merits of each individual case For such development works, over and above such other charges/fees may be otherwise leviable, the additional amount shall be charged on such total built up area as per the following rates.

1. Application for development permission is made but regulation development is commenced as per submitted plan.	5 times	of
2. Application is made but development has been regulation commenced but as per submitted plan.	10times	of
3. Application for development permission is not made and regulation development is commenced.	15times	of
4. All other open uses including layout and sub-division of land regulation	2 times	of
	No. 3.2.1 to 3.2.3	

#### **NOTE :-**

Minimum additional amount shall be Rs. 1000.00 for residential use and Rs. 5000.00 for other than residential use.

### **5.7 DEVIATION DURING COURSE OF CONSTRUCTION**

Notwithstanding anything stated in the above regulations it shall be incumbent on every person whose plan have been approved to submit revised (amended) plans for any deviations he propuses to make during the course of construction of his building work and the procedure laid down for plans or other documents here to before shall apply to all such Revised (amended) plans.

#### **EXPLANATION : for 5.1 to 5.7**

This provision does not entitle the owner or his supervisor to make any deviations in contravention of the provisions of the Act, and these regulations.