

दिनांक : 12.02.2020

सेवा में,

प्रमुख सचिव  
आवास एवं शहरी नियोजन विभाग  
उ०प्र० शासन, लखनऊ

विषय :- उ०प्र० नगर योजना और विकास (विकास शुल्क का निर्धारण, उदग्रहण एवं संग्रहण) नियमावली 2014 के नियम 3 के परन्तुक (पांच) में संशोधन करने हेतु अनुरोध।

श्रीमन,

सादर अभिनन्दन

उपर्युक्त विषय के सम्बन्ध में सविनय निम्नवत निवेदन है:-

- 1- उ०प्र० नगर नियोजन एवं विकास अधिनियम, 1973 के अन्तर्गत शासन द्वारा उ०प्र० नगर योजना और विकास (विकास शुल्क का निर्धारण, उदग्रहण एवं संग्रहण) नियमावली 2014 बनायी गयी थी जो दिनांक 17.11.2014 को प्रभावी हुयी।
- 2- उक्त नियमावली 2014 के नियम 3 में विकास शुल्क के उदग्रहण सम्बन्धी प्राविधान हैं तथा यह भी उल्लिखित है कि किन परिस्थितियों में "विकास शुल्क" नहीं दिया जायेगा।
- 3- उक्त नियमावली के नियम 3(5) के परन्तुक (proviso) के प्राविधान वर्तमान में अव्यवहारिक व कठोर सिद्ध हो रहे हैं जिनमें संशोधन की आवश्यकता है।
- 4- संलग्नक में वर्तमान नियम, अपेक्षित संशोधन एवं उसके आधारों (justification) का सविनय उल्लेख है।

अतः सविनय प्रार्थना है कि नियोजित विकास को बढ़ावा देने की दृष्टि से एवं विकास शुल्क की नियमावली को रेशनलाइज करने की दृष्टि से नियमावली के नियम 3 के परन्तुक (पांच) में संशोधन करने की अति कृपा करें।

आपसे यह भी सविनय अनुरोध है कि उक्त सुझावों को व्यक्तिगत रूप से आपके समक्ष रखने हेतु कोई समय व दिनांक भी नियत कर अवगत कराने का कष्ट करें ताकि हम लखनऊ आकर आपके समक्ष समस्त तथ्यों को रख सकें।

शुभकामनाओं सहित

कृते - आगरा सिटी रेडिको



के०सी० जैन, अध्यक्ष

शंकर प्लाजा, संजय प्लेस,

आगरा-282 002

ई-मेल kishanjain@gmail.com

मो० 9412263072

संलग्नक : यथोपरि

**Suggested Changes in Rule 3 of the UP Urban Planning & Development  
(Assessment, Levy and Collection of Development Fee) Rules, 2014**

Provision	Existing Provisions	Proposed Provisions	Justification for Change
Rule 3	<p>The development fee shall be levied in accordance with these rules where an application is submitted to the Authority for obtaining development permit or building permit:-</p> <p>Provided that no development fee shall be levied in the following circumstances:-</p>	No Change Suggested	
3(v)	Where an application is submitted within validity period for revision of building permit of development permit granted earlier and for which development fee has already been paid:	No Change Suggested	
Proviso-1	<p>Provided that where an application is submitted after the expiry of validity period of building permit or development permit granted earlier, development fee <b>at the rate applicable on the date of such application shall be levied after adjusting the development fee paid earlier:</b></p>	<p>Provided that where an application is submitted after the expiry of validity period of building permit or development permit granted earlier <b>and</b></p> <p><i>(i) if there is no increase in the land area, no additional</i> development fee <del>at the rate applicable on the date of such application</del> shall be levied <del>after adjusting the development fee paid earlier</del></p>	<p>(i) During the course of development, <b>some changes at the site are generally found, requiring to be incorporated in the plan.</b></p> <p>(ii) <b>Where the amount of the development fee stands already paid and the change does not result into increase in the land area, it would not lead to additional load on the external services and, therefore, no additional amount of development fee should be required to be paid.</b></p>

		<p><i>(ii) if there is decrease in the land area, no refund of the development fee shall be made:</i></p> <p><i>(iii) if there is increase in the land area, development fee at the rate applicable on the date of revision application for such increased land area shall be levied in accordance with these rules</i></p>	<p>(iii) Even a small change in the layout plan after the expiry of the validity period of the development permit lead to enormous burden on the developer and its allottees.</p> <p>(iv) In so many schemes, most of the plots of the scheme/colony have already been allotted and transferred to the buyers and as such additional development fee from such allottees/buyers can not be recovered and paid to the Authority.</p> <p>(v) The present proviso-1 of Rule 3(v) of the Rules leads to great hardships, as the development fee for the entire area of building permit / development permit is required to be paid at the current rate, if plan is revised after the expiry of the validity period despite the fact that the development charges already stands paid.</p>
Proviso-2	<p>Provided further that in case the land area under revised plan increases, the applicant shall be liable to pay the development fee at the rate applicable on the date of application for such increased land area in accordance with these rules.</p>	No Change Suggested	