

NOTIFICATION

No. /Eight-1-.....

Lucknow: Dated; July ,2014

In exercise of the powers conferred by sub-section (2) (c) of Section-55 read with sub-section (2) of Section 38-A of the Uttar Pradesh Urban Planning and Development Act, 1973, the Government of Uttar Pradesh makes the following rules, namely,:-

The Uttar Pradesh Urban Planning & Development (Assessment, Levy and Collection of City Development Charge) Rules, 2014

- Short title, commencement and extent** **1.** (1) These rules may be called the Uttar Pradesh Urban Planning and Development(Assessment, Levy and Collection of City Development Charge) Rules,2014
- (2) These rules shall come into force with effect from the date of publication in the Official Gazette or such other date as specified therein.
- (3) These rules shall be applicable to such development areas where a license has been granted to a private developer for assembly and development of land under Section-39B of the Act.
- Definitions** **2.** (1) In these rules, unless the context otherwise requires,-
- (a) 'Act' means the Uttar Pradesh Urban Planning and Development Act,1973;
- (b) 'City Development Charge' means the charge levied on a private developer under Section 38-A of the Act for the development of land;
- (c) 'Development Area' means any area declared to be a development area under Section-3 of the Act;
- (d) 'Development Authority' or 'the Authority' in relation to any development area, means the Development Authority constituted under Section-4 of the Act for that area;
- (e) 'Private Developer' means an individual, company or association, body of individuals whether incorporated or not, owning or assembling or agreeing to own or assemble, whether by purchase or otherwise, land for development and to whom a license has been granted under section 39-B of the Act.
- (2) Words and expressions, not defined in these Rules but defined in the Act, shall wherever used in these Rules, be construed to have the meanings respectively assigned to them in the Act, unless the context requires otherwise.
- Levy of City Development Charge** **3.** City development charge shall be levied in accordance with these rules where an application is submitted to the Authority for obtaining development permit by a private developer to whom license has been granted for assembly and development of land.
- (sub-section-2 of section 38-A)

- Assessment of City Development Charge**
(sub-section-2 of section 38-A)
- 4.** The city development charge shall be assessed on the basis of gross area of land for which license has been granted.
- Provided that in case any land owned by the private developer falling within license area is earmarked for road, park and open space or green belt in the master plan or zonal development plan, the city development charge shall be calculated after deducting the area of such land from the gross area of the scheme subject to the condition that the entire license area has to be contiguous and the private developer undertakes to develop such land as road, park and open space or green belt as the case may be, at his own cost.
- Explanation:**
- It is clarified that only such land earmarked for road, park and open space or green belt in the master plan or zonal development plan can be included in the license area as is owned by the private developer.
- Rates of City Development Charge**
(sub-section-2 of section 38-A)
- 5.** Subject to these rules, the rates for city development charge for different development areas shall be as prescribed in the Schedule 'A' annexed hereto.
- Provided that in case of special amenity or impact-oriented or zone-based development (e.g. transit oriented development along mass rapid transit corridors), an additional city development charge as determined by the Authority, may be levied.
- Provided further that in case connectivity to trunk services such as road, drainage and sewage disposal, water supply, electricity, solid waste management, etc. is availed by the private developer, pro-rata charges for such connectivity may also be levied by the Authority.
- Explanation:**
- The rates as set out in Schedule 'A' annexed hereto shall mean the rates as applicable on the date of submission of application to the Authority.
- Payment of City Development Charge**
(sub-section-2 of section 38-A)
- 6.** Subject to the provisions of the Act and the rules hereunder, the private developer shall pay the full amount of city development charge, as levied by the Authority, prior to the grant of permission under Section-15 of the Act.
- Provided that the Vice-Chairman of the Authority may permit payment of city development charge in installments over a time period of maximum 2 years with 12 percent annual rate of simple interest, if the applicant furnishes a bank guarantee equivalent to the total amount due or alternatively mortgages saleable land in favour of the Authority as security against the total amount due. The bank guarantee or the mortgaged land, as the case may be, shall be released in proportion to payment of installments by the applicant in accordance with the time-schedule specified by the Authority.
- Provided further that in case of default in the timely payment of installments, the applicant shall be liable to pay a

penal interest at the rate of 15 percent per annum compounded annually.

Infrastructure Development Fund

(sub-section-2 of section 38-A)

- 7.** (a) All money collected as city development charge shall be credited to the 'Infrastructure Development Fund' of the Authority.
- (b) The fund shall be kept in the interest bearing account and shall be operated by the Vice-Chairman or any other officer of the Authority authorized on his behalf in accordance with these rules.
- (c) At least 90 percent of the fund shall be utilized for provision of infrastructure services within the development area and remaining as revenue expenditure to meet the expenses and contingencies incidental thereto.
- (d) The Authority shall utilize the fund most expeditiously within a time-frame decided by the Authority and, if the amount collected is inadequate to provide the requisite infrastructure, the Authority shall execute such works in a phased manner to ensure earliest utilization of the infrastructure development fund.

Revision of the Rates of City Development Charge

(sub-section-2 of section 38-A)

- 8.** The rates of city development charge shall be revised annually by the Authority with effect from 1st of April every year in conformity with the Central Public Works Department (CPWD) Cost Index.

Provided that if the CPWD Cost Index is not available, the rates of city development charge shall be revised by the Authority on the basis of such equivalent index as may be notified by the State Government in this regard.

Provided further that the Authority may revise the rates from time to time by recording the reasons thereof.

Recovery of Arrears

(section-40)

- 9.** Any amount due to the Authority on account of the city development charge under these Rules shall be recovered as the arrears of the land revenue in accordance with the provisions of Section-40 of the Act.

Annual Statement of City Development Charge

(sub-section-2 of section 38-A)

- 10.** The Vice-Chairman of the Authority shall furnish to the Board of the Authority a statement in respect of Infrastructure Development Fund for the preceding year, which shall contain information regarding the total amount collected by the Authority as city development charge and details of its utilization. Such statement shall be furnished as far as possible in the first meeting of the Board of the Authority to be held every financial year and its copy shall also be sent to the State Government.

**Schedule 'A' to the Uttar Pradesh Urban Planning and Development
(Assessment, Levy & Collection of City Development Charge) Rules, 2014**

All Development Areas in the State have been grouped into 5 categories keeping in view their location, proximity to National Capital Region, size of urban population, level of development, land values and historical and socio-economic importance of the towns. Accordingly, the rates of city development charge for different development areas shall be as given below:-

Sl. No.	Development Area	City Development Charge (Rs. Per Sqm.)
1.	Ghaziabad	500
2.	Lucknow, Kanpur, Agra	300
3.	Varanasi, Allahabad, Meerut	200
4.	Moradabad, Bareilly, Aligarh, Gorakhpur, Bulandshahar, Khurja, Hapur-Pilkhua, Baghpat-Barot-Khekra, Saharanpur, Mathura-Vrindavan, Jhansi	150
5.	Muzaffarnagar, Firozabad-Shikohabad, Ayodhya-Faizabad, Raebareli, Banda, Rampur, Unnao-Shuklaganj, Urai, Azamgarh	100