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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Urban Development & Municipal Affairs Department
(Municipal Affairs Branch)
'Nagarayan', 6th floor,
DF-8, Sector - I, Salt Lake, Kolkata - 700064

NOTIFICATION

No. 555/MA/O/C-4/3R-2/2022, dated, Kolkata, the 27th July, 2023,— In exercise of the power conferred by section 417, read with section 198, of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), the Governor after previous publication is pleased hereby to make the following amendment in the West Bengal Municipal (Building) Rules, 2007, published under this Department notification No. 67/MA/O/C-4/3R-8/2002, dated the 14th day of February, 2007 (hereinafter referred to as the said rules):—

Amendments

In the said rules,

- (1) after proviso to sub-rule (2) of rule 32, add the following provisos: —

“Provided further that the Board of Councillors may by order regularize the minor unauthorised erection, or execution of any minor work without sanction under these rules, or minor deviation from the sanctioned plan or execution of any minor erection or work in contravention of any sanctioned plan under this rules, keeping regard to the following things, as the case may be, on payment of fees/ charges by the person responsible for such portion of minor unauthorised erection at the rates as may be determined by State Government by notification:

- (a) objections raised by any local inhabitants of the construction in question;
- (b) road width and communication facilities;
- (c) drainage system of the surrounding locality;
- (d) other civic infrastructures;

- (e) clearance from Fire and Emergency Services Department and Pollution Control Board, if required;
- (f) reasons beyond the control of the person responsible;
- (g) social interest;
- (h) facilities of ingress and egress;
- (i) infrastructural supports at site;
- (j) structural safety;
- (k) environmental aspects;
- (l) national loss in case of demolition;
- (m) availability of other statutory clearances as will be required etc. with due regards to the spirit of law, any
- (n) court order, as well as provisions of West Bengal Municipal Act, 1993.

Provided also that the Board of Councillors, if they deem fit, may refer such cases of minor unauthorised erection, or execution of any minor work without sanction under these rules, or minor deviation from the sanctioned plan or execution of any minor erection or work in contravention of any sanctioned plan under these rules, for the purpose of technical consultancy, to the State Level Building Committee constituted by the State Government for reviewing the issue of regularization of such cases.

Explanation:

“local inhabitants” – means the next door neighbour, or inhabitant of same locality, *mohalla* or otherwise connected to site of the construction,

“Person Responsible” – means any person responsible for the unauthorized construction in question or any of his power of attorney holders or representatives.”;

(2) in rule 46,

(a) for sub-rule (3), substitute the following sub-rule,—

“(3) For buildings on plots measuring 3000 Sqm. and up to 5000 Sqm., additional ground coverage to the extent of 10% may be allowed for car parking and building services. The additional ground coverage of 10% will be exclusively utilized for car parking, ramps, stair case, lifts for upper level car parking and building services, such as A.C. Plant room, Generator Room, Fire Fighting equipment, electrical equipment etc.”

(b) after sub-rule (3), insert the following sub-rule,—

“(4) For buildings on plots exceeding 5000 Sq.m additional ground coverage to the extent of 15% may be allowed for car parking and building services. The additional ground coverage of 15% will be exclusively utilized for car parking, ramps, staircase, lift for upper level car parking and for building services such as Air Conditioned plant room, generator room, fire fighting equipments, electrical equipments:

Provided that in respect of the “use group” of industrial and storage buildings referred in this sub-rule, the additional ground coverage not exceeding 10% out of 15% may be used over and above the ground coverage allowed under these rules.”;

(3) after clause (C) of rule 52, insert the following clause : —

“(D) Based on the occupancy pattern and total parking provisions in the premises of the various types of building, charging infrastructures are to be provided for 10% of the total parking spaces for Electric Vehicles in respect of Residential Buildings having more than thirty (30) flats or apartments, Institutional, Assembly, Business, Industrial, Storage and Mercantile buildings, with an additional power load and safety factor as may be determined by the State Government from time to time by notification or order.”.

(4) after Part XII, insert the following Part:—

“Part XIII

**PROVISIONS FOR BUILDING RULES FOR MICRO, SMALL AND MEDIUM
ENTERPRISES IN INDUSTRIAL PARKS, APPROVED BY GOVERNMENT**

176. General

Notwithstanding anything contained elsewhere in these rules, the provisions of this Chapter shall apply in respect of matters provided therein, in the case of buildings to be constructed by micro, small and medium enterprises within an industrial park approved by Government for industrial use or as factory shed/ buildings.

177. Size of the plot for a building

The minimum size of a plot shall be 200 sq.m.

178. Means of Access

No building shall be constructed on a plot if the width of the means of access to the site is less than 1.2 m.

179. Ground Coverage

The maximum permissible ground coverage will be 60% for a plot size up to 670 sq.m. and 50% above 670 sq.m.

180. Maximum height of the building

The maximum height of the building co-relating to the means of access shall be considered as under:—

Road Width	Building Height
5.0 m up to 7.0 m	12.5 m
Above 7.0 m. upto 9.0 m	15.5 m
Above 9.0 m	21.50 m.

181. Front Open Space

The minimum front open space for a building shall be as follows:

Building Height	For plot size upto 670 sq.m.	For plot size above 670 sq.m.
Upto 12.50 m	1.20 m	1.50 m
Above 12.50 m upto 15.50 m	1.50 m	2.00 m
Above 15.50 m upto 21.50 m	-	4.00 m

182. Rear Open Space

The minimum rear open space for a building shall be as follows:

Building Height	For plot size upto 670 sq.m.	For plot size above 670 sq.m.
Upto 12.50 m	2.50 m	3.50 m
Above 12.50 m upto 15.50 m	3.00 m	4.00 m
Above 15.50 m upto 21.50 m	-	6.00 m

183. Side Open Space

The minimum side open space for a building shall be as follows:

Building Height	For plot size upto 670 sq.m.	For plot size above 670 sq.m.
Upto 12.50 m	1.20 m and 3.00 m	1.50 m and 4.00 m
Above 12.50 m upto 15.50 m	1.20 m and 3.50 m	1.50 m and 4.00 m
Above 15.50 m upto 21.50 m	-	3.50 m and 6.00 m

184. Floor Area Ratio

The maximum floor area ratio depending on the width of means of access shall be as follows:

Width of means of access	F.A.R.
5.0 m to 7.0 m	1.75
Above 7.0 m upto 9.0 m	2.00
Above 9.0 m	2.25

185. Stair Width

The width and number of staircases of a building shall be as the follows:

Building Height	For plot size upto 670 sq.m.		For plot size above 670 sq.m.	
	Width of Stair	Minimum number of Stair	Width of Stair	Minimum number of Stair
Upto 12.50 m	1.50 m	1	1.35 m	2
Above 12.50 m upto 15.50 m	1.50 m	1	1.50 m	2
Above 15.50 m upto 21.50 m	-	-	1.80 m	2

186. Parking Space.

One car parking space for every 200 sq.m. of floor area or part thereof.

187. Other Provision

All other criteria shall be followed as per the provisions of other rules contained under these rules.”.

By order of the Governor,

S. DAS

Special Secretary to the Government of West Bengal