

FREQUENTLY ASKED QUESTIONS UNDER BRS

Q1. What are the advantages of Regularization of Unauthorized Constructions?

A: The construction building will get formal orders of regulation which will remove the uncertainty and threat of demolition and will get the occupancy certificate which is mandatory as per Municipal Laws.

Q2. It is compulsory to apply for Regularization of Unauthorized Constructions?

A: Yes

Q3. What are the consequences if I do not apply?

A: a) Such unauthorized constructions would be treated as continuing offense and penalty as per law would be levied.

b) Other enforcement action including demolition shall be initiated by the local authority as per law

c) No further building approvals shall be considered by the building sanctioning authority in the said site.

Q4. Unauthorized construction made before 1.1.1985 can be penalized if applied?

A: Person who have made unauthorized constructions before 1.1.1985 need not apply. However, if persons apply under this scheme, It will be considered subject to verification of structural stability and heritage angle.

Q5. Whether the time prescribed for filing the applications for Regularization of unauthorized constructions scheme will be extended?

A: No

Q6. My neighbor has complained against me on building setbacks violation and a case is pending in the court. Can I apply for building regularization?

A: Yes, provided there are no specific court orders/directions in this matter. Sites under legal litigation / disputes regarding ownership of the site / building will not be regularized.

Q7. Whether unauthorized construction made in a parking area which was in excess of the required parking area, can be regularized under these rules?

A: No. the said area has to be utilized for parking only.

Q8. Permission has been obtained for one use (e.g. residential use) and constructed as per plan but the use of the building is changed (e.g. for commercial use), can it be regularized?

A: If the present usage of the building is in accordance with Zoning Regulations such cases are eligible for regularization.

Q9. Sanction for construction of the building is obtained but the sanctioned copy is not available. How the regularization charge will be levied?

A: The concerned competent authority shall assist the applicant to trace out the copy of sanctioned plan from the record. If it is found that there is no sanction for the said construction, the entire building will be treated as unauthorized and regularization charges will be levied accordingly.

Q10. Permission is obtained for 3 floors but constructed 4 floors. What regularization charges will be levied?

A: If the permitted 3 floors are constructed as per plan no regularization charges will be collected for the 3 floors. If there are deviations in the permitted floors, the regularization charges will be collected as per that rate. But the entire 4th floor will be treated as unauthorized construction and regularization charges will be collected as per that category.

Q11. Permission was obtained for individual residential building but converted in to Apartment Complex. Whether such apartments are eligible for regularization?

A: Yes, regularization charges will be levied as applicable in the case of apartment complexes.

Q12. Whether Constructions made in parks, green areas and layout open spaces are eligible for regularization?

A: No.

Q13. Permission was obtained for stilt for parking + 5 floors for apartments but converted the stilt floor for other purposes (flats/shops/office etc). Whether the apartments in the upper 5 floors are eligible for regularization?

A: Constructions made in the stilt floor are not eligible for regularization. However apartments in upper floors are eligible for regularization. Prompt action will be taken for removal of structures in the parking area.

Q15. Whether the constructions affected in road widening are eligible for regularization?

A: Constructions/buildings falling in the road widening portion are not eligible for regularization. However the remaining portion is eligible for regularization after handing over the affected portion to the concerned Local Body.

Q16. There are cases where certain builders are constructing additional floors during the interregnum period. Will these be covered under these Penalization Rules?

A: No. Such additional constructions are liable to be demolished besides taking penal action against the builders including black-listing.

Q17. My builder has unauthorizedly constructed an additional cellar for parking. Will the parking floor be considered for regularization?

A: Yes.

Q18. Whether the regularization charges can be paid in installments?

A: Yes, regularization charges may be paid in two instalments i.e." Rs. 10,000/- as initial processing charges shall be paid along with submission of application from and the balance amount shall be paid not beyond six months from the date of application.

Q19. Whether regularization charges paid in excess will be refunded?

A: Yes refunded after issue of the proceedings.

Q20. If the application is rejected, whether the regularization charges paid are returned?

A: Yes 10% of regularization charges will be' deducted towards scrutiny and processing fee. In case of false declaration/misrepresentation of acts regularization charges will not be refunded.

Q21. Permission is taken in two plots by amalgamating them but constructed in one plot only, what would be the regularization charges?

A: The regularization charges will be levied on excess built up area i.e, Difference between the proportionate permitted area on the extent plot applied for regularization and the total area constructed.

Q22. A person has constructed 3 floors with extra balconies and a 4th floor which is not permitted as per the sanctioned plan. What penalties would be levied?

A: He has to apply for regularization for both deviations in the permitted floor (extra balconies) and unauthorized 4th floor, as given in the Application Form,viz., the penal charges for the extra balconies which are deviation to the sanctioned plan; and separate penal charges for the additional floor which is totally unauthorized shall have to be paid as per relevant category.

Q23. My builder has taken sanctioned plan from the Gram Panchayat with stilt+ 5 upper floors and constructed according to the sanctioned plan only. I have purchased a flat in the said building. Am I liable for any penalization?

A: Yes, and all the flat owners are required to pay penalization since the sanctioned plan of the Gram Panchayat is not valid as they are not empowered to approve such type of constructions as per delegation of powers without prior technical approval from HMDA/UDA/ DTCP as per the Gram Panchayat Building Rules, 2002. This is clearly indicated on the plans.