

The Orissa Development Authorities Rules, 1983

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Notification No. SRO No. 737/83 dated the 12th October 1983. - Whereas, the draft of the Orissa Development Authorities Rules, 1983, was published as required by Section 125 of the Orissa Development Authorities Act, 1982 (Orissa Act 14 of 1982), in the extraordinary issue of the *Orissa Gazette* No. 972, dated the 10th August, 1983 under the notification of the Government of Orissa in the Housing and Urban Development Department No. 31991-Legislative 1-23/83-H.U.D., dated the 27th July, 1983 inviting objections and suggestions from any person/institutions likely to be affected thereby, before the 26th August, 1983;

And whereas, objections and suggestions received in respect of the said draft before the date specified have been duly considered by the State Government.

Now, therefore, in exercise of the powers conferred by Section 123 of the said Act and in consultation with the Accountant-General, Orissa as required by Sub-section (1), Section 81 of that Act, the State Government do hereby make the following rules :

CHAPTER-I

Preliminary

1. Short title and commencement. - (1) These rules may be called the Orissa Development Authorities Rules, 1983.

(2) They shall come into force on the date of their publication in the *Gazette*.

2. Definitions. - (1) in these rules, unless the context otherwise requires-

- (i) **"Act"** means the Orissa Development Authorities Act, 1982;
- (ii) **"Architect-member"** means the Urban Designer or Architect member appointed under Clause (f) of Sub-section (5) of Section 3;
- (iii) **"Board"** means the Board of Enquiry appointed under Rule 13;
- (iv) **"Engineer-member"** means the Engineer-member appointed under Clause (c) of Sub-section (5) of Section 3;
- (v) **"Finance-member"** means the Finance and Accounts-member appointed under Clause (d) of Sub-section (5) of Section 3;
- (vi) **"Form"** means a Form appended to these rules;
- (vii) **"Gazette"** means the Official *Gazette* of the State of Orissa;
- (viii) **"Member"** means a member of the Authority;
- (ix) **"Planning-member"** means the Town and Regional Planning-member appointed under Clause (e) of Sub-section (5) of Section 3;
- (x) **"Registered Contractor"** means a contractor registered under Rule 67 ;

(xi) "**Section**" means a section of the Act.

(2) Words and expressions used, but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.

CHAPTER-II

Development Area and Development Authorities

3. Exclusion from and inclusion in a development area any area under Section 3

(2). - (1) For the purpose of exclusion of any area from or inclusion of any area in a development area under Sub-section (2) of Section 3, there shall be published by the State Government in the *Gazette* and in a local newspaper a draft of the proposal for such exclusion or inclusion giving details of the area to be so excluded, or included, as the case may be, from or in a development area inviting objections from the public within thirty days from the date of such publication in the *Gazette*.

(2) In case of exclusion of any area from a development area a copy of the draft proposal shall be forwarded by the State Government to the Authority from whose jurisdiction such area is proposed to be excluded inviting its views on the proposal within such time as may be specified by the State Government.

(3) Objections, suggestions and views received within the specified time shall be duly considered by the State Government before taking a final decision.

(4) After a final decision is taken, the same shall be published in the *Gazette* and in a local newspaper and the concerned area shall stand excluded from or, as the case may be, included in a development area from the date of such publication in the *Gazette*.

4. Salary, allowances and conditions of service of Vice-Chairman and members. -

(1) The pay, allowances and the conditions of service of the Vice-Chairman and the whole-time members of the Authority shall be such as may be determined by the State Government from time to time.

(2) The Chairman, Vice-Chairman and other members of the Authority may be paid such entertainment allowance and subject to such conditions and restrictions as may be determined by the Authority from time to time.

(3) Subject to the provisions of the Act and these rules, the Vice-Chairman shall exercise control and supervision over the duties and functions of the whole-time members, officers and employees of the Authority.

(4) The tour diary -

(a) of the Vice-Chairman shall be approved by the Chairman;

(b) of the members shall be approved by the Vice-Chairman;

(c) of the officers and employees of the Authority shall be approved by the Vice-Chairman or such members or officers as may be authorised by the Vice-Chairman from time to time.

(5) The power in respect of granting leave to Vice-Chairman and the whole-time members shall be exercised by such authority or authorities as may be determined by Authority.

5. Control and restriction for appointment of Secretary and other officers and employees. -

(1) The posts under the Authority other than that of the Secretary shall be classified into four categories, namely, Class I, Class II, Class III and Class IV which shall carry the same scale of pay as applicable to similar categories of posts in the State Government from time to time.

(2) No Class I or Class II post shall be created by the Authority without the prior approval of the State Government.

(3) The person to be appointed as the Secretary of the Authority may be drawn from the cadre of the Indian Administrative Service (senior scale) or Orissa Administrative Service (senior Class I) :

[Provided that in case of non-availability of an officer of the cadre of the Indian Administrative Service (senior scale) or Orissa Administrative Service (senior Class I), the Government may where the population of the developmental area, according to the latest published census figures is less than two lakhs, appoint an officer of the cadre of the Orissa Administrative Service (junior Class I) or Orissa Administrative Services, Class II as the Secretary of the Authority.]

(4) No person shall be appointed as an officer or employee of the Authority if he is below eighteen years or above twenty-eight years of age on the date of appointment or on such date as may be specified by the appointing authority in the concerned advertisement or notice :

Provided that the appointing authority may, in the interest of the Authority by recording reasons therefor, appoint a person who is above twenty-eight years of age.

(5) Notwithstanding anything contained in Sub-rule (4), the upper age-limit in the case of candidates belonging to Scheduled Castes and Scheduled Tribes shall be relaxed by five years.

(6) No person who has been dismissed, compulsorily retired, convicted in a criminal offence or has retired from Government service or from Government undertaking on reaching the age of superannuation shall be appointed as an officer or employee of the Authority.

(7) Every person appointed to a post under the Authority shall, before his joining produce a medical certificate of health from a registered medical practitioner not below the rank of an Assistant Surgeon :

Provided that in case of an officer such medical certificate shall be obtained from a Chief District Medical Officer.

(8) Subject to the provisions of Sub-rule (2) the strength of the establishment shall, in the absence of any provision to this effect in the regulations framed under the Act, be such as may be determined by the Authority from time to time.

(9) Vacancies in the posts under the Authority shall be reserved for Scheduled Castes, Scheduled Tribes, ex-servicemen and physically handicapped to such extent as may be determined by the Authority with the approval of the State Government from time to time.

6. Appointing authority, supervision and control. - (1) The powers of appointment, promotion, and punishment of officers and employees of the Authority other than those on deputation shall vest in the Vice-Chairman:

Provided that in case of appointment, promotion and removal from service of any officer belonging to Class I and Class II Posts, the exercise of such power by the Vice-Chairman shall require previous approval of the Authority.

(2) The Vice-Chairman shall exercise supervision and control over the officers and employees of the Authority and shall subject to the provisions of Sub-rule (1), dispose by all questions relating to the services of the said officers and employees and their salaries, allowances and privileges.

(3) The Vice-Chairman, with the prior approval of the Authority may, by order in writing, delegate any of his powers, and functions to any of the members of officers of the Authority, subject to such conditions, if any, as may be specified therein.

7. Appeal against orders of punishment. - An Appeal against an order of punishment other than an order of censure or fine by the Vice-Chairman shall lie to-

- (a) the Authority if such order, is passed by the Vice-Chairman or any member or officer exercising the delegated powers of the Vice-Chairman; and

(b) the State Government, if such order is passed by the Authority.

8. Power and functions of the Chairman, the Vice-Chairman and members. - Save as expressly provided in these rules, the powers to be exercised and the functions to be performed by the Chairman, the Vice-Chairman and the members shall be such as may be determined by the Authority from time to time.

CHAPTER-III

Development Plans

9. Civic survey. - The civic survey to be carried out by the Authority under Sub-section (1) of Section 9 may include survey and analysis of the physical, economic and sociological features of the development area with reference to natural resources, distribution of population, industry, communication, housing requirements and such other matters as in the opinion of the Authority relate to the development of the relevant area.

10. Form and contents of comprehensive development plan. - (1) The draft comprehensive development plan shall consist of such maps, diagrams, charts, reports and other written matters of an explanatory or descriptive nature as pertain to the development of whole or part of the relevant area.

(2) The written matters forming part of the comprehensive development plan shall include such summary of main proposals and such distinctive matter as the Authority may consider necessary to illustrate or explain the proposals indicated by maps, charts, diagrams and other documents.

(3) The draft comprehensive plan may include all or any of the following-

- (a) reports of survey and analysis of the socio-economic features of the relevant area with special reference to the trends of growth of population, industries, businesses, commerce and such other matters as may relate to planned development;
- (b) "a land use plan" based upon such survey of the present use of land as may be necessary as well as analysis of estimated further needs and consisting of comprehensive proposals for the proper utilization of land such as agricultural, Governmental, commercial, industrial, residential, cultural, institutional, recreational, transportation and other activities;
- (c) "a transit and transportation plan" based upon report of survey and inventory of volume of traffic and capacity of existing roads, highways, railways and consisting of proposals for a system of streets, roads, highways and parking, loading, unloading and terminal facilities;
- (d) "a public utilities plan" consisting of proposals for provision of water, electricity, drainage and disposal of sewage and refuse;
- (e) "a housing plan" consisting of estimates of housing requirements and proposals relating to standards of new housing units;
- (f) reports of survey and proposals for environmental improvements or clearance or elimination of slums and blighted areas;
- (g) "education, recreation and community facilities plan" indicating proposals for parks, open spaces, recreational, educational and cultural centres ;

- (h) "a financial plan" containing capital improvement programmes, rough estimates of revenue and resources, estimates and objective of public services and such other physical matters and proposals for the implementation in stages of the comprehensive development plan;
- (i) "an administrative plan" consisting of proposals and recommendations for the administrative structure and procedure and processes, such as zoning, subdividing and building regulations as may be necessary for the implementation and periodic review of the comprehensive development plan; and
- (j) such other reports on specific developmental proposals, satellite-township schemes, industrial estates schemes, relocation, redensification or re-housing schemes, or improvement programmes for any specified purpose as in the opinion of the Authority are necessary for the planned development of the relevant area including suitable urban designs with urban design parameter floor area ratio, ground coverage, height, bulk control, setbacks and development designs for natural features and unused and waste urban land.

(4) In the case of any contradiction between the particulars of proposal shown in one map and those shown in any other map or maps in respect of any land to which the draft comprehensive plan relates, the map of a larger scale shall prevail, and in the case of any contradiction between a map and a written matter, the later shall prevail.

11. Time-limit for preparation and approval of development plan. - (1) The Authority shall prepare and publish the interim development plan not later than one year and the comprehensive development plan not later than four years from the date of the constitution of the Authority under Sub-section (3) of Section 3 :

[Provided that the State Government may, on request made by the Authority from time to time, by order, extend the aforesaid period, as it may deem fit.]

(2) The Authority shall, at any time before the publication of the comprehensive development plan under Sub-section (1) of Section 13, prepare a time schedule for preparation and publication of zonal development plans of all the zones into which the draft comprehensive development plan might have been divided under Clause (a) of Sub-section (2) of Section 9 and forward the same to the State Government for approval.

(3) The State Government may, within three months of the receipt of the time schedule under Sub-rule (2) communicate approval to the said time schedule to the Authority with or without modification.

(4) If the approval to the time schedule is not communicated by the State Government within the period specified in Sub-rule (3), the time schedule shall be deemed to have been approved by the State Government without any modification.

(5) The Authority shall, immediately after forwarding the time schedule to the State Government under Sub-rule (2) proceed to prepare and publish the zonal development plans within the periods specified in the time schedule.

(6) If the State Government effect any modification in the aforesaid time schedule, the Authority shall prepare the zonal development plans within the modified periods.

(7) The State Government may on recommendation based on reasonable grounds made by the Authority, extend the period specified in the time schedule for the preparation of zonal development plans by such period as it may think fit.

12. Public notice regarding preparation of development plan. - (1) As soon as may be after the draft development plan is prepared, the Authority shall publish a public notice stating that-

- (a) the draft development plan has been prepared and may be inspected by any person at such time and place as may be specified in the notice; and
- (b) suggestions and objections in writing, if any, in respect of the draft development plan may be filed by any person with the Secretary of the Authority within ninety days from the date of first publication of the notice.

(2) The notice under Sub-rule (1), shall, as far as may be, in Form 1.

(3) The Authority shall cause the aforesaid notice to be published in the manner provided under Section 106.

(4) The Authority shall cause a copy of the notice referred to in Sub-rule (1) to be sent to every local authority within whose local limits the land touched by the development plan is situated, and any such local authority may, within a period of ninety days from the date of the notice, make any objection or suggestion, in writing by the Authority with respect to the development plan.

13. Appointment of Board of Enquiry. - (1) The Authority shall, for hearing and considering any objection or suggestion to the draft development plan, appoint a Board of Enquiry consisting of not less than three and not more than five members of the Authority :

Provided that such Board shall have power to co-opt. not more than three members from amongst the members the Advisory Council constituted under Section 5.

(2) No business of the Board shall be transacted at any of its meeting, unless at least three members of the Board are present from the beginning to the end of the hearing.

14. Enquiry and hearing. - The Secretary of the Authority shall, after the expiry of the period for making objections and suggestions under Sub-rule (1) of Rule 12 fix a date or dates for hearing by the Board of any person or local authority who have made request of being heard and shall serve a notice on such person or Authority intimating the time, date and place of hearing :

Provided that the Board may disallow personal hearing of any person or local authority if it is of opinion that the objection and suggestion made by such person or Authority is inconsequential, trivial or irrelevant.

15. Report of enquiry. - The Board shall, after the conclusion of the enquiry, submit to the Authority, a report of such enquiry which shall include its recommendations.

16. Preparation of final development plan and its submission to State

Government. - The Authority shall, after considering the report of the Board and such other matters as it thinks fit, finally prepare the development plan and submit it to the State Government for approval.

CHAPTER-IV

Modification to Development Plan

17. Public notice regarding modification to the development plan. - (1) Before any modification to any development plan is made under Section 14, the Authority or the State Government, as the case may be, shall prepare a draft of the modifications (hereinafter referred to as the draft modified plan).

(2) As soon as may be after the draft modified plan is prepared, the Authority or the State Government, as the case may be, shall prepare a public notice stating that-

- (a) a draft modified plan has been prepared which may be inspected by any person at such time and place as may be specified in the notice; and
- (b) suggestions and objections in writing, if any, in respect of the said plan may be filed by any person with the Director, or as the case may be, with the Secretary of the Authority within sixty days from the date of publication of the notice in the *Gazette*.
- (3) The notice to be prepared under Sub-rule (2) shall also indicate the area or locality covered by the draft modified plan.
- (4) The notice shall, as far as may be, in Form II.
- (5) The aforesaid notice shall, apart from its publication in the manner laid down in Section 106 be published in the *Gazette*.
- (6) Where any modification to a development plan is proposed by the Authority the provisions of Sub-rule (4) of Rule 12 and of Rules 13 to 16 shall *mutatis mutandis* apply to such modification.
- (7) Where any modification to a development plan is proposed by the State Government, it may for the purpose of hearing and, considering objections and suggestions on the proposed modifications, constitute a Committee consisting of such numbers of persons not exceeding time as it may think fit and then the provisions contained in Rules 14 to 16 shall *mutatis mutandis* apply to such modification.

CHAPTER-V

Development of Land

18. Fee for application for permission. - Every application submitted under Sub-section (1) of Section 16 for building operation or development, shall be accompanied by a fee as specified in the table below :

[Table

Sl. No.	Details of construction & area	Fee in rupees
(1)	(2)	(3)
(A)	Fee for development of land	@ Rs. 0.50 per Sq. mtr.
(B)	Fee for building operation	
(i)	For residential building (covered area on all floors)	
	(a) upto 100 sq. meters	Rs. 150.00
	(b) above 100 and upto 150 sq. meters	Rs. 225.00
	(c) above 150 and upto 300 sq. meters	Rs. 300.00
	(d) for every additional 50 sq. meters or part thereof	Rs. 300 00
(ii)	For Commercial buildings (Business, Mercantile, Shops, Hotels, Public Assembly	

	Buildings, Show Rooms, Business Offices, Godowns, Warehouses, Banks, Cinemas, Theatre, Clubs, etc.) : (Covered Area on all floors)	
	(a) upto 20 sq. meters	Rs. 250.00
	(b) above 20 and upto 50 sq. meters	Rs. 375.00
	(c) for every additional 50 sq. meters or part thereof	Rs. 500.00
(iii)	For Industrial buildings (Covered area on all floors)	
	(a) upto 150 sq. meters	Rs. 750.00
	(b) for every additional 150 sq. meters or part thereof	Rs. 500.00
(iv)	For Public buildings (Educational) Religious, Charitable, Government of Local Bodies uses) :	
	(covered area on all floors)	@ Rs. 0.50 per Sq. mtr.]

19. Principles and fixation of fee. - (1) The fixation of the fees specified under Rule 18 shall be subject to the following provisions, namely :

- (a) for re-erection of existing buildings, the fee chargeable shall be the same as for erection of a new building ;
- (b) for additions and alterations in an existing building, the fee shall be chargeable on the added or altered portion only, on the same scale as is applicable to the erection of a new building ;
- (c) on a revised plan for any building the original plan of which has already been sanctioned by the Authority the fee chargeable shall be one-fourth of the fee chargeable on the original plan itself, subject however, to the condition that the concerned area of the building has not or is not proposed to be increased as compared to the original one;
- (d) in case of additions or alterations to a building if the use of the building has been or is proposed to be changed, the fee shall be calculated basing on the use proposed;
- (e) for the purpose of calculating the fee, the areas covered under the basement if any, shall be counted towards the covered area;
- (f) where the building is proposed to be used for more than one purpose the fee leviable shall be calculated as per the rates applicable for the respective uses applied for;

- (g) where the same applicant applies for repetitive type of residential building, the fee shall be calculated for each type of building block or type design based on which the other buildings are to be constructed.

Explanation - For the purposes of this clause, the expression "repetitive type of residential building" shall mean the construction of buildings, blocks or same type design repeatedly.

(2) An allocation may be withdrawn by the applicant at any time prior to the grant of permission and such withdrawal shall terminate all proceedings with respect to the concerned application, but in such cases an applicant shall be entitled to a refund of fifty per cent of the fees paid by him.

(3) For purposes of calculation of fee, covered area shall mean the area proposed to be covered by the building including the internal courtyard thereof, if any.

20. Fee for inspecting the permission register. - The fee to be paid for inspecting the register application for permission, maintained by the Authority under Sub-section (12) of Section 16, shall be fifteen rupees which shall be paid prior to inspection.

21. Manner of appeal and fee to be paid for. - The appeal under Sub-section (1) of Section 18 shall-

(a) specify the date of order against which the appeal is made with true copy of such order;

(b) specify a clear statement of facts and the grounds on which the appeal is preferred;

(c) specify precisely the relief prayed for;

(d) contain the verification certificate duly signed by the appellant as hereunder :

"I, Sri..... do hereby declare that facts and contents stated above are true to the best of my knowledge and belief";

(e) be accompanied by a treasury chalan showing deposit of a fee of twenty rupees in the Head of Account to be determined by the State Government in this behalf.

22. Fee payable for re-validation of permission. - The amount of fee payable for re-validation of permission under Section 20 shall be ten per cent of the fee paid originally for such permission :

Provided that if the plan submitted for validation varies from the originally approved plan the amount of fee payable shall be as laid down in Clause (c) of Sub-rule (1) of Rule 19.

23. Principles, guidelines, planning standards, etc. - The Authority may, from time to time, and with the prior approval of the State Government frame guidelines not inconsistent with the Act and rules and regulations framed thereunder to regulate location and development of specified categories of building, used for factories, industries, cinemas, hotels, godowns, public assembly, etc.

24. Type of land for framing development scheme. - A development scheme may be made in respect of any land which is in the course of development or likely to be used for building purposes or already built upon.

Explanation - For the purpose of this sub-rule the expression "land likely to be used for building purpose" shall include any land which is likely to be used as, for the purpose of providing for, open space, roads, streets, parks, pleasure or recreation grounds, parking places or for the purpose of executing any work upon or under the land incidental to a development scheme whether in the nature of a building work or otherwise.

(2) A development scheme may make provision for any of the matters as the Authority may consider proper for the planned development of the whole or part of the area covered by such scheme.

25. Publication and approval of development scheme. - (1) As soon as may be, after a development scheme has been prepared under Section 21 the Authority shall publish a notice in the manner as laid down in Section 106 and also in the *Gazette* of the preparation of such scheme and the place or places where copies of the same may inspected, inviting objections and suggestions in writing from the public to be filed within thirty days from the date of publication of such notice in the *Gazette*; provided that no such notice under this sub-rule shall be required where all lands covered by the development scheme belong to the Authority or to the State Government.

(2) After the expiry of the period allowed under Sub-rule (1) for filing objections and suggestions, the Authority shall consider all the objections and suggestions received and shall, after-allowing reasonable opportunity of being heard, to any person who has made a request of being so heard, make such modifications in the development scheme as it considers proper within a period of ninety days from the date of the expiry of the notice period allowed under Sub-rule (1), and shall submit the said development scheme with or without modifications, for approval to the State Government.

(3) If development scheme is not required to be published under the proviso to Sub-rule (1), the Authority shall immediately after preparation of such scheme forward the same with all the relevant particulars to the State Government for approval.

(4) The State Government may, within three months of the receipt of the development scheme under Sub-rule (2) or (3), either accord its approval to the scheme with or without modification, or refuse such approval.

(5) Immediately after a development scheme published under Sub-rule (1) is approved by the State Government under Sub-rule (4) the Authority shall publish a notice in the manner as laid down in Section 106 and in the *Gazette* of the approval of the development scheme and such notice shall state the place or places and the time at which the said schemes shall be open to inspection of the public and date from which the development scheme shall come into operation.

CHAPTER-VI

Town Planning Scheme

26. Other matters to be included in a town planning scheme. - Other matters to be included in a town planning scheme under Clause (t) of Sub-section (4) of Section 22 shall be such as may be determined by the Authority by means of a resolution, and different matters may be determined for different town planning schemes.

27. Publication of declaration under Section 23(2). - (1) The declaration of intention to make a town planning scheme under Sub-section (1) of Section 23 shall be published in the *Gazette* and shall also be published by means of an advertisement at least in one local newspaper circulating in the area within the jurisdiction of the Authority. The Authority shall cause copies of such advertisement to be affixed in the conspicuous places in or near the area, included in the town planning scheme and at the head office of the Authority.

(2) Every advertisement published under Sub-rule (1) shall contain the resolution of the Authority in respect of the declaration under Section 23 and shall announce that a copy of the plan of the area proposed to be included in the town planning scheme is kept open for inspection of the public at the head office of the Authority during office hours.

28. Publication of notice under Section 23(3). - (1) The notice under Sub-section (3) of Section 23 shall be by means of an advertisement in Form III which shall, subject to the provisions of Section 106, be published at least in one local newspaper circulating in the area within the jurisdiction of the Authority.

(2) The period of two months within which information in respect of a title or interest in the lands or buildings covered by the intended town planning schemes as required

under Sub-section (2) of Section 23 shall be calculated from the date of publication of the notice in the Gazette.

(3) Informations in respect of title or interest in the lands or buildings covered by the intended town planning scheme invited under Sub-section (3) of Section 23 shall be in Form IV.

29. Meeting of the owners and framing of tentative proposals. - For the purpose of making the draft town planning scheme under Section 24 the Authority shall call a meeting of the owners of the land, included in such scheme by issuing a public notice as well as by individual notice to every owner who has furnished the informations pertaining to title or interest in the lands or buildings covered by such scheme under Sub-section (3) of Section 23 and explain in such meeting the tentative proposals of the scheme for eliciting public opinion and suggestion on the said proposal, the Authority may take into consideration all such suggestions made and objections raised on the proposals before finalising the said scheme.

30. Manner of publication of draft town planning scheme. - The manner in which the Authority shall make and publish the draft town planning scheme under Section 25, shall be same as provided under Section 24.

31. Other particulars which the draft town planning scheme may contain. - The draft town planning scheme may contain the following particulars in addition to the particulars specified in Clauses (a) to (g) of Section 27, namely :

- (i) an index map on a scale not smaller than one centimetre to seventy-five metres showing-
 - (a) the area included in the town planning scheme and boundaries thereof;
 - (b) all existing roads and means of communications of every kind;
- (ii) a plan on a scale not smaller than one centimetre to twenty-five metres showing the original plots with identification numbers and all existing buildings;
- (iii) a plan on a scale not smaller than one centimetre to twenty-five metres showing both the original plots and the manner in which it is proposed to alter the boundaries of the original plot;
- (iv) a plan on a scale not smaller than one centimetre to twenty-five metres showing the boundaries of the final plots as they will appear after the execution of the final town planning scheme with their identification numbers and illustrating as far as possible by means of colours, letters and explanatory notes or in some other convenient manner all such provisions of the scheme as may properly be illustrated in the plan ;
- (v) a re-distribution and valuation statement in Form V showing the estimated amount to be paid to or by each of the owners included in the town planning scheme;
- (vi) a copy of the estimates of all works contemplated in the town planning scheme and statement of the approximate dates by which the respective works are expected to be completed such approximate dates being variable to six months and binding on the Authority
- (vii) a statement in Form VI explaining the estimated financial expenditure of the town planning scheme; and

(viii) conditions and restrictions regulating the control of development within the town planning scheme area.

32. Manner and method of compensation payable under Sub-section (3) of Section 28.

- (1) The compensation payable under Sub-section (3), of Section 28 shall be the difference between the value of the property (inclusive of structure) on the basis of the existing use and that on the basis of the permitted use, both values being determined as on the date of publication of the declaration of intention to make a town planning scheme under Sub-section (2) of Section 23.

(2) In determining the valuation on the basis of permitted use, allowance shall be made for the expenses that may have to be incurred in so altering or modifying the existing structures as to make them suitable for the permitted use.

(3) In case provision is made for continuance of the existing use of any building for a specified period taking into consideration the future life of the building, the compensation payable shall be limited to the present value of the building less the value of the materials, if any, at the end of such period.

(4) The compensation payable under this rule shall be paid in the same manner as in the case of any other compensation under the Act.

33. Procedure of enquiry in respect of disputed ownership. - (1) The officer appointed to hold an enquiry under Section 29 shall, while the enquiry is proceeding, record minutes of the proceedings including the material averments made by the parties interested, the material part of the evidence, the decision and reasons for the decisions. The officer shall commence the enquiry within two months of the date of his appointment under Sub-section (1) of Section 29 and complete the enquiry within six months from the date of commencement of such enquiry.

(2) Such enquiry shall be held in public and a notice of the proposed enquiry shall be given to all the parties concerned, fifteen days before the commencement of the enquiry.

34. Qualification for appointment of Valuation Officer. - (1) The Valuation Officer to be appointed under Sub-section (1) of Section 33 shall possess at least one of the following qualifications, namely :

(a) a degree of Post Graduate diploma in Town/Regional Planning or Estate Management from any University/Institution recognised by the State Government with experience of at least five years in Town/Regional Planning or valuation of lands and buildings or Estate Management; or

(b) a degree in Civil Engineering or Architecture or equivalent to such degree having practical experience of not less than five years in Town/Regional Planning or valuation of lands and buildings; or

(c) has held a post not below the rank of Assistant Town Planner in the Directorate of Town Planning of the State Government for a period of at least five years.

(2) The State Government shall notify the appointment of the Valuation Officer in the *Gazette* and shall forward a copy of the said notification to the concerned Authority who shall, immediately after receipt of a copy of such notification, affix copies of the same at the office of the Authority and in conspicuous places within the area covered by the relevant town planning scheme.

(3) The appointment of the Valuation Officer shall subject to the provisions of Sub-section (3) of Section 33, be on such terms and conditions as may be determined by the State Government from time to time.

35. Assistance by the Authority. - The Authority shall render all reasonable assistance to the Valuation Officer and shall allow him to examine freely all papers, documents and plans connected with the relevant town planning scheme.

36. Procedure to be followed by the Valuation Officer under Section 34 and manner of giving notice under Sub-section (1) of Section 35. - (1) Before subdividing a town planning scheme into a preliminary town planning scheme and a final town planning scheme the Valuation Officer shall subject to the provisions of Section 106, publish a notice in the *Gazette* and in one or more Oriya newspapers circulating within the area under the jurisdiction of the Authority stating therein, the time as provided in Rule 47 within which the owners of any property or any person whose rights are injuriously affected by the making of the concerned town planning scheme shall be entitled under Section 65 to make a claim for compensation before him, such notice shall also be affixed in prominent places at or near the area comprised in the town planning scheme and at the office of the Valuation Officer.

(2) The Valuation Officer shall, after the date so specified in- the notice under Sub-rule (1), continue to carry on his duties, as far as possible, on working days during working hours in respect of the concerned scheme.

(3) Before proceeding to deal with the matters specified in Section 35 the Valuation Officer shall, subject to the provisions of Section 106, publish a notice in Form VII in the *Gazette* and in one or more Oriya newspapers circulating within the area under the jurisdiction of the Authority inviting objection from persons interested in any land or building comprised in the town planning scheme or affected by any of the particulars specified in the scheme within twenty days from the date of publication of such notice in the *Gazette*. Such notice shall also be affixed in prominent places at or near the area comprised in the town planning scheme and at the office of the Authority and of the Valuation Officer.

(4) The Valuation Officer shall give all such persons who might have filed objections in response to and within the time specified in the notice published under Sub rule (3) sufficient opportunity of being heard and shall not give any decision till he has duly considered their objections.

(5) If during the proceedings, it appears to the Valuation Officer that there are conflicting claims or any difference of opinion with regards to any of the particulars of the town planning schemes, the Valuation Officer shall record a brief minute in his own hand setting out the point at issue and shall give his decision with reasons therefor. All such minutes shall be appended to the town planning scheme at the time of submission to the State Government for sanction under Sub-section (2) of Section 35.

(6) The Valuation Officer shall record and enter in the town planning scheme every decision given by him in respect of any of the particulars specified under Sub-sections (1) and (3) of Section 35. The re-distribution and valuation statement and the financial statement shall be set out and recorded in forms V and VI respectively and in such other form including written matters as may be prepared by the Valuation Officer.

(7) The town planning scheme as drawn up by the Valuation Officer may include such particulars envisaged in Rule 31 as may be relevant in relation to the provisions of Section 35.

(8) The various parts of the town planning scheme shall be so arranged that they can be easily referable in relation to maps and plans forming part of the town planning scheme.

(9) Immediately after the preliminary town planning scheme has been drawn up in the manner provided in Sub-section (1) of Section 35 the Valuation Officer shall-

- (a) publish a notification in Form VIII in the *Gazette* and in one or more Oriya newspapers circulating within the area under the jurisdiction of the Authority about the preparation by him of the preliminary town planning scheme, announcing that

the scheme shall be open for inspection by the public during office hours at his office; and

- (b) communicate forthwith the decision taken by him under Sub-section (1) of Section 35 in respect of each plot to the owners or persons interested by issuing relevant extract from such scheme in Form IX.

(10) Immediately after the final town planning scheme has been drawn up in the manner provided in Sub-section (3) of Section 35, the Valuation Officer shall-

- (a) publish a notification in Form VIII in the *Gazette* and in one or more Oriya newspapers circulating within the area under the jurisdiction of the Authority about the preparation by him of the final town planning scheme, announcing that the scheme shall be open for the inspection by the public during office hours at his office;
- (b) communicate forthwith the decision taken by him under Sub-section (3) of Section 35 in respect of each plot to the owners or persons interested by issuing relevant extract from such scheme in Form X.

Explanation - For the purposes of Sub-rules (9) and (10), the expression "plot" shall mean a portion of land in one ownership and numbered and shown as one plot in the town planning scheme.

(11) The Valuation Officer shall also inform the President of the Board of Appeal about the publication of notification under Clause (a) of Sub-rule 10.

37. Manner of drawing preliminary and final town planning schemes under Section 35 (3). - The preliminary town planning scheme drawn up by the Valuation Officer shall contain relevant plans and forms with details referred to in Rule 31 and the decisions recorded by the Valuation Officer under Sub-section (1) of Section 35. The final town planning scheme drawn up by the Valuation Officer shall contain all plans of the preliminary town planning scheme, forms conditions and restrictions, regulating the development of the concerned area and decisions recorded by the Valuation Officer under Sub-section (3) of Section 35.

38. Constitution of Board of Appeal. - Within one month from the date of the publication of the final town planning scheme under Sub-rule (10) of Rule 36, the State Government shall, by notification in the *Gazette*, constitute a Board of Appeal as required under Section 38. A copy of the notification shall be forwarded by the State Government to the concerned Authority and the Valuation Officer. The concerned Authority shall give publicity to the constitution of the Board of Appeal by affixing copies of the notification at its office and in conspicuous places within the area covered by the relevant town planning scheme.

39. Procedure for the Board of Appeal for deciding appeals. - (1) No business shall be transacted by a Board of Appeal unless all the members are present.

(2) Where any member of the Board of Appeal ceases to act, the Board shall proceed with any business in hand as a new member is appointed under Sub-section (7) of Section 38 and it shall not be necessary to transact any business *de novo* by reason of such change in the constitution of the Board of Appeal.

(3) The Board of Appeal shall record its decision in writing in every case where the proposal of the Valuation Officer under Clauses (iii), (iv), (vi), (vii), (viii), and (x) of Sub-section (3) of Section 35 is modified, varied or rejected by it.

(4) On receipt of a copy of appeal preferred to it under Section 37, the Board of Appeal shall give such notice as it deems sufficient to the parties concerned.

(5) The Board shall meet and adjourn as it thinks proper with due regard to despatch of business, but shall decide all appeals received within a period of twelve months from the date of constitution of the Board of Appeal.

40. Submission of final town planning scheme by the Valuation Officer to State Government for sanction under Section 35(2). - The Valuation Officer shall submit the final town planning scheme to the State Government for sanction after making necessary variation in the scheme in accordance with the decision of the Board of Appeal within four months from the date of receipt of the decision of the Board of Appeal.

41. Publicity of notification. - The notification published under Section 48 shall also be given publicity by means of an advertisement in one or more Oriya newspapers circulating within the jurisdiction of the Authority concerned and by affixing copies of the advertisement in or near the area included in the town planning scheme and at the Head Office of the Authority.

42. The Authority concerned to forward copy of preliminary and final town planning scheme to the Director of Land Records. - When the town planning scheme, either preliminary or final, is sanctioned by the State Government under Sub-section (1) of Section 48, the Authority concerned shall, without delay, forward a copy of the same to the Director of Land Records for the purpose of correcting the relevant land records.

43. Procedure for summary eviction under Section 51. - For any eviction under Section 51, the Authority shall follow the following procedures, namely :

- (a) The Authority shall, in the first instance, serve a notice upon the person to be evicted, requiring him to vacate the land within such reasonable time from the date of service thereof, as may be specified in the notice.
- (b) If the person to be evicted fails to comply with the requirement of the notice, the Authority shall depute any officer or employees to remove him.
- (c) If the person to be evicted resists or obstructs the officer or employees deputed under Sub-rule (b) or if he re-occupies the land after eviction, the Authority shall prosecute him under Section 188 of the Indian Penal Code.

44. Notice under Section 52 (1). - Before removing pulling down or altering any building or other work under Sub-section (1) of Section 52 the Authority shall serve a notice on the owner and the occupier, if any, of the building or work, calling upon him to remove or pull down or alter such building or work or execute such work within such reasonable time as may be specified in the notice intimating him the intention of the Authority to do so on failure to comply with the requirement of the notice, such notice shall, as far as may be, in Form XI.

45. Variation of town planning scheme under Section 53. - (1) The Authority making an application for the variation of a town planning scheme under Sub-section (1) of Section 53 shall state in such application all the particulars in respect of the variation to be made.

(2) If such variation affects any of the items of Form V and Form VI, a revised plan where the proposed change also affects the plan shall be sent in duplicate along with the application made under Sub-rule (1).

(3) The draft variation under Sub-section (2) of Section 53 shall be made by means of a notification in the *Gazette* and at least in one local newspaper, circulating within the area under the jurisdiction of the Authority, such notification shall also state that any person affected by the draft variation may communicate in writing any objection to such variation to the State Government through the Authority and the draft variation shall be open for

inspection by the public at the office of the Authority during office hours. The State Government shall also supply the Authority with such number of copies of the notification as the Authority may require and such copies shall be affixed by the Authority in prominent place within the area affected by the scheme and more particularly within the area affected by the draft variation.

(4) When a variation is made under Sub-section (6) of Section 53, the Valuation Officer, and where no Valuation Officer is appointed, the Director shall as soon as may be, forward a copy of such variation to the Director of Land Records who shall correct the relevant land records affected by the variation.

46. Amendment of regulations relating to a final town planning scheme. - The Authority before making any variation in the regulations relating to a final town planning scheme under Section 55, shall publish a notification containing the proposed variations in the *Gazette*, such notification shall state that the authority has prepared draft amendment in the said regulations and the same is open for public inspection at its office during office hours on working days, inviting the persons affected thereby to file suggestions and objections on the draft amendment within a period of one month from the date of publication of the notification in *Gazette*. The Authority shall also publish the notification at least in one local newspaper circulating within the area under the jurisdiction of the Authority.

47. Period within which compensation may be claimed under Section 65. - The claim for compensation under Section 65 shall be made within three months from the date specified in the notice given under Sub-rule (1) of Rule 36.

48. Time-limit for payment under Sub-section (2) of Section 68. - The owner of a plot shall make payment under Sub-section (2) of Section 68 within a period of three months from the date on which the owner is directed by the Valuation Officer to make payment under Sub-section (1) of the said section.

49. Document accessible to public. - (1) Documents, plans and maps relating to a preliminary or final town planning scheme sanctioned by the State Government under Section 48 shall be open for public inspection during working hours at the place specified in the notification issued under that section.

(2) The Officer as may be authorised by the State Government in this behalf may on application and on payment of the price notified under Section 48, issue certified copies of the town planning scheme or extracts therefrom.

(3) The application for certified copies of the town planning scheme or extracts therefrom shall be in such form as may be determined by the State Government in this behalf.

(4) All applications for certified copies under Sub-rule (2) shall be accompanied by an Account Payee Bank Draft or Pay Order of the value of the price for such certified copies payable to the Officer authorised under Sub-rule (2).

CHAPTER-VII

Management and Disposal of Lands and Properties

50. Property register. - The Authority shall keep proper and up-to-date record of all immovable property belonging to it, which shall be maintained in Form XII in respect of land and in Form XIII in respect of buildings.

51. Management of properties. - Such Officer of the Authority as may be put in charge of the registers specified under Rule 50 shall ensure that the particulars of properties of the Authority are entered in such registers and shall also, at the interval of every three months, examine and certify that no such property of the Authority is being misused or has been encroached upon or unauthorisedly occupied.

52. Disposal of property. - (1) Properties which have been acquired or purchased in pursuance of a scheme shall, as far as possible, be utilised for the execution of the said

scheme. If any property which has been so required is later found to be surplus for the purpose of that scheme the Authority may, subject to any direction by the State Government,, utilise, let-out, or dispose of that property in such manner and subject to such terms and conditions as the Authority may consider expedient.

(2) Subject to any direction by the State Government, the Authority may dispose of any land acquired by the State Government and transferred to it-

(a) without undertaking or carrying out any development thereon ; or

(b) after undertaking or carrying out such development as it thinks fit to such persons in such manner and subject to such terms and conditions as it considers expedient for securing the planned development of the area under its jurisdiction.

(3) After any land at the disposal of the Authority under Sub-section (1) of Section 75 has been developed by, or under the control or supervision of the Authority it shall, subject to the direction given by the State Government in this behalf, be dealt with by the Authority to such manner as it may consider expedient for securing the planned development of the locality.

53. No disposal by way of gift, mortgage or charge. - Nothing in these rules shall be construed as enabling the Authority to dispose of land by way of gift, mortgage or charge, but subject to the provisions contained in these rules, the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any right, easement or privilege or otherwise.

54. Lease or disposal of property at a value not below the market value. - If any property belonging to the Authority is let out or disposed under Rules 52 and 53 it shall not be at a value below the letting value or market value of the property, as the case may be, such value being fixed by the Authority.

55. Form of transfer of property by the Authority. - The form of transfer, for disposal of property by way of lease or otherwise to be used by the Authority shall be such as may be approved by the Authority.

56. Stock Register. - A Stock Register of all movable properties belonging to the Authority shall be maintained in two parts in Form XIV and Form XV.

57. Physical verification of movable properties. - Physical verification of the stock of movable properties of the Authority shall be done once in every year by such officer as may be authorised by the Vice-Chairman in this behalf.

CHAPTER-VIII

Works

58. Annual statement of works and commencement. - (1) The Engineer-member shall furnish annually a statement of works with estimated cost for execution during the ensuing year to the Authority, sufficiently in advance before the preparation of the Budget and final selection of works shall be decided by the Authority. All estimates shall be countersigned by the Vice-Chairman and be laid before the Authority for administrative sanction. A register of estimates and corresponding allotment shall be maintained in such form as may be determined by the Authority.

(2) No new works shall be commenced until the plans and estimates have been approved and an allotment made by the Authority. The allotment sanctioned shall in no case be exceeded without proper sanction. Emergent works, however, may, with the approval of the Vice-Chairman, commence in anticipation of the sanction, provided that regular plans and estimate, shall be submitted at the earliest opportunity.

(3) No repair works shall be commenced unless the necessary funds for the same have been allotted by the Authority.

59. Classification of works and schedule of rates. - (1) Works shall be divided into two classes, namely : (a) Original works and (b) repairing and maintenance works. Original works shall include construction whether entirely new or of the nature of additions and alterations to existing works. The decision of the Vice-Chairman shall be final regarding the classification of works as stated above.

(2) The schedule of rates applicable to the works undertaken by the State Government shall be applicable to the works undertaken by the Authority. Any extra percentage over and above such scheduled rates shall require the prior approval of the Authority.

(3) All works undertaken by the Authority shall be executed by or under the guidance and supervision of the Engineer-member either departmentally or through contractors.

(4) In case of works executed by contract, tenders shall be invited. In case of works done by daily labour through departmental-agency, the muster roll shall be the basis of the account for payment towards such labour.

(5) The muster roll shall be maintained in such form as may be approved by the Authority and must be written daily before the labourers begin work. Payments shall be made in the presence of the Engineer/member or an officer authorised by him who shall record the disbursement certificate at the foot of the muster roll. Details of measurement shall be recorded in the Measurement Book.

60. Power to make and perform contracts and sanction of expenditure. - (1) The Authority may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of the Act, these rules and the regulations made under the Act.

(2) Every contract shall be made on behalf of the Authority by the Vice-Chairman or any member or officer or the Authority authorised by the Vice-Chairman in this behalf [in consultation with Member (Finance)] :

Provided that -

(a) a contract involving an expenditure exceeding twenty-five thousand rupees but not exceeding [one crore] rupees shall not be made without the previous sanction of the Authority; and

(b) a contract involving an expenditure exceeding twenty lakh rupees shall not be made without the previous sanction of the State Government.

(3) Every estimate for the expenditure of any sum for carrying out any of the purposes of the Act or these rules or the regulations made under the Act shall be subject to the approval of the Authority or authorities empowered under Sub-rule (2) to make or, as the case may be, to sanction the making of a contract involving the expenditure of a like sum.

(4) Provisions of Sub-rules (2) and (3) shall apply to every, variation abandonment of a contract or estimate as to an original contract or estimate.

61. Execution of contract. - (1) Every contract made shall be entered into in such manner and in such form as the Authority may determine from time to time.

(2) The common seal of the Authority shall be affixed on every contract or agreement and every such contract or agreement made may be varied or discharged in the like manner and form.

(3) The common seal of the Authority shall remain under the custody of such officer or employees of the Authority as the Vice-Chairman may by written order direct, and shall not be affixed on any contract or other instrument except in the presence of another officer of the Authority, who shall sign the contract or instrument in token that the same was sealed in his presence.

(4) Every contract for the execution of any work or for supply of any materials or goods shall be in writing and shall be sealed.

(5) The signature of another officer of the Authority as provided in Sub-rule (3) shall be in addition to the signature of at least two witnesses to the execution of such contract or instrument.

(6) A contract not executed in the manner provided for in these rules shall not be binding on the Authority.

62. Earnest money and security deposit. - (1) At the time of tendering for works, an earnest money equivalent to one percent of the estimated cost of the work shall be paid by the tenderer in shape of cash, Government security, National Savings Certificate or in such other form as may be approved by the Authority.

(2) On acceptance of a tender, the tenderer shall, before execution of the contract, make an initial security deposit equivalent to one per cent of the value of the contract, payable in the shape of cash, Government security, National Saving Certificate or in the shape of such other securities as may be approved by the Authority :

Provided that a tenderer holding engineering degree or diploma shall not be required to deposit earnest money under Sub-rule (1) and initial security deposit under Sub-rule (2).

(3) Besides the initial security deposit under Sub-rule (2), there shall be made a deduction at the rate of five per cent of the value of each running bill preferred, if any, on account of work done or supply effected as security.

(4) The provisions of Sub-rules (1), (2) and (3) shall not apply in the case of a contract for supply of materials or goods in respect of which any special terms and conditions for payment against such supply have been agreed upon by the Authority.

(5) Notwithstanding anything contained in this rule in the case of a contract for work or for supply of materials, the value of which is less than ten thousand rupees the condition of deposit of earnest money and initial security may be dispensed with by the Vice-Chairman or by the member or officer of the Authority authorised by him.

63. Payments for execution of works. - (1) Running bills for payment in connection with the works executed or supply made on contract basis shall be drawn in such form as may be approved by the Authority and the payment shall be treated as payment on account subject to adjustment in the final bill which shall be drawn in the appropriate form to be approved by the Authority. The final bill shall be drawn only after the work or supply is completed or stopped or the contract rescinded.

(2) When a work is completed a completion certificate signed by the Engineer-in-charge of the work certifying that the work has been satisfactorily completed shall be submitted alongwith the final bill. The said certificate shall be countersigned by the Engineer-member. In the absence of such a certificate no contractor shall be paid his final bill.

64. Maintenance of registers. - (1) A register of works shall be maintained in such form as may be approved by the Authority. It shall contain record of every original work or repair, showing the expenditure incurred in comparison with the estimates and such other particulars as may be necessary.

(2) For stock and store account on works a register shall be maintained in such form as may be approved by the Authority.

65. Technical sanction. - (1) The Engineer shall be competent to accord technical sanction to plans and estimates in respect of all works that may be undertaken by the Authority. The Engineer-member may, however, with the prior approval of the Authority, delegate to an Engineer working in the establishment assigned to him-under Rule 111, the power to accord technical sanction to plans and estimates of such value as he may consider proper :

Provided that no technical sanction to the plans shall be accorded except in consultation with the Architect-member.

66. Invitation and acceptance of tender. - (1) Tenders shall be invited for every work to be executed on contract :

Provided that calling of tenders may be dispensed with by the Vice-Chairman in the case of an emergent work if the estimated cost of the work does not exceed twenty thousand rupees and the Engineer-member certifies that dispensation of calling of tenders shall be in the interest of the Authority.

(2) Where tenders are not invited or dispensed with, the work shall be executed through a registered contractor at rates which shall not ordinarily exceed the schedule of rates applicable to Authority's works. Where on ground of urgency or either special reasons to be recorded in writing it is proposed to allow rates exceeding those in the schedule of rates applicable, prior approval of the Authority shall be obtained.

67. Registration of contractors. - (1) There shall be maintained a register by the Authority in such form as may be determined by it for registering its own contractors which shall be kept up-to-date and shall be scrutinised once in a year by the Engineer-member. Any deletion in or addition in the list of contractors so registered including blacklisting of a contractor shall require the approval of the Vice-Chairman.

(2) The qualification of the Contractor, his solvency, the quality of work previously executed by him and all other relevant particulars shall be entered in such register as remarks.

(3) Any person desirous of being registered as a contractor shall apply to the Engineer-member stating his qualification and previous experience, if any. The Engineer-Member or an officer authorised by him shall make a full enquiry and obtain orders of the Vice-Chairman on the application Provided that the order of the Vice-Chairman shall be communicated to the person concerned by the Engineer-member.

(4) In the case of deletion or blacklisting of the name of a contractor from the Register or rejection of an application for registration as a contractor or matters connected thereto, the aggrieved person may prefer an appeal to the Authority within one month from the date of receipt of the relevant order. The decision of the Authority on appeal shall be final.

(5) The fee for registration of a contractor shall be such as may be determined by the Authority for various categories of contractors.

68. Manner of inviting tenders. - (1) Tenders on behalf of the Authority, shall be invited by the Engineer-member or any other officer authorised by the Engineer-member by way of-

- (a) advertisement at least in one local newspaper circulating within the area under the jurisdiction of the Authority;
 - (b) affixing a notice at the Head and Branch offices of the Authority and other local offices of Departments of Government connected with the execution of work.
- (2) Every advertisement or notice published under Sub-rule (1) shall state -
- (i) when and where the tender documents may be inspected or obtained;
 - (ii) when and where the tenders are to be submitted;
 - (iii) when and where the tenders are to be opened;
 - (iv) amount of earnest money to accompany the tender and the amount and nature of security required in case the tender is accepted;
 - (v) the estimated cost of the work and the time within which the work is required to be completed;

(vi) reservation of right to reject any or all of the tenders received without assigning any reason;

(vii) any other matter that may be considered necessary.

69. Preparation of tender documents. - (1) Before tenders are invited for the execution of the work on contract, tender documents shall be prepared which shall include-

(i) a complete set of drawings showing the general dimension of the proposed work and so far as may be necessary, details of the various parts of the work;

(ii) a complete specification of the work to be done and of the materials to be used, unless reference can be made to some standard specifications;

(iii) a schedule of the quantities of various description of works :

Provided that in case of lump-sum contract, preparation of schedule of quantities may not be necessary ; and

(iv) terms and conditions governing the contract.

(2) No tender shall ordinarily be treated as valid unless it is accompanied by the required earnest money and such other documents and certificates as may be specified in the relevant tender notice.

70. Consideration and acceptance of tenders. - (1) Ordinarily, tenders received from registered contractors shall be considered. This stipulation may not, however, be enforceable in the case of works, the estimated cost of which exceeds one lakh rupees, in which case tenders from Engineering Firms of standing and from contractors registered with any Government or Government undertakings may be considered.

(2) The tenders shall be opened by the officer inviting such tender in the presence of another officer of the Authority at the time and place specified in the tender notice in the presence of such tenderers or their authorised agents as may be present. After opening the tenders both such officers shall initial all corrections which may have been made in the tender with due attestation by the tenderers. If corrections in the tender are found to be unattested by the tenderers, the same shall be noted on the tender itself, with the signature of such officer.

(3) After the tenders are opened they shall be entered in the Tender Register to be maintained for the purpose. An officer authorised by the Engineer-member shall certify the correctness of the entries in such register with reference to the original tenders which shall be preserved for purposes of audit.

(4) A Registered Contractor if withdraws his tender without valid reason shall be liable to have his name removed from the register of contractors for a period ranging from one to three years as may be decided by the Vice-Chairman.

(5) On receipt of tenders, a comparative statement thereof shall be prepared and be placed alongwith the tenders so received before-

(a) the Engineer-member, in case where the estimated cost of the work does not exceed one lakh rupees; and

(b) the Committee constituted under Section 6 for the purpose of consideration of tenders (hereinafter referred to as the Tender Committee), in case where the estimated cost of the work exceeds one lakh rupees.

(6) The Engineer-member or the Tender Committee, as the case may be, shall consider the tenders and may accept or reject any of the tenders ;

Provided that the Engineer-member or the Tender Committee shall not accept a tender if the tendered amount exceeds the estimated cost.

(7) Whenever any tendered amount exceeds the estimated cost, the relevant tender paper along with the recommendations of the Engineer-member or the Tender Committee, whose the decision shall be final.

(8) Ordinarily, the lowest tender shall be accepted. Where the lowest tender is rejected or not accepted, the next lowest tender may be considered.

The process will continue so up to the highest tender and if no tender is considered acceptable, all the tenders may be rejected and fresh tenders may be invited. In every case of rejection or non-acceptance of a tender, the reasons therefor shall be recorded in writing.

(9) It shall be lawful to enter into negotiation with one or more contractors who have tendered for a work in order to arrive at a reasonable and acceptable rate.

71. Check measurement. - (1) The measurement of every work executed shall be entered in Measurement Book to be maintained in such form as may be determined by the Authority.

(2) The Officer who shall measure the work and make entries in the Measurement Book shall be determined by the Engineer-member.

(3) The Officer authorised by the Engineer-member shall check, measure the works at least ten per cent in respect of that work covered by running bill and five per cent in respect of that covered by a final bill.

(4) When measurements are taken jointly by senior and junior officers the entry in the Measurement Book shall be signed by both such senior and junior officers.

(5) For the purpose of check measurement, the check measuring officer shall obtain from the officer-in-charge of the work Measurement Book in which the measurement of the work concerned has been recorded. He shall note in the Measurement Book under his initial the date or dates on which the check, measurement was actually performed together with the difference, if any, noticed by him in the measurements.

(6) When the check, measuring officer happens to measure a work prior to it being measured by the officer-in-charge of the work, the former shall record the measurement in a separate book to be kept for that purpose and as such shall at once communicate the details of such measurement to the officer in charge of measurement for incorporation in his Measurements Book and preparation of bills.

72. Other miscellaneous matters pertaining to works. - For any other miscellaneous matters in respect of works to be undertaken by the Authority including preparation and approval of plans and estimates calling of tenders, security amount, acceptance of tenders, issue of work order, entering into contract, execution of works, settlement of claims and matters ancillary thereto for which no provision has been made under this Chapter, they shall be dealt with in such manner as may be determined by the Authority from time to time.

CHAPTER-IX

Budget, Finance and Accounts

73. Laying of estimates and programme of work. - (1) The Vice-Chairman shall, at a special meeting to be held in the month of December in each year, lay before the Authority, an estimate of income and expenditure and programme of work of the Authority for the next ensuing financial year.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Authority and for the efficient administration of the Act.

(3) Every such estimate shall differentiate capital and revenue accounts, hereinafter provided.

(4) The annual estimate shall be in Form XVI and the programme of work in Form XVII.

(5) The annual estimate shall also contain a statement of honoraria and salaries and allowances of members, officers and employees of the Authority in Form XVIII.

74. Sanction of Authority to the estimate and programme of work. - The Authority shall consider every estimated and programme of work so laid before it and shall sanction the same, either without alterations or with such alterations as it may think fit.

75. Forwarding the estimate to the State Government. - (1) Every such estimate and programme of work as sanctioned by the Authority under Rule 74 shall be submitted to the State Government in triplicate by the first day of January every year.

(2) The State Government within one month of the receipt of the estimate and the programme of work, may either approve the same or disallow any portion thereof or return them to the Authority for amendment.

(3) If any estimate or programme of work is returned under Sub-rule (1) to the Authority, it shall forthwith proceed to amend them and shall resubmit the amended estimate and programme of work to the State Government for approval.

(4) If the approval of the State Government to the original or where it is returned by the Government for amendment, the amended estimate and programme of work is not received by the Authority within one month of the receipt of the same by the State Government, it shall be deemed that the estimate and the programme of work have been approved by the State Government.

76. Transmission of the copy of estimate and programme of work to urban local bodies. - A copy of the estimate and the programme of work as approved or deemed to have been approved by the State Government under Rule 75 shall be sent by the Authority to every urban local body within the areas under the jurisdiction of the Authority for information.

77. Special provisions as to the first estimate and programme of work after the constitution of the Authority. - (1) Notwithstanding anything contained in this Chapter, soon after an Authority is constituted under the Act, a special meeting of the Authority shall be held on such date as the Vice-Chairman may appoint and he shall at such special meeting before Authority an estimate of the income and expenditure and the programme of work of the Authority for the relevant financial year or the part thereof, as the case may be.

(2) The provisions of Sub-rules (2) to (5) of Rule 73 and Rule 76 shall apply to the said estimates and programme of work.

78. Supplementary estimates. - (1) The Authority may, at any time during the year for which any estimate or programme of work has been approved, cause a supplementary estimate and modified programme of work to be prepared and laid before it at a special meeting.

(2) The provisions of Sub-rules (2) to (5) of Rule 73 and Rule 74 to Rule 76 shall apply to every supplementary estimate and modified programme of work referred to in Sub-rule (1).

79. Adherence to estimates and maintenance of closing balance. - (1) No sum shall be expended by or on behalf of the Authority unless the expenditure of the same is covered by a current budget grant which shall include grant by re-appropriation.

(2) The closing balance shall not be reduced below such limit as may be fixed in this behalf by the State Government from time to time.

(3) The following items shall be exempted from the provisions of Sub-rules (1) and (2), namely :

- (a) re-payment of money belonging to contractors or other persons and held in deposit, and of moneys collected by, or credited to the Authority by mistake;

- (b) payments due under a decree or order of a Court passed against the Authority, or under an award of the Board of Appeal constituted under Section 38 or Tribunal constituted under Section 87;
- (c) sums payable under compromise of any suit or other legal proceedings or claim effected under Section 98;
- (d) sums payable under the Act by way of compensation ; and
- (e) payment required to meet some pressing emergency.

79A. Receipt of moneys, and deposit in Bank. - (1) All or any money received by the Authority shall be deposited in any scheduled bank or banks as may be approved by it in this behalf, to be credited to an account which shall be styled as "Fund of the..... (Name of the town/area) Development Authority".

(2) Any person required to pay money to the Authority may, instead of making payment to the Authority directly, deposit the same to the credit of the said Fund.

80. Investment of surplus money. - (1) Any surplus money to the credit of the Fund of the Authority may from time to time, be-

- (a) deposited at interest in any scheduled bank or banks; or
- (b) invested in any of the securities or debentures as may be considered appropriate by the Authority.

(2) All such deposits and investments shall be made by the Finance Member on behalf of, and with the sanction of the Authority, and with the like sanction, the Finance Member may at any time withdraw any deposit so made, or dispose of any security and re-deposit or re-invest the money so withdrawn or the proceeds of the disposals of such security.

81. Payment by cheque. - (1) No payment shall be made by the Bank out of the funds of the Authority referred to in Rule 79 except upon a cheque.

(2) Payment of any sum due to the Authority exceeding five hundred rupees in amount shall be made by means of a cheque or Bank draft and not in any other manner.

82. Signature on cheques. - (1) All cheques in respect of moneys payable by the Authority shall be signed by the Finance Member or such officer of the Authority as the Authority may authorise in this behalf.

(2) Before the Finance Member or the officer authorised for the purpose signs a cheque on behalf of the Authority he shall satisfy himself that the sums for which such cheque is issued is either required for the purpose of work specifically sanctioned by the Authority or is an item of payment specified in Sub-rule (3) of Rule 79.

83. Keeping of capital account and revenue account. - (1) The Authority shall keep a capital account and a revenue account.

(2) The capital account shall show separately all expenditures incurred by the Authority on each development scheme or town planning scheme.

(3) Separate account shall be maintained in respect of each development scheme and each town planning scheme in such form and manner as the Authority may determine.

84. Credit to capital account. - There shall be credited to the capital account-

- (a) all sums (except interest) received by way of seed capital or payments of any special nature;
- (b) all moneys received on account of loan taken by the Authority in pursuance of the Act and these rules;

- (c) the sale proceeds of land or building vested in the Authority, such land or building having been acquired out of any such loan as referred to in Clause (b);
- (d) where any land or building was acquired or constructed out of an advance from the revenue account, the portion of the proceeds of the sale of such land or building which remains after crediting to the revenue account of such advance;
- (e) the sale proceeds of any movable property (including securities for money invested from the capital account) belonging to the Authority;
- (f) all lump sums received from any Government or Government undertakings or person in aid of the capital account;
- (g) all premia received by the Authority in connection with leases for any term exceeding forty years; and
- (h) all contributions received on account of the levy under Section 62.

85. Application of capital account. - The money credited to the capital account shall be held by the Authority in trust and shall be applied towards-

- (a) meeting all costs of framing and executing developments schemes and town planning schemes;
- (b) meeting all costs of acquiring land for carrying out any of the purposes of the Act;
- (c) meeting the cost of constructions of buildings and execution of works required for carrying out any of the purposes of the Act;
- (d) all re-payments of loans or money borrowed in pursuance of the Act;
- (e) all expenditures in connection with the cost of undertaking any survey required for preparation of development or town planning schemes;
- (f) meeting such proportions of the cost of establishment and management as the Authority may approve in this behalf;
- (g) meeting temporarily, any deficit in the revenue account at the end of any financial year.

86. Credit to revenue account. - There shall be credited to the revenue account-

- (a) all proceeds received by the Authority in respect of fee or development charges under the provisions of the Act;
- (b) all proceeds received in pursuance of increased stamp duty under Section 78;
- (c) all sums contributed from the funds of urban local bodies which are received by the Authority under Section 79;
- (d) all annually recurring sums received from the State Government in aid of the funds of the Authority;
- (e) all premia received by the Authority in connection with lease for any term not exceeding forty years;

- (f) all rents of land or building vested in the Authority after loans obtained for acquisition or construction of such land or building is re-paid;
- (g) all other receipts by the Authority which are not required by Rule 84 to be credited to the capital account.

87. Application of revenue account. - The money credited to the revenue account shall be held by the Authority in trust and shall be applied towards-

- (a) meeting all charges for interest and sinking funds due on account of any loan taken in pursuance of the Act and these rules and all other charges incurred in connection with such loans;
- (b) payment of all sums due from the Authority in respect of rates and taxes imposed under the Orissa Municipal Act, 1950 upon land or building vested in the Authority;
- (c) payment of the cost, if any, of maintaining a separate establishment for the collection of rents and other proceeds of land vested in the Authority;
- (d) meeting the cost of preparation and publication of development plans payment of the cost of establishment and management, excluding such portion thereof as may be debited to the capital account under Rule 85 (f).

Explanation - The expression "cost of establishment and management" referred to in Clause (f) of Rule 85 and Clause (e) of Rule 87 means -

- (a) remuneration and allowances, if any, of the Chairman;
- (b) the salaries, allowances and fees of the Vice-Chairman, Members, Officers and other employees of the Authority;
- (c) leave salary and pension contribution, if any, payable to Vice-Chairman, Members, Officers and employees of the Authority;
- (d) the remuneration of other employees of the Authority except employees who are on daily wage basis or whose pay is charged to temporary work;
- (e) all travelling expenses payable to the Chairman, Vice-Chairman, Members, Officers and employees of the Authority;
- (f) all office expenses incurred for carrying on office work including the rent of offices, the expenses for purchase and maintenance of furniture, equipment, tools and plants, stationeries and charges for printing and postages.

88. Advances from revenue account to capital accounts. - (1) Notwithstanding anything contained in Rule 87, the Authority may advance any sum standing at the credit of the revenue account for the purpose of meeting capital expenditure.

(2) Every such advance shall carry such rate of interest as may be determined by the Authority, provided that the interest rate shall not be less than that applicable to a savings account in a scheduled bank.

(3) Every such advance alongwith interest shall be refunded to the revenue account as soon as may be practicable.

89. Advance from capital account to revenue accounts. - (1) Any deficit in the revenue account at the end of any financial year may be met temporarily by an advance from the capital account.

(2) Every such advance shall carry such rate of interest as may be determined by the Authority provided that the interest rate shall not be less than that applicable to a saving account in scheduled bank.

(3) Every such advance alongwith interest shall be refunded to the capital account in the following financial year.

90. Annual statement of accounts. - (1) The annual statement of accounts and the balance-sheet of the Authority under Sub-section (1) of Section 81 shall be in Form XIX and Form XX, respectively.

(2) The annual statement of accounts and the balance-sheet shall be submitted by the Authority, at the end of every financial year to the State Government.

91. Annual report. - (1) Every Authority shall, within three months of the date of closing of each financial year, submit an annual report to the State Government.

(2) The annual report shall contain *inter alia* particulars regarding the-

(a) programme of work for the year under report;

(b) progress of work during the year with particular reference to the -

(i) land acquired,

(ii) development carried out,

(iii) amenities provided,

(iv) development schemes prepared,

(v) development plans prepared,

(vi) town planning schemes prepared,

(vii) details of any other activities entrusted to or undertaken by the Authority in accordance with the Act;

(c) finance of the Authority;

(d) changes, if any in the constitution of the Authority;

(e) advisory Council and Committees;

(f) the officers and staff of the Authority for its head and branch offices;

(g) directions given by the State Government to the Authority and their compliances.

92. Bi-annual report. - (1) The Authority shall submit to the State Government by the 1st November of each year and 1st May of the following year a Progress Report based on its activities and accounts of the first six months and the subsequent six months of the financial year, respectively.

(2) The Progress Report under Sub-rule (1) shall be in such form as the State Government may determine.

93. Purpose for which money can be borrowed. - Subject to the provisions of Sub-section (5) of Section 77, the Authority may, from time to time, borrow any sum necessary for the purpose of-

(a) meeting expenditure debitable to the capital account; or

(b) re-paying any loan taken under the Act.

94. Loans from Banks and other financial institutions. - The Authority may borrow from any Bank or other financial institution by-

(a) mortgaging, with the previous approval of the State Government all or any property vested in the Authority;

(b) furnishing Bank or Government Guarantee to the creditors.

95. Restriction on diversion of borrowed money for other purposes. - When any sum of money has been borrowed either by way of loan or debenture for the purpose of meeting any particular expenditure or re-payment of a particular loan, such sum or any part thereof shall not be applied to any other purpose without the previous sanction of the State Government.

96. Form, signature, exchange, transfer and effect of debenture. - (1) Whenever money is borrowed by the Authority on debenture, shall be in such form as the Authority may, from time to time determine.

(2) All debentures and counterfoils thereof shall bear the signature of the Vice-Chairman or any other officer authorised by the Authority in this behalf and such signature may be engraved, lithographed or impressed by any mechanical device.

(3) The holder of any debenture in any form determined under Sub-rule (1) may obtain in exchange thereof, upon such terms as the Authority may from time to time specify, a debenture in any other form so determined.

(4) Every debenture issued by the Authority shall be transferable by endorsement, unless some other mode of transfer be specified therein.

(5) The right to sue in respect of money secured by debenture issued by the Authority shall vest in the respective holders of the debenture for the time being, without any preference by reason of some of such debentures being prior in date to others.

(6) Where two or more persons are joint holders of any debenture or security issued under the Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Authority by any other of such persons.

97. Priority of payment for interest and re-payment of loans. - All payments due from the Authority for interest on or the re-payment of loans shall be made in priority to all other payments due from the Authority.

98. Manner of payment of increased stamp duty under Sub-section (4) of Section 78. - (1) The increased stamp duty under Section 78 on instruments of sale including certificates of sale granted by Civil Courts or Revenue Officers, gift and usufructuary mortgage affecting immovable property situated in the area or areas in which the Act is in force shall be imposed with effect from the date on which the Act is brought into force in such area or areas and shall be paid and recovered in the same manner and in accordance with the same procedure as in case of the ordinary duty imposed by the Indian Stamp Act, 1899 as amended by the Orissa Stamp (Amendment) Acts, from time to time, on such instruments and certificates.

(2) Wherever any instrument referred to in Sub-rule (1) is presented to any registration officer in the State for registration, such officer shall examine whether the particulars referred to in Section 27 of the Indian Stamp Act, 1899 as amended from time to time are set forth separately in the instrument in respect of-

(a) property situated in the area covered by the Act ; and

(b) property situated outside the area as required by Sub-section (2) of Section 78.

(3) Every registering officer in the State shall maintain an account of the duty paid in respect of each instrument referred to in Sub-rule (1) by showing the same under columns of Schedule XXI-Form No. 3 (Fee Book) alongwith information relating to collection of stamp duty under the Indian Stamp Act, 1899 as amended, from time to time and there shall be separate entries for each of the relevant categories. The daily totals of various stamp duties, as in the case of fees, shall be worked out and entered in the remarks column of Form 'B' (Part II) of the rough draft sheet. From these daily totals, monthly totals shall be worked out.

(4) Immediately after completion of a quarter of a financial year, an extract of the statement shall be submitted to the District Registrar who, on receipt of the same, shall compile it and submit within a month following the quarter to which the accounts relate, in quadruplicate to the State Government in the Housing and Urban Development Department and the Revenue Department, Inspector General of Registration, Orissa and the Accountant General, Orissa.

(5) On receiving intimation regarding the amount due to each Authority, the Inspector General of registration shall send intimation to the Accountant General with a copy to the State Government in the Housing and Urban Development Department and the Revenue Department, as to the amount payable to each Authority, after making deductions, towards incidental expenses as provided in Sub-rule (8).

(6) The State Government in the Revenue Department shall, on receipt of intimation under Sub-rule (5), make arrangements to place the funds of the disposal of the Housing and Urban Development Department who shall before the end of each financial year, issue necessary sanction order for payment to the Authorities concerned, of the amount payable.

(7) The increased stamp duty referred to in Section 78 shall be payable to the Authorities concerned before the end of the financial year following the one in which the stamp duty chargeable under the Act has been collected by the registering authority.

(8) Incidental expenses as referred to in Sub-section (4) of Section 78 shall be at the rate of two per cent of the amount collected for payment to the Authority.

(9) Any fraction of a rupee shall be rounded to the nearest rupee obtained for the purpose of calculating the percentage indicated in Sub-rule (8).

(10) The incidental expenses deducted under Sub-rule (8) shall be credited to the State Government account under the appropriate head.

(11) If in any case it is not possible to recover the full stamp duty on any instrument referred to Sub-rule (1), then no part of the stamp duty realized on such instrument shall be treated as duty imposed by Section 78 unless the sum realised exceeds the duty imposed by the Indian Stamp Act, 1899 as amended from time to time.

99. Payment of fine realised under Section 112. - (1) The State Government shall assign a separate Head of Account to which all fines realised under Section 112 shall be credited.

(2) All fines payable in connection with prosecutions under the Act shall be credited to the Head of Account assigned under Sub-rule (1) through treasury challan.

(3) The treasury challan referred to in Sub-rule (2) shall indicate as to on the prosecution of which Authority the Court imposed the fine.

(4) The treasury challan, before it is presented in any treasury for deposit shall be verified as to the correctness of the entry therein by the Court who imposed the fine :

(5) The Accountant General, Orissa shall on or before the first day of October each year furnish a statement in triplicate to the State Government in the Housing and Urban Development Department and the Finance Department indicating the total deposits made under the said Head of Account during the preceding financial year in respect of each concerned Authority.

(6) It shall be the duty of the Accountant General, Orissa to maintain proper and separate accounts regarding the fines paid in respect of each Authority.

(7) The State Government in the Housing and Urban Development Department shall, on receipt of the return under Sub-rule (5) make necessary provisions in its budget of the following year for payment of the amount purported by the Accountant General, Orissa to the concerned Authorities.

(8) The State Government shall make a payment of the amount so provided in the Budget to the concerned Authorities before the first day of July of the year in respect of which such budget provision has been made.

100. Maintenance and procedure of accounts. - Subject to the provisions of the Act and these rules, the manner in which and the procedure according to which the accounts of the Authority shall be maintained and finances administered in respect of-

- (a) budget estimates;
- (b) annual statement of accounts;
- (c) annual reports and returns;
- (d) audit of Authority's account;
- (e) cash book including subsidiary cash book;
- (f) transaction with Treasuries, Banks and financial institutions;
- (g) payment orders and payment of claims;
- (h) permanent advances;
- (i) temporary advances;
- (j) cheque books and cheques;
- (k) adjustment of accounts and advances;
- (l) deposits with the Authority;
- (m) quarterly and annual accounts;
- (n) investments;
- (o) loans;
- (p) financial powers of the members and officers of the Authority;
- (q) any other matters incidental or consequential to the finances and accounts of the Authority,

shall be such, as may be determined by the Authority from time to time.

101. Maintenance of registers. - (1) Save as otherwise expressly provided in these rules for the purposes of proper maintenance of accounts and management of finances of the Authority, there shall be such registers including its forms as may be specified by the Authority maintained from time to time by such officer or employees as the Vice-Chairman may direct.

(2) Daily, weekly, monthly, quarterly or, as the case may be, yearly verification of such registers shall be done by such members, officers or employees of the Authority as it may determine from time to time.

CHAPTER-X

Levy of Development Charge

102. Publication of notification for levy of development charge under Section 84. -

(1) The notification for levy of development charge under Section 84 shall be published by the Authority in the *Gazette* as well as in one or more Oriya newspapers circulating within the area under the jurisdiction of the Authority. Notice giving the substance of the notification showing the rate of development charge for different areas and different uses as approved by the State Government shall subject to the provision of Section 106, be affixed on the Notice Board in the Head Office of the Authority along with a plan of the

area showing boundaries of different areas and uses for which different development charges may have been approved by the State Government.

(2) Before submitting proposal to the State Government seeking sanction to the levy of the development charge in the area, the Authority shall prepare a draft proposal indicating rates of development charge for different areas and different uses and publish the draft proposal in the *Gazette* by notification as well as by means of an advertisement in one or more Oriya newspapers circulating in the area under the jurisdiction of the Authority, inviting the general public to offer their suggestions and objections on the draft proposal within a period of one month from the date of its publication in the *Gazette*.

(3) A copy of the notification referred to in Sub-rule (2) shall also be affixed on the Notice Board in the Head Office of the Authority and at conspicuous public places in the area covered by the draft proposal.

(4) The draft proposal to levy the development charge shall show grounds and reasons for working out the various rates of development charges for different areas and uses.

(5) After considering the suggestions and objections that may be received in response to the publication of the draft proposal under Sub-rule (2) on merits and after giving reasonable opportunity of hearing any person who may have made request of being heard, the Authority shall effect such modifications in the draft proposal as it may consider fit and submit the finalised proposal to the State Government for sanction.

(6) The final proposal shall be submitted to the State Government including all suggestions and objections that might have been received by the Authority including the minutes of personal hearing, conducted, if any. While applying for the State Government's sanction for the levy of development charge, the Authority shall substantiate the proposal with such statement, plans, estimates and development works, etc. as may be relevant.

103. Assessment and recovery of development charges under Section 86. - (1) If before the notification for levy of development charge is issued under Section 84 any person has commenced the carrying out of any development work or has carried out such development or instituted or changed the use of any land or building for which permission is required under the Act, he shall, within three months from the date of publication of the said notification, make an application to the Authority for the assessment of development charge. In other case such as, in cases where development work or change in the use of land or building is to be undertaken after the publication of the aforesaid notification in the *Orissa Gazette*, any application for assessment of development charge shall be made prior to three months before undertaking the work or changing the use alongwith the application seeking permission for such work or change of such use.

(2) The application under Sub-rule (1) shall be accompanied by a plan or plans giving the boundary of the plot or land, its area, plot, number, survey number, name of the village in which such plot or land situates along with thana number and the name of town planning scheme, if any, and also detailed building plan of the construction with floor area of each floor, if any construction is proposed, for assessment of development charge.

(3) Before deciding the development charge the applicant shall be given an opportunity to explain plans and documents submitted by him.

(4) After giving reasonable opportunity of personal hearing to the applicant and after considering the representations, if any, received from him, the development charge shall be assessed and communicated in writing to the applicant.

104. Appeal under Sub-section (5) of Section 86. - Any appeal preferred under Sub-section (5) of Section 86 shall be in the form of a memorandum and shall clearly indicate the grounds on which such appeal is preferred. The memorandum of appeal shall be

accompanied with relevant documents, plans, evidence, etc., in support of the various statements that may be made in the appeal.

CHAPTER-XI

Art Commission

105. Terms and conditions of service of the Chairman and members of the Art Commission. - (1) The Chairman and the other members of the Art Commission appointed under Section 83 shall, unless their appointment is terminated early by the State Government, hold office for a term of three years from the date of their appointment.

(2) A person holding office as Chairman or a member of the Art Commission may be eligible for re-appointment.

(3) The Chairman or any other member of the Art Commission, if he is a non-official member may resign his office by writing under his hand addressed, to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) Any casual vacancy in the office of the Chairman or a member of the Art Commission caused by resignation or otherwise shall be filled by fresh appointment under Sub-section (1) of Section 88.

(5) The Chairman or any member of the Art Commission may be, appointed either on whole-time or part-time basis.

(6) A non-official whole-time Chairman or member of the Art Commission may be paid such remuneration as the State Government may determine from time to time.

(7) A part-time Chairman or member of the Art Commission may be paid such fee or allowances as the State Government may determine from time to time.

(8) Subject to the foregoing provisions, of this rule, the terms and conditions of service of the Chairman and other members of the Art Commission shall be such as may be determined by the State Government from time to time.

106. Member-Secretary and other staff of the Art Commission. - (1) The State Government may appoint one of the members of the Art Commission as the Secretary of such Commission.

(2) The State Government may in order to enable the Art Commission to discharge its responsibilities properly assign to it with such establishment consisting of such number of officers and employees as may be considered necessary by the State Government.

(3) The remuneration, fee, allowances, if any, of the Chairman and members of the Art Commission, the pay and allowances and other entitlements of the officers and employees of the Art Commission and any other expenditure that may be incurred in connection with its functioning shall be met out of the Consolidated Fund of the State.

107. Meetings of the Art Commission. - (1) The Art Commission shall, subject to the provisions of this rule, meet at such time and place and shall observe such rules of procedure in regard to the transaction of the business at its meetings as may be determined by the Art Commission ;

Provided that no business shall be transacted at any of its meetings unless a quorum of at least one-third of its members are present from the beginning to the end of any such meetings.

(2) The Chairman of the Art Commission shall preside at every meeting and in the absence of the Chairman the members shall elect one from among themselves other than the Member-Secretary of the Art Commission, to preside.

(3) If at any meeting quorum is not present, the presiding member shall, after waiting for thirty minutes, adjourn the meeting to such hours on the following or some other day as he may reasonably fix and a notice of such adjournment shall be affixed in the notice

board of the office of the Art Commission, and the business which should have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting.

108. Authentication of orders and other instruments of the Art Commission. - All orders and decisions and other instruments of the Art Commission shall be authenticated by the signature of any of its members or officers authorised by the Art Commission in this behalf.

109. Functions and powers of the Art Commission. - (1) Save as provided under Sub-section (2) of Section 88, it shall be the duty of the Art Commission to advise the State Government in the matters of preserving, developing and maintaining the aesthetic quality of urban and environmental designs within or outside a development area and to provide guidance and advice to any Authority or any Local Body in respect of any project of building or engineering operations or any development proposal which affects or is likely to affect the sky-line or the aesthetic quality of the surroundings of any public amenities provided therein.

(2) Without prejudice to the generality of the provisions in Sub-rule (1), it shall be the duty of the Art Commission to render necessary assistance and advice to the State Government, any Authority and Local Body in respect of the following matters, namely :

- (a) development of district centres, areas earmarked for Government buildings and for Government residential complexes, public parks and public gardens;
- (b) re-development of areas within the jurisdiction of any Authority or Local Body;
- (c) architectural expressions and visual appearances of new buildings in areas specified under Clauses (a) and (b) including selection of models or statues and fountains therein;
- (d) re-development of areas in the vicinity of places of archaeological and historical importance;
- (e) conservation, preservation and beautification of monumental buildings, public parks and public gardens including location or installation of statues and fountains therein;
- (f) underpasses, overpasses and regulations in respect of street furniture and boardings;
- (g) location and development of power houses, water-towers, television and other communication towers and other allied structures;
- (h) any other projects which is calculated to beautify any development area or to add to the cultural vitality or to enhance the quality of the surroundings thereof; and
- (i) such other matters as may be determined by the State Government from time to time.

Explanation - For the purpose of Clause (a) of this sub-rule "district centre" means a self-contained unit comprising areas for retail shopping, general business, commercial and professional offices, for forwarding and booking, Government Offices, cinemas, restaurants, hotels and alike.

110. Delegation of power of Art Commission. - The Art Commission may, by general or special order in writing, delegate to its Chairman or any other member thereof, or any of its officers subject to such conditions and limitations, if any, as may be specified in the

order, such of its powers and functions as it may consider necessary for the efficient functioning of the Art Commission.

CHAPTER-XII

Functions and Powers of Engineer, Finance, Planning and Architect Members

111. Functions and powers of certain members. - (1) Subject to the provisions of the Act and these rules-

- (a) the duties of the Engineer-member shall be to ensure proper execution of all works undertaken by or on behalf of the Authority including satisfactory quality of such works and to perform all other functions which are incidental or consequential to execution of work;
- (b) the duties of the Finance-member shall be to -
 - (i) get the budget of the Authority prepared and transmitted to the State Government in time,
 - (ii) ensure that the finances of the Authority are administered strictly according to the provision of the Act and these rules,
 - (iii) ensure maintenance of all relevant registers in respect of finances and accounts of the Authority,
 - (iv) ensure that compliances of the audit reports are transmitted to the appropriate authorities in time, and
 - (v) cause transmission of such reports and returns to such authorities as laid down in the Act and these rules or as may be directed by the State Government or determined by the Authority, from time to time;
- (c) the duties of the planning member shall be to-
 - (i) prepare interim comprehensive and zonal development plans,
 - (ii) modify development plans,
 - (iii) prepare town planning schemes, and
 - (iv) regulate development of land and buildings as per the provisions of Chapter V of the Act including matters incidental and consequential thereto :

Provided that in respect of matters touching any of the items referred to under Clauses (i) and (j) of Sub-rule (3) of Rule 10 prior consultation with Architect-member shall be necessary.

- (d) the duties of Architect-member shall be to prepare development schemes as per the provisions of Section 21 and shall do all such things incidental thereto.
- (2) The members specified under Sub-rule (1) shall also discharge such other functions as may be assigned to them by the Authority from time to time.
- (3) Such members shall also exercise such powers as may be delegated or determined by the Authority, from time to time.
- (4) The Authority shall, in order to enable the aforesaid members to perform their function and to discharge their responsibilities properly, assign them such establishment consisting of such number of officers and employees as may be considered necessary by the Authority.

CHAPTER-XIII

Miscellaneous

112. Authentication of development plans. - (1) Every development plan, which is finally approved under the Act shall be drawn up in triplicate and every such plan shall be authenticated on every page thereof under the seal and signature of the Secretary to the Government, or any other officers not below the rank of a Deputy Secretary to Government as the Secretary may authorise in writing. One such plan shall be deposited with the Director under his seal, the second copy shall be deposited with the Authority concerned and the third one to be deposited with the State Government.

(2) Notwithstanding anything contained in Sub-rule (1), every such plan required to bear the signature of the Secretary to Government or the authorised officer shall be deemed to be properly signed if the first and the last pages of such plan are signed by the Secretary to Government or the authorised officer thereon, as the case may be.

(3) Every such development plan deposited with the Director under Sub-rule (1) shall be kept under lock and key and in the custody of the Director or any officer authorised by him in this behalf and shall not be utilised unless it is required for production in any Court or by any Authority duly empowered in this behalf by the State Government for verifying any entry made or alleged to be made in any such plan.

(4) Where a development plan or any part thereof is produced for verification, such plan or part thereof, after the relevant entries therein are duly verified, shall be re-sealed with the seal of the Director and then deposited with him or with the authorised officer in the manner aforesaid.

(5) If any officer or person having the custody of a development plan or any part thereof makes or causes to be made any change in such plan or in any part thereof, such change not being authorised by or under the provisions of the Act, he shall on conviction, be punished with fine which may extend to one thousand rupees.

113. Form of no-objection certificate under Section 116. - The no-objection certificate required to be accompanied by any deed or document under Section 116 shall be in Form XXI.

114. Reference to State Government under Section 113. - (1) Before requiring any local authority to assume responsibility for the maintenance and provision of amenities in any area under Section 113, the Authority shall, in respect of that area, prepare a statement which shall contain information on the following matters, namely :

- (a) description of the area with boundaries;
- (b) objects of development;
- (c) description and specification of the amenities provided by the Authority;
- (d) expenditure incurred by the Authority on such amenity;
- (e) date when each such amenity was provided;
- (f) description and specification, if any, of the amenities not provided by the Authority, along with reasons for not providing such amenities, but which in its opinion should be provided in the area;
- (g) terms and conditions on which the local authority or authorities may be required to assume responsibility for the maintenance of the amenities provided by the Authority and for the provision of the amenities which have not been provided by the Authority, but which in its opinion should be provided in the area.

(2) The Authority shall cause the statement referred to in Sub-rule (1) to be sent to the local authority within whose local limits the area is situated and shall call upon the local authority assume responsibility for the maintenance of the amenities provided by the Authority and for the provision of further amenities if any, which in its opinion should be provided in the concerned area on the terms and conditions specified in the said statement.

(3) The concerned local authority shall, within ninety days of the date of receipt of the communication referred to in Sub-rule (2) or within such further period as may be allowed by the Authority in this behalf, communicate to the Authority its acceptance of the responsibility for maintenance and provision of amenities or its refusal with reasons therefor.

(4) The Authority shall consider the reply, if any, of the local Authority and make such modifications, if any, in the terms and conditions as the Authority may consider necessary.

(5) If there is no agreement between the Authority and the local authority in respect of any of the terms and conditions, or if no reply is received from the local authority within the period mentioned in Sub-rule (3), the Authority shall refer the matter to the State Government whose decision shall be final.

(6) Every reference in the State Government under Sub-rule (5) shall be accompanied by-

- (a) a copy of the statement referred to in Sub-rule (1) and of the communication to the local authority referred to in Sub-rule (2);
- (b) plans and estimates of the cost of the development of the area;
- (c) the reply of the local authority, if any, received under Sub-rule (4);
- (d) a statement of the modification, if any, made under Sub-rule (4); and
- (e) the statement of the terms and conditions in respect of which there are differences between the Authority and the local authority.

115. Mutual relationship between the Authority and the local authority. - The mutual relationship in any matter to be observed between the Authority and any local authority within the area under the jurisdiction of the Authority in which they are jointly interested shall be such as may be determined by the State Government in consultation with the Authority and the local authority concerned.

Form I

[See Rule 12 (2)]

1. Notice is hereby given that a draft of the interim/comprehensive zonal development plan for.....area has been prepared, a copy of which will be available for inspection at the office of the.....Authority, located at.....between the working hours on all working days except on Saturdays till the date mentioned in para 2 thereafter.

2. Objections or suggestions to the aforesaid plan along with any request for personal hearing, if any, may be sent in writing to the Secretary Authority before theday of19/20.....

Note - The person making any objections or suggestions to the plan shall furnish his/her full name and address.

Date :

Place :

Signature and designation of the Officer
..... Development Authority

Form II

[See Rule 17 (4)]

1. Notice is hereby given that a draft of the modified interim/comprehensive/ zonal development plan of the area/locality..... (Here identify suitable area of the locality) has been prepared a copy of which will be available for inspection at the office of the..... Department of the Government of Orissa/..... Development Authority located at.....between the working hours on all working days excepting Saturday till the date mentioned in para 2 hereafter.

2. Objections or suggestions along with any request for personal hearings, if any, may be sent in writing to the Deputy Secretary to Government. Housing and Urban Development Department/Secretary of the Authority before theday of..... 19.....

Note - The person making any objections or suggestions shall furnish his/her full name and address.

Date :

Place :

.....
Signature of the Officer and Designation

Form III

[See Rule 28 (1)]

As required under Sub-section (3) of Section 23 of the Orissa Development Authorities Act, 1982, notice is given that.....Development Authority has declared its intention vide Resolution No.....dated..... to make a town planning scheme in respect of the area bounded by in the north..... in the south in the east..... and in the west. The said declaration has been published in the *Orissa Gazette*(detailed reference of the *Gazette*). A plan showing the area proposed to be included in the town planning scheme covered by the aforesaid declaration, may be seen during office hours on all working days except on Saturdays in the head office of the Authority. Informations in respect of title or interest by any person may be having in the lands or buildings covered by the above intended scheme shall be furnished in Form IV enclosed herewith to this Development Authority within two months from the date of first publication of this notice. The proposed scheme shall be known as Town Planning Scheme No

Place :

Date :

.....
Signature and Designation of the Officer

Enclosure : Form IV

Form IV

[See Rule 28 (3)]

From

.....

Place.....

.....

Date.....

(Name in block letters and full address for correspondence of persons furnishing informations)

To

The Secretary,

.....Development Authority

Sir,

In response to your notice No..... dated..... inviting informations pertaining to the title or interest in lands or buildings covered by the Town Planning Scheme No..... of the..... Development Authority. I/We herewith declare that I/We own/possess land/ building within the above scheme area the details of which are given in the following table :

Serial No.	Name of the title or interest holder	Name of village in which the land/ building is located	Ward No.	Holding No.	Plot No.	Area of the land in acres
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Nature of land			If land with building give details of the building	Nature of title or interest (free-hold/ mortgaged and other)	Remarks	
Agriculture	Vacant	Built up				
(8)	(9)	(10)	(11)	(12)	(13)	

Yours faithfully
Signature of the person
furnishing the information

Form V

[See Rules 31(v), 36(6) and 45(2)]

Town Planning Scheme No.....

Re-distribution and Valuation Statement

Part B: Distribution and Allocation Statement							
Serial No.		Name of owner		Tenure		Survey No.	
1		2		3		3(a)	
Original Plot				Final Plot			
No.	Area in Sq.Mt.	Value in Rs.		No.	Area in Sq. Mt.		
		Without reference to value of structures Rs.P.	Inclusive of structures Rs.P.				
4	5	6(a)	6(b)	7	8		

Value in Rs.				
Undeveloped		Developed		Contribution (+) Compensation (-) (Section 63) Column 9(b) minus Column 6(b)
Without reference to structures	Inclusive of structures	Without reference to value of structures	Inclusive of structures	
Rs.P. 9(a)	Rs.P. 9(b)	Rs.P. 10(a)	Rs.P. 10(b)	Rs.P. 11
Increment (Section 61) Column-10 (a) minus Column 9(a)	Contribution (Section 62) percent of Column 12	Addition to (+) or deduction from (-) contribution to be made, if any	Net demand from (+) or by (-) owner being the addition of columns 11, 13, 14	Remarks
Rs.P	Rs.P	Rs.P	Rs.P	
12	13	14	15	16

Form VI

**[See Rules 31 (vii), 36 (6) and 45 (2)]
Town Planning Scheme No.....
Financial Statement**

Of the*

- (i) Expenses of works included in the scheme under Section 22(4), (c), (d), (e) and (i) Rs.....
- (ii) Other expenses of works under Section 22 (4) as may be relevant** Rs.....
- (iii) Expenses shown in the Re-distribution and Valuation Statement (total of column 11 of Form V) Rs.....
- (iv) Cost of preparation and publication under Sections 23 to 25 and Rules 26 to 28 Rs.....
- (v) Compensation under Section 65 Rs.....
- (vi) Legal expenses under Section 60 (1) (a) Rs.....
- (vii) Cost of demarcations Rs.....

- (viii) Emoluments of Valuation Officer and his establishment, including contingent expenditures Rs.....
- (ix) Emoluments and contingent expenditures of the establishment of the Board of Appeal Rs.....
- Total Rs.....
- (a) Total of increments (Column 12 of Form V) Rs.....
- Proportion of increment to be contributed by each holder under Section 62 Rs.....
- (b) Total of the contribution under Section 62 Rs.....
- NET COST of the scheme to the Authority
(a)-(b).....

* Give name of the Authority here.

** Section or Authority to be quoted in detail.

Note - The sign (-) before an item of expense indicates that the amount is payable to the Authority. Particulars should be inserted showing how net cost of the scheme of the Authority is proposed to be met.

Form VII
[See Rule 36 (3)]
Draft Town Planning Scheme No.....
Notice

1. The undersigned Shri Valuation Officer..... hereby inform all persons interested and affected that the Government of Orissa by its notification in the Housing and Urban Development Department No..... dated..... published in the *Gazette* (detailed reference to *Gazette*)has appointed me as the Valuation Officer for the above scheme. As required by Sub-rule (1) of Rule 36 of the Orissa Development Authorities Rules, 1983. I hereby give notice that I have entered upon the duties as Valuation Officer on..... (date). The above scheme is bounded on North by..... on South by..... on West by and on East by..... As required by Rule 36 (3) of the said rules. I hereby inform all those interested or affected by any of the matters included in the above scheme that they should communicate their objections in writing with supporting evidence and documents before me within twenty days of the date of publication in the *Gazette* in respect of the matters mentioned in Section 27 of the Orissa Development Authorities Act, 1982. Any person who is injuriously affected by the above scheme being entitled to claim damages in accordance with Section 65 of the Orissa Development Authorities Act, 1982 should communicate the details of his claim to the undersigned within three months of the date of publication of the notification with supporting documents and evidence.

A copy the Draft, Town Planning Scheme No..... sanctioned by the State Government is kept open in the office of the undersigned during office hours on all working days except Saturdays with all the required documents, statements, plans, forms. Any person having interest in the lands and any person affected by the proposals of the said scheme may inspect the scheme in the said office where arrangements for explaining the proposals in the scheme has been made.

Date.....

Office of the Valuation Officer

Valuation Officer.

Form VIII
[See Rule 36 (9) (a) and 36 (10) (a)]
Town Planning Scheme No.....

Preliminary/Final :

In pursuance of Rule 36 (9)(a)/39 (10) (a) it is hereby notified that a preliminary/final town planning scheme in respect of area covered by Town Planning Scheme No..... of..... Development Authority has been drawn up by me and I have this..... day of..... month year declared my decisions as Valuation Officer with regard to matters contained in Sub-section (1)/(3) of Section 35 of the Orissa Development Authorities Act, 1982. Every owner of land/building included, in the said scheme is being sent a copy of my decision, separately. Any person aggrieved with the aforesaid decision except in so far as it relates to Clauses, (i), (ii), (v) and (ix) of Sub-section (3) of Section 35 of the said Act may prefer an appeal under Section 37 of the said Act.

A copy of the above scheme with all the informations, decisions and plans are available for inspection in the office of the undersigned on all working days' excepting Saturdays during office hours and necessary arrangements have been made to explain the scheme.

Note - Strike out the provisions not applicable.

Date.....

Office of the Valuation Officer

Valuation Officer

Form IX
[See Rule 36 (9) (b)]
Town Planning Scheme No.....
Preliminary

I send herewith the extract of the decisions taken by me in respect of the Original Plot No..... of the above scheme taken in accordance with Sub-section (1) of Section 35 of the Orissa Development Authorities Act, 1982 for information to you as required under Sub-rule (9) (b) of Rule 36 of the Orissa Development Authorities Rules, 1983.

Extract

Sl. No.	Plot No. of the Original Plot	Area of the Original Plot (in Sq. Metres)	Plot No. of final plot allotted	Area of final plot allotted (in Sq. metres)	Remarks
1	2	3	4	5	6

This preliminary scheme is being submitted to the State Government for sanction in accordance with Sub-section (2) of Section 35 of the said Act.

I am further to inform you as under :

1. The rights of the mortgagor or mortgagee on the original Plot No..... are transferred of the Final Plot allotted against the Original Plot.

2. All the rights of the passage on the lands merged in the Final Plot are hereby extinguished unless such rights preserved in Column 16 of Form V pertaining to this scheme.
3. The tenure of the Final Plot will be as per the tenure of the Original Plot. Any agreement in respect of the Original Plot in between you and theAuthority or the State Government are transferred to the Final Plot with the modifications regarding the area allotted in the Final Report.
4. Unless decided otherwise you will be permitted to remove the trees, compound walls, barbed wire, huts, sheds and other materials from the Original Plot within one month of the date on which the preliminary scheme comes into force or the date fixed by the State Government subject to condition that by doing so you will have to fill in all the holes resulted in consequence of such removal.
5. Any other matter.

Date.....

Valuation Officer

.....

* Strike out whichever is not applicable.

Form X
[See Rule 36 (10) (b)]
Town Planning Scheme.....
Final

I send herewith the extract of my decision under Sub-section (3) of Section 35 of the Orissa Development Authorities Act, 1982 in respect of the Original Plot No..... as required by Sub-rule 10 (b) of Rule 36 of the Orissa Development Authorities Rules, 1983.

Extract

Sl. No.	Plot No. of the original plot	Area of original plot (in Sq. metres)	Rate per Sq. mts. (in Rs.)	Remarks
1	2	3	4	5
Plot No. of the final plot allotted	Area of final plot (in Sq. mts.)	Rate per Sq. mts. of the final plot without any improvement as contemplated in the scheme	Rate per sq. mts. of the final plot with improvement as contemplated in the scheme	
6	7	8	9	

The amount payable by to you
under Section 63

Estimated amount of the increment
under Section 61

Amount of incremental contribution
under Section 62

The compensation under Section 65

Net amount contribution payable by
you

Net amount payable to you

I am further to inform you as under

1. The final scheme drawn up by me will be available for inspection in the office of the undersigned on all working days except Saturdays during office hours with all the plans, details of the expenditures, forms and details of the calculations for the plot, sales, statement, sales plan, detailed valuation of each and every plot and my decisions. Necessary arrangements are also made for explaining the informations as above.

2. Decision under Clauses (i), (ii), (v) and (ix) are final. All other decisions are subject to modifications in accordance with the decisions of the Board of Appeal. If you are aggrieved by any of the above decisions which are subject to the decision of the Board of Appeal, you may prefer an appeal (with three copies of Memorandum of Appeal) to the Board of Appeal in accordance with the provisions of Section 37.

3. All the amount in respect of the scheme for the works other than agreed upon shall be payable to the Authority on or before the date as notified by the said Authority.

4. Any other matter.

Dated.....

Valuation Officer

Form XI
[See Rule 44]

To

Shri/Smt/Kumari..... residing at (insert known address)

Whereas I, the undersigned, have reason to believe that-

(i) the building or work situated in the area included in the town planning scheme No contravenes the following respects

(a).....

(b).....

(c).....

(ii) in erection of the building and carrying out of the work, the following provisions of the scheme have not been complied with :

(a).....

(b).....

(c).....etc.

Or

Whereas it appears to the undersigned that delay in the execution of work which, it is your duty to execute under the town planning scheme No is likely to prejudice the efficient operation of the scheme :
(describe the works here)

(i)

(ii)

And whereas, under Section 52 of the Orissa Development Authorities Act, 1982, it is proposed to make an order :

(i) to remove, pull down, alter the building or other work as the same contravenes the scheme or in the erection or carrying out the work, the provision of the scheme has not been complied with;

(ii) to execute the work which it is your duty to execute under the schemes but the delay in its execution by you is likely to prejudice the efficient operation of the scheme.

Now, therefore, in pursuance of Sub-section (1) of Section 52 of the Act, you are hereby called upon to show cause in writing within days from the date of service of this notice as to-

(i) why the proposed order of removing, etc., should not be made, or

(ii) why the work which it is your duty to execute should not be executed by the undersigned,

You are hereby further informed that if you fail to remove, pull down etc. the work or if you fail to execute any work which it is your duty to execute under the scheme or if you fail to show-cause against the proposed action the Authority shall remove, pull down or alter the building or other work or shall execute any work where delay in the execution of work would prejudice the efficient operation of the scheme.

Any expenses incurred by the Authority shall be a sum due to it and shall be recovered from you.

Scheme

(Description of work)

Signature of the Authorised Officer
.....Development Authority

* Strike out whichever is not applicable.

Form XII

[See Rule 50]

.....Development Authority

Property Register (Lands)

Description of property

Sl. No.	Ward No. Revenue Village No.	Khata No. and Plot No.	Area with description	Owner with description	Purchased/ Acquired Government Land
1	2	3	4	5	6

Sanctioning authority in respect of purchase		Amount paid (in rupees)	Date of taking over possession	Date of handing over possession for works	Lease with description
Award No. with date and the Authority in case of acquisition					
7		8	9	10	11
Term of lease	Annual Rent (in Rupees)	Total amount of rent demand (in Rupees)	Total amount of rent outstanding (in rupees)	Reference in disposal register	Remarks
12	13	14	15	16	17

Note - All areas should be expressed in hectares/acres and square metres.

Form XIII

[See Rule 50]

.....Development Authority

Property Register (Built Property)

Particular of Property.....

Sl. No.	Location		Area of land and its book value		Total plinth area of the building and its costs	
	Ward Number	House Number	Area of land	Cost	Plinth area	Cost
1	2	3	4	5	6	7
Useable floor area excluding corridors, verandah but including baths, W.C., Kitchen and Store		Purpose for which purchased, acquired or constructed together with reference to resolution of the Authority		Date of construction, purchase, or acquisition	Type of construction, single, double or multistoreyed (Give No. of storeys)	
8		9		10	11	

Whether permanent, semipermanent or temporary	Residential or non-residential	How used at present	Annual rent demand if any (in rupees)	Annual rent outstanding if any (in rupees)	Remarks
12	13	14	15	16	17

Note - All areas should be expressed in hectares/acres and square meters.

Form XIV

[See Rule 56]

.....Development Authority

(Moveable Property)

Stock Register of Stationery/Other consumable articles

Description of Articles

Date	Opening balance	Number or quantity of articles received	Total	To whom issued
1	2	3	4	5
Total or quantity of articles issued	Balance	Dated initial of issuing clerk	Dated signature of the Sectional Head in token of monthly check	Remarks
6	7	8	9	10

Form XV

[See Rule 56]

(Moveable Property)

Register of Dead Stock Articles

Date of purchase	Name of article and its description	Number or quantity	Value with voucher No. and date	To whom allotted for use and the official responsible for custody

1	2	3	4	5

Results of physical verification

Initial of officer-in-charge	No. of quantity issued	Condition	Dated initial of verifying officer	Order of the competent authority for removal of item from the register	Remarks
6	7	8	9	10	11

Form XVI

[See Rule 73 (4)]

Statement I

Abstract of the Annual Estimate (Budget) of..... Authority for the year.....

Revenue Capital	Actuals for the previous three years	Estimates for the current year	Revised Estimates for the current year	Estimates for the year	Remarks (Explanation for increase/decrease)
1	2 3 4	5	6	7	8
<i>Opening balance on the 1st April.....</i> Revenue Section Capital Section RECEIPTS Revenue Section Capital Section Total-Receipts EXPENDITURES Revenue Section Capital Section Total-Expenditures <i>Closing balance as on 31st March.....</i> Revenue Section Capital Section					

Form XVI

[See Rule 73 (4)]

Statement II

Receipts under capital and Revenue Accounts of the Development Authority.....

Receipts	Actuals for the previous three years	Estimates for the current year	Revised Estimates for the current year	Estimates for the year	Remarks (Explanation for increase/ decrease)
1	2 3 4	5	6	7	8
I.	REVENUE ACCOUNT				
	<i>Opening Balance :</i>				
1.	Recoveries of expenditure/ Advances				
2.	Sale of tender forms				
3.	Recoveries of fine, etc.				
4.	Hire charges of tools and plants, supervision charges, sale of material and other similar receipts				
5.	Annual rent of lands leased				
6.	Annual rent of building				
7.	Forfeiture of deposits				
8.	Fee and development charges				
9.	Increased stamp duty				
10.	Contribution from urban local bodies				
11.	Grants by State Government				
12.	Other miscellaneous grants				
13.	Incremental contribution in town planning scheme				
14.	Establishment (departmental) charges transferred from Capital Account				
15.	Miscellaneous Total-Revenue Receipts (Surplus or deficit)				
II.	CAPITAL ACCOUNT				
	<i>Opening Balance :</i>				
1.	Government grants towards seed capital				
2.	Contribution to capital account from :				
	(a) Local authorities				

	(b) Private persons	
3.	Deposits for specific Capital works	
4.	Sale proceeds of lands, buildings and equipments	
5.	Loans from Government	
6.	Loan by way of debentures	
7.	Other loans	
8.	Sale of plots	
9.	Sale of buildings	
10.	Premia on leases for more than forty years	
11.	Investments realised	
12.	Recovery of advances out of capital account	
13.	Contribution from surplus in Revenue Accounts	
14.	Other capital miscellaneous receipts	
	Total Capital Receipts	
	Grand Total=Revenue+Capital.	

Form XVI
[See Rule 73 (4)]
Statement III

Expenditure under Revenue and Capital Accounts of the..... Development Authority.....

Receipts	Actuals for the previous three years	Estimates for the current year	Revised Estimates for the current year	Estimates for the year	Remarks (Explanation for increase/decrease)
1	2 3 4	5	6	7	8
I.	REVENUE ACCOUNT				
1.	Development Authority, Advisory Council and Committees :				
	(a)	Fees, allowances or honorarium of Chairman			

	(b)	Pay of Vice-Chairman and members	
	(c)	Fees, allowances and honoraria of members	
	(d)	Fees, allowances, honorarium of members of Advisory Council and Committees	
	(e)	Contingencies	
2.	Establishment (Administration)		
	(a)	Pay of Officers	
	(b)	Pay of Establishment	
	(c)	Allowances and honoraria	
	(d)	Contingencies	
		Total :	
3.	Establishment (Finance and Accounts) :		
	(a)	Pay of Officers	
	(b)	Pay of Establishment	
	(c)	Allowances and honoraria	
	(d)	Contingencies	
		Total :	
4.	Establishment (Planning and Enforcement)		
	(a)	Pay of Officers	
	(b)	Pay of Establishment	
	(c)	Allowances and honoraria	
	(d)	Contingencies	
		Total :	
5.	Establishment (Engineering)		
	(a)	Pay of Officers	
	(b)	Pay of Establishment	
	(c)	Allowances and honoraria	
	(d)	Contingencies	

	Total :	
6.	Establishment (Architectures)	
(a)	Pay of Officers	
(b)	Pay of Establishment	
(c)	Allowances and honoraria	
(d)	Contingencies	
	Total :	
7.	Pension contributions and leave salaries.	
8.	Expenditure towards meetings of the Authority Advisory Council and Committees.	
9.	Travelling expenses	
10.	Contingencies and equipments	
11.	Legal charges	
12.	Audit fees	
13.	Survey charges	
14.	Stationeries, printings and postages, etc.	
15.	Maintenance, repairs and renewal of tools, instruments, vehicles furnitures, etc.	
16.	Publication of development plans and schemes	
17.	Rent, Municipal and other taxes	
18.	Advances	
19.	Miscellaneous	
	Total : Revenue Expend	
	Closing Balance	
II.	CAPITAL ACCOUNT :	
1.	Special Survey Charges	
2.	Work in progress	
3.	Cost of land	

4.	New works	
5.	Tools and plants	
6.	Amount transferred to depreciation funds	
7.	Re-payment of loans	
8.	Compensation for injurious affectations	
9.	Advances made	
10.	Miscellaneous	
	Total : Capital Expenditure	
	Closing Balance	
	Grand Total : Revenue + Capital	

Form XVI
[See Rule 73(4)]
Statement IV

Work in progress/New work of the Authority

Name of work or project	Item of capital expenditure	Estimated cost of work or project	Expenditure to the end of last year	Account for the year or before last year
(1)	(2)	(3)	(4)	(5)
Budget for the current year	Revised estimates for the current year	Budget estimates for 19-20....	Remarks (explanation for increase/decrease)	
(6)	(7)	(8)	(9)	

1. Land acquisition
2. Survey and demarcation
3. Road
4. Water work-
 - (a) Head work
 - (b) Pipe line
5. Drainage-
 - (a) Drainage line

- ## 6. Electricity-

Form XVII

[See Rule 73(4)]

Annual programme of work for the of the..... Authority

Sl. No.	Name of work or project	Estimated cost of work or project	Estimated expenditure in the year for which programme is proposed	Estimated receipts	Salient features, amenities and facilities provided in the area
(1)	(2)	(3)	(4)	(5)	(6)

Form XVIII

[See Rule 73(5)]

Statement of Honoraria, Salaries and Allowances of the members, officers and employees of the Development Authority

Designation of members/ officers/ employees	Scale of pay	Present pay	Honoraria	Conveyance Allowance	Dearness Allowance
(1)	(2)	(3)	(4)	(5)	(6)

Additional Dearness Allowance	Compensatory Allowance	House- rent Allowance	Deputation Allowance	Total (Column 4 to 10)	Total (Column 3 + 11)	Remarks
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Form XIX

[See Rule 90(1)]

Annual Statement of accounts of the Development Authority

Previous year Rs.	Sl. No.	Expenditure	Budget for the year	Actuals for the year	Previous year Rs.	Sl. No.	Expenditure	Budget for the year	Actuals for the year
(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)

1. To establishment and other charges-
 - (a) Establishment
 - (b) Contingencies and Municipal taxes
 - (c) Leave and pension contribution
 - (d) Audit fees
1. By sale of tender forms
2. By recoveries of fines etc.
3. By hire purchase of tools
4. By supervision charges and sale of materials and similar other recoveries
5. By annual rent of land leased by the Authority
6. By forfeiture of deposits
7. By recovery of development charges
8. By recovery of incremental contribution in Town Planning Scheme
9. By miscellaneous receipt (Specify items)
- Less** - Transferred to (excluding expenditure on income as per extra development expenditure).
2. To interest on Government loans

Less - Interest received on Bank and other deposits.

Less - Balance transferred to Development Expenditure.
3. To depreciation as per Schedule 'A'
 - (a) Scientific instruments
 - (b) Ordinary tools and plants
 - (c) Vehicles
 - (d) Furniture
 - (e) Telephones
 - (f) Typewriter and duplicating machine
 - (g) Ammonia printing machine
 - (h) Photo Xerox machine
 - (i) Cycle
 - (j) Franking machine
 - (k) other equipments/machines

Less - Transferred to (excluding depreciation on tools, plants given on hire) Development expenditure.

4. (a) To miscellaneous expenditure
- (b) To excess of income over expenditure transferred to balance-sheet.

Form XX

[See Rule 90 (1)]

Balance sheet as on 31st March..... of the..... Development Authority

Previous year Rs.	Liabilities	Rupees	Previous year Rs.	Assets	Rupees
(1)	(2)	(3)	(1)	(2)	(3)
RESERVES AND SURPLUS (Income and expenditure account, if any) Receipts on capital account Premium price on lease of plots as per Schedule 'D' Loans From Government interest accrued on above From others (Including interest accrued thereon) Deposits Towards cost of construction from Government CURRENT LIABILITIES AND PROVISIONS Current Liabilities Deposits (a) From Contractors (b) From other sources (A) Towards premium price for the plot or land (B) Sundry Deposits (a) Liabilities for construction and other capital expenditure (b) Liabilities for establishment and other charges including other deductions Provisions			FIXED ASSETS (At cost as per Schedule 'A') Gross Value Less-Depreciation Capital Expenditure (a) Towards development of area as per Schedule 'B' (b) Towards construction of building as per Schedule 'C' Current assets, loans and advances (A) Current Assets (i) Stocks as certified by Executive Engineer (ii) Sundry Debtors - (a) Debtors considered good (b) Debtors considered doubtful Less-Provisions (iii) Cash and Bank balance - (a) Cash with Banks (i) In Deposit A/C. (ii) In Current A/C. (B) Loans and Advances (a) Loans (b) Advances for purchase and expenditure (c) Advances to staff members (d) Miscellaneous advances recoverable in cash or kind		

(i) For expenses (ii) For contingent liabilities TOTAL :	(e) Sundry advances including other deposits income and Expenditure A/C. (if any) Deficit at the end of the previous year TOTAL :
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Form XX
[See Rule 90(1)]

Schedule

Fixed Assets forming part of the balance-sheet as on of the Development Authority

Sl. No.	Description	Cost Price as on	Additions during the year	Total
(1)	(2)	(3)	(4)	(5)
Deductions	Depreciation up to the end of previous year	Depreciation for the year	Total depreciation	Net balance
(6)	(7)	(8)	(9)	(10)

1. Scientific instruments
2. Ordinary tools and plants
3. Vehicles
4. Furnitures
5. Telephones
6. Typewriter and duplicating machines
7. Ammonia Printing machine
8. Photo/Xerox machine
9. Cycles
10. Franking machine
11. Other assets

TOTAL :

Form XX
[See Rule 90(1)]
Schedule 'B'

Capital expenditure towards development of Development Areas forming part of balance-sheet as on of the Development Authority

Sl. No.	Description	Expenditure at the end of the year	Expenditure during the year	Total Expenditure	Deduction (written back)	Net
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Development Expenditure					
2.	Establishment Expenditure					
3.	Interest					
4.	Depreciation					
	TOTAL :					

Form XX
[See Rule 90(1)]
Schedule 'C'

Capital expenditure for construction works in Development Areas forming part of the balance-sheet as on of the Development Authority.

Sl. No.	Description	Expenditure at the end of the year	Expenditure during the year	Deduction written back	Net
(1)	(2)	(3)	(4)	(5)	(6)
1.	Development Expenditure				
2.	Establishment Expenditure				
3.	Interest				
4.	Depreciation				
	TOTAL :				

Form XX
[See Rule 90(1)]
Schedule 'D'

Capital Receipts Premium on lease of plots, Recovery of Development charge and Incremental Contribution in the Areas forming part of the balance-sheet as on..... of the Development Authority

Sl. No.	Name of the area/Town Planning Development Scheme	Receipts at the end of the year	Receipts during the year	Total receipts	Deductions	Net
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Form XXI
[See Rule 113]

No objection certificate under Section 116 of the Orissa Development Authorities Act, 1982.

The Development Authority has no objection if the deed or document in respect of transfer, by way of sale, lease or otherwise of the land/buildings specified in the schedule below, is registered under the provisions of the Indian Registration Act, 1908.

Schedule

- (a) Plot No..... Hal..... Sabak.....
- (b) Khata No.....
- (c) Name of the Revenue Village/Thana No.....
- (d) Year of settlement.....
- (e) Holding No./Ward No./Municipality/Notified Area.....
- (f) Area of the property to be transferred.....
- (g) Use to which land can be put.....
- (h) Bounded by.....

North.....East.....South.....West.....

Note - This "No objection certificate" shall not be construed as to confer any right on the transferee to claim issue of any permission under Section 16 of the Orissa Development Authorities Act, 1982.

Site plan of the concerned land/building is enclosed.

Date : _____ Signature of the Authorised Officer

Place: _____ The.....Development Authority.

Notifications

Housing and Urban Development Department

(The 16th September, 1995)

S.R.O. No. 995/95. - In exercise of the powers conferred by Sub-section (3) of Section 1 of Orissa Development Authority Act, 1982 (Orissa Act 14 of 1982), the State Government do hereby appoint the, 2nd day of October, 1995 to be the date on which the said Act shall come into force in the areas comprised in the Master Plan areas of Rourkela Civil Township, Industrial Township Sundergarh, Biramitrapur, Rajgangpur to which the provisions of Orissa Town Planning and Improvement Trust Act, 1956 were extended in the Notifications of Government of Orissa in Health (L. S. G.) Department No. 10462/L.S.G., dated the 30th December, 1960, No. 6610/L.S.G. dated the 26th June, 1962, No. 6956/L.S.G. dated the 5th July, 1962 and No. 5209/L.S.G. dated the 13th May, 1963, in Urban Development Department No. 11430/U.D. dated the 24th April, 1972 and in Housing and Urban Development Department No. 25700, H. U.D., dated the 7th June, 1982, and the schedule of Mouzas annexed herewith :

Schedule

Sl. No.	Name of Mouza/Unit	Name of the Thana with number	Municipality/ N.A.C./Grama Panchayat
(1)	(2)	(3)	(4)
	PART-A		
1.	Dandiapali (Remaining Part)	Kalunga 11	Balanda G. P.

2.	Jhartarang (Remaining Part)	Kalunga 12	Jhartarang G. P.
3.	Gadaibolanda (Remaining Part)	Kalunga 19	Balanda G. P.
4.	Balanda (Remaining Part)	Kalunga 21	Balanda G. P.
	PART-B		
5.	Rourkela Town Unit No. 31 (Bondamunda Area)	Plant Site 9	Bondamunda G.P.
	PART-C		
6.	Rourkela Town Unit No. 52	Plant Site 18	Bondamunda G.P.

Part-A

Boundaries

North - Gadeibalanda part 15 of Kalunga P. S. under Balanda G. P., Balanda part 21 of Kalunga P. S. under Balanda G. P. Jhartarang part 12 of Kalunga P. S. under Jhartarang G. P. Dandiapali part 11 of Kalunga P. S. under Balanda G. P.

South - Northern boundary of Sagjore 83 of Rajgangpur P. S. under Panposh G. P. Rutkupidi R. F., Gotidath 22 of Kalunga P. S. under Balanda G. P. Jogidhar R. F. Garjan 24 of Kalunga P. S. under Balanda G. P.

East - River Brahmani.

West - East Boundary of Sagjore 80 of Rajgangpur P. S. under Panposh G. P.

Part-B

North - Durgapur Hill, Bartall-9 of Plant site P. S. under Jhirpani G. P.

South - Rourkela town unit No. 32 P. S. No. 15 of Plant site P. S. under Rourkela Municipality.

East - Pograbahat-14 of Plant site P. S. under Santoshpur G. P.

West - Rourkela town unit No. 33 P. S. No. 7 of Plant site P. S. under Rourkela Municipality.

Part-C

North - Rourkela town unit No. 51 P. S. No. 16 of Plant site under Rourkela Municipality.

South - Uperbahal Bada 151 Of Bisra P. S. under Bondamunda G. P.

East - Kukuda-19 of Plant site P. S. under Sausoslipur G. P. Dumermunda 150 of Bisra P. S. under Santoshpur G. P.

West - Rourkela town unit No. 50 P. S. No. 17 of Plant site P. S. under Rourkela Municipality.

(The 15th September, 1995)

S.R.O. No. 996/95. - In exercise of powers conferred by Sub-section (1) of Section 3 of the Orissa Development Authority Act, 1982 (Orissa Act 14 of 1982), the State Government do hereby declare that the areas in which the said Act has been enforced by the notification of the Government of Orissa in Housing and Urban Development Department No. 30931/H. U. D., dated the 15th September, 1995 shall be a Development Area for the purpose of the said Act and shall be assigned the name "Rourkela Development Area" with effect from the 2nd October, 1995.

(The 15th September, 1995)

S.R.O. No. 997/95. - In exercise of the powers conferred by Sub-section (3) read with Sub-sections (5) and (6) of Section 3 of the Orissa Development Authorities Act, 1982 (Orissa Act 14 of 1982), the State Government do hereby constitute a Development Authority for the Rourkela Development Area declared as such in the Notification of Government of Orissa in the Housing and Urban Development Department No. 30935/H.U. D., dated the 15th September, 1995 to be known as "Rourkela Development Authority" with effect from the 2nd October, 1995 with Headquarters at Rourkela consisting of the following Members, namely :

1. Minister of State, Urban Development Chairman
2. Collector and District Magistrate, Sundargarh Vice-Chairman (Part-time)
3. Executive Engineer, P. H. Division, Rourkela Engineer-Member (Part-time)
4. Associate Town Planner (At present Secretary, R. R. I. T., Rourkela) Town and Regional Planning Member (Full-time)
5. Treasury Officer, Special Treasury, Rourkela Finance and Accounts Member (Part-time)
6. Deputy Chief Architect Architect-Member (Part-time)
7. Commissioner-cum-Secretary to Government, Housing and Urban Development Department or his representative *Ex officio* Member
8. Chairman, Rourkela Municipal Council Ditto
9. Chairman, Sundargarh Municipal Council Ditto
10. Chairman, Rajgangpur Municipal Council Ditto
11. Chairman, Biramitrapur Municipal Council Ditto