

THE JAMMU AND KASHMIR CONTROL OF BUILDING OPERATIONS REGULATIONS, 1998

**Notification SRO 165, dated 28.05.1998, Housing and Urban
Development Department**

In exercise of the powers conferred under section 19 of the Jammu and Kashmir Control of Building Operations Act, 1988 (Act No. XV of 1988) and in supersession of Notification SRO 336 dated 28-11-1991, the Government hereby make the following Regulations, namely:—

NOTES

Construction

Construction — Under the Regulations a construction will be deemed to be a minor construction if it does not violate the approved land use, permissible front, rear or side set backs more than 10% of the permissible ground coverage and permissible height.—*Building Operation v. Jyoti Singh & Anr. 2017 (6) JKLRJ 332[HC] : 2006 (3) JKJ 526[HC] : JKJ Soft JKJ/21606*

Illegal constructions — Displeasure — Observation

Illegal constructions — Displeasure — Observation — The illegal constructions are being raised with the connivance of municipal authorities — If the Municipal Authorities are really interested in stopping illegal constructions then the staff of Municipality should take immediate action against the persons concerned and direct the parties who are raising illegal constructions to demolish the same.—*Krishen Chand v. State & Ors. 2017 (6) JKLRJ 678[HC] : 2007 (3) JKJ 263[HC] : 2008 SLJ 552 : JKJ Soft JKJ/23548*

1. Short title and commencement

(1) These Regulations may be called the Jammu and Kashmir Control of Building Operations Regulations, 1998.

(2) These shall come into force from the date of their publication in the Government Gazette.

NOTES

COBO Regulations and Master Plan bye-laws

Violation in shape of excess construction than permitted — Building permission for construction of first floor of residential house with built up area of 937 sft with set backs in front and back of land over an area of 2023 sft — Instead construction made over 1664 sft — Notice for demolition of violation after completion of excess construction — Appeal against demolition notice before Special Tribunal — Held, construction having been completed and respondents having taken no action when construction was in process, if excess construction raised by appellant was demolished, appellant shall suffer irreparable loss — Violation allowed to be compounded by paying compounding fee assessed @ Rs. 30 per sft.—*Parikshat Singh v. Building Operation Controlling Authority & Anr. 2012 (1) JKJ 67[Tri.]*

Illegal constructions — Displeasure — Observation

The illegal constructions are being raised with the connivance of municipal authorities — If the Municipal Authorities are really interested in stopping illegal constructions then the staff of Municipality should take immediate action against the persons concerned and direct the parties who are raising illegal constructions to demolish the same.—*Krishen Chand v. State : 03.10.2007 : OWP No. 855/06 : 2007 (3) JKJ HC-263*

2. Definitions

In these Regulations unless the context otherwise requires:

- (i) "Act" means the Jammu and Kashmir Control of Building Operations Act, 1988;
- (ii) "Development Authority" means the Authority constituted under the J&K Development Act, 1970;
- (iii) "Form" means the forms appended to these Regulations;
- (iv) "Members" means the Members of the Authority;
- (v) The words and expressions used in these Regulations but not defined shall have the same meaning as assigned to them in the Jammu and Kashmir Control of Building Operations Act, 1988.

3. Constitution of the Authority

With the commencement of these regulations; the Authorities for the purpose of the Act in any Municipal Area, Local Area not included in the Municipal area, Town Area, Notified Area and Area notified under the J&K Town Planning Act, 1963 which is not a Local area, Town Area or Notified Area shall be as under:—

(a) Municipal Area:—

(i)	Administrator of the Municipality	...Chairman
(ii)	Chief Town Planner Dev. Authority/ Divisional Town Planner (in the case of Poonch Municipality)	...Member.
(iii)	Assistant Commissioner (Nazool).	...Member.
(iv)	Executive Engineer (Public Health Engineering)	...Member
(v)	Executive Engineer Inspection (Power Development Deptt.).	...Member.
(vi)	Executive Engineer (Sewerage & Drainage)	...Member.
(vii)	Executive Officer of the Municipality	...Member.

b. Local Area not included in the Municipal Area:—

(i)	Vice Chairman of the Development Authority.	...Chairman
(ii)	Chief Town Planner (Development Authority).	...Member.
(iii)	Collector (Land Acquisition) of Authority	...Member.
(iv)	Executive Engineer (Public Health Engineering)	...Member
(v)	Executive Engineer Inspection (Power Development Deptt.).	...Member.
(vi)	Executive Engineer (Sewerage & Drainage)	...Member.

c. Town Area:—

(i)	Administrator of Town Area Committee	...Chairman
(ii)	Chief Town Planner	...Member.
(iii)	Assistant Commissioner (Revenue).	...Member.
(iv)	Executive Engineer (Public Health Engineering)	...Member
(v)	Executive Engineer (Power Development Deptt.).	...Member.
(vi)	Executive Officer of Town Area Committee	...Member.

d. Notified Area:—

(i)	Administrator of Notified Area Committee	...Chairman
(ii)	Divisional Town Planner	...Member.
(iii)	Tehsildar.	...Member.
(iv)	Executive Engineer (Public Health Engg.)	...Member
(v)	Executive Engineer (Power Development Deptt.).	...Member.
(vi)	Executive Officer or in his absence Secretary of the Notified Area Committee	...Member.

e. Area notified under the J&K Town Planning Act which is not a Municipal Area, Local Area, Town Area or Notified area.

As may be notified by the Government.

4. Application for permission

(1) Every person intending to undertake or carry out the development of any site, or erect or re-erect any building or make or extend any excavation or layout any means of access to a road shall apply in Form 'A' to the Chairman of the concerned Authority. Such application shall accompany the following documents:—

- (i) 8 copies of the Building Plans duly drawn and signed either by an Architect registered with the Council of Architects or by a Draftsman registered with the concerned Municipality/Town Area Committee/Notified Area Committee;
- (ii) an attested copy of the proof of ownership record of the land.

(2) The Building Plan shall indicate the following details:—

- (i) the key plan of location which shall clearly and unambiguously describe the location of the proposed building;
- (ii) the nature and use of the existing site and of the use of the proposed building;
- (iii) sections and elevations of the buildings in each floor;
- (iv) specifications of the building;
- (v) the position of door/ windows and drainage outlets with reference to the adjacent site; and
- (vi) the positions of approach to the site.

¹[5. Inspection of Site

(1) On receipt of the application the Chairman of the Authority shall cause the proposed site to be inspected by the person to be authorised by the Government or by the Chairman who shall record his opinion in Form B1 or B2, as the case may be, within the period of seven days from the date of the submission of the application.

(2) The Chairman of the Authority shall simultaneously forward a copy of the Building Plan to all the Members of the Authority for their inspection and opinion; and

(3) On the receipt of the report of inspection in Form B1 or B2, as the case may be, the Chairman of the Authority may send the Building Plans along with inspection report for further inspection and opinion of such members as he may deem fit.]

¹ Substituted by Notification No. LSG(J094) 147 dated 3.12.1998.

6. Meetings of the Authority

(1) The Authority shall meet once in a fortnight on a fixed date and in case of holiday the meeting of the authority shall be held on the next working day.

(2) The date, time and place of the meeting shall be determined by the Chairman of the Authority.

(3) The notice of every meeting of the Authority shall be given in writing to every Member by such officer as may be authorised by the Chairman in this regard.

¹[(4) The quorum for the meeting of the Authority shall be 1/2 of the total strength of its composition. However, the members unable to attend the meeting in view of certain difficulties may be represented by Proxy authorised in Form-C.]

(5) The proceedings of the meeting shall be recorded in the minutes which shall be signed by the Members present in the meeting.

7. Grant of Permission

(1) The Chairman of the authority shall place the application and Building Plan alongwith the Inspector's report before the Authority for its consideration.

(2) The Authority shall either grant the permission subject to such conditions as may be specified or refuse to grant permission on such grounds as may also be specified and recorded.

(3) The Authority shall decide the matter within a maximum period of sixty days from the date of submission of the application and in case no decision can be taken within this stipulated period, the permission shall be deemed to have been accorded.

(4) In case the Authority refuses the grant permission, the grounds of such refusal shall be communicated to the applicant in writing within seven days from the date of the decision.

(5) The permission shall be issued only after the applicant deposits the building permission fees as approved by the competent authority.

²[(6) Before granting permission no objection certificate from Assistant Commissioner (Nazool) for all Government lands and Assistant Commissioner (Revenue) for all non-Government lands shall be obtained. In addition to this no objection certificate from Chief Town

¹ Substituted by Notification No. LSG(J094) 147 dated 3.12.1998.

² Inserted by Notification No. LSG(J094) 147 dated 3.12.1998.

Planner shall also be obtained with reference to the Master Plan/Town Planning Scheme.]

NOTES

Permission to construction

Permission to construction — It provides that once application is made to the authority then the said authority has to decided the same within a period of 60 days from the date of submission of the application — In case no decision is taken by the authority concerned within the stipulated period, then the permission shall be deemed to have been accorded.—*Krishen Chand v. State & Ors. 2017 (6) JKLRJ 678[HC] : 2007 (3) JKJ 263[HC] : 2008 SLJ 552 : JKJ Soft JKJ/23548*

Scope

Scope — It provides that in case the authority refuses the grant of permission, then the grounds for such a refusal have to be communicated to the applicant in writing within seven days of the decision.—*Krishen Chand v. State & Ors. 2017 (6) JKLRJ 678[HC] : 2007 (3) JKJ 263[HC] : 2008 SLJ 552 : JKJ Soft JKJ/23548*

Writ of prohibition — Construction process — Deemed sanction

Writ of prohibition — Construction process — Deemed sanction — Petitioner had started construction on spot after waiting for sixty days period stipulated for grant of sanction and a further period of thirty days for receipt of information about refusal of sanction, if any — An indefeasible right of deemed sanction had accrued to the petitioner after expiry of sixty days, which got confirmed on expiry of another thirty days so petitioner was within his right to start the construction on spot on the basis of deemed sanction and respondent/Municipal Corporation has illegally demolished the construction raised by him and commenced action under section 7 — By issue of writ of prohibition respondent Nos. 2 and 3 are restrained from interfering with the construction being and to be raised on spot by the petitioner — Writ petition allowed.—*Mahant Vidaya Puri v. State of J&K & Ors. 2017 (9) JKLRJ 542[HC] : 2015 (1) JKJ 297[HC] : JKJ Soft JKJ/29219*

8. Ownership of the land

(1) No permission shall be granted unless the applicant has provided sufficient proof in support of his ownership of the land.

(2) The following documents shall be taken as sufficient proof of ownership of the land unless this is disputed in a court of law:

- (i) sale deed/gift deed/lease deed or any other legal mode of transfer executed in the Court of Law;
- (ii) decree of legal heir passed by the Court of Law;
- (iii) mutation attested by the officials of revenue department;

(3) The permission granted by the Authority shall not by itself confer any right of ownership of the land or the building, as the case may be, upon any person.

9. Delegation

The Authority may delegate all or any of the following power to either the Chairman or such of the officers of the Municipality, Town Area Committee, Notified Area Committee or Development Authority,

as the case may be, as are entrusted with the responsibility of demolition/removal of unauthorised constructions:-

- (i) powers under section 7(1) and 7(2) of the Act to issue notice to show cause why a building should not be altered or demolished;
- (ii) powers under section 7(3) of the Act to pass an order directing a person to demolish, alter or pull down a building or part thereof;
- (iii) powers under section 8(1) of the Act to pass an order directing the sealing or removal of the sealing of unauthorised construction;
- (iv) powers under section 12 of the Act to issue notice to stop building operation and removal of persons thereof.

10. Appeals

(1) An appeal against the order of the Authority made under section 5 and 7 of the Act shall lie before the Chairman of the J&K Special Tribunal or such other Member of the said Tribunal, as may be decided by the same Chairman.

NOTES

Compounding of construction — Challenge — Appeal — Jurisdiction of Tribunal

Compounding of construction — Challenge — Appeal — Jurisdiction of Tribunal — Respondent No. 1 has kept front setback as per approved plan — He has also maintained rear setback to some extent whereas one side of the building is pacca nallah and so no setback was required towards nallah side — Tribunal has found that Respondent No. 1 having committed violations, which are minor in nature and has thus compounded the same — Only violation was that coverage plot area was greater than permissible ground coverage and the land use as halls constructed were contended to be used for commercial purpose — Minor in nature — No interference — Petition dismissed.—*Jammu Municipal Corporation & Anr. v. Naresh Chowdhary & Anr.* 2017 (10) JKLRJ 611[HC] : 2017 (4) JKJ 501[HC] : JKJ Soft JKJ/32207

Deemed permission — Appeal against order of demolition of unauthorized construction on second floor of appellant's School

Deemed permission — Appeal against order of demolition of unauthorized construction on second floor of appellant's School — Appellant applied for permission after completing formalities of producing NOC and deposit of fee on 12.2.2002 but no communication regarding rejection of permission communicated to appellant — Appellant raised construction thereafter — Held, appellant case based on deemed permission and even in that case, it is required to be seen whether construction was as per master plan and the regulations.—*Kusam Bhatia v. Building Operation Controlling Authority, Jammu* 2017 (8) JKLRJ 373[Tri] : 2012 (2) JKJ 74[Tri] : JKJ Soft JKJ/28010

Deviation from permission for construction on first floor

Deviation from permission for construction on first floor — Appeal against order of demolition — Violation of ground coverage more than 10% — Though not minor offence, yet because of conduct of respondents who allowed the construction to be completed and not having stopped construction at initial stage, violation allowed to be compounded and further

held that equity demands that construction should not be demolished. AIR 2005 SC 2578, Rel.—*Babu Lal v. Joint Commissioner(A), Municipal Corporation, Jammu* 2017 (8) JKLRJ 429[Tri] : 2012 (2) JKJ 93[Tri] : JKJ Soft JKJ/28016

Violation of minor nature compoundable

Violation of minor nature compoundable — Appeal against order of demolition within 5 days passed by respondent Joint Commissioner (A) Jammu Municipal Corporation dated 20.5.2013 — Construction raised by appellant on his own land and there was no encroachment of any sort either on private land or on the State land — Violations minor in nature, not in contravention of Prevention of Ribbon Development Act, or Master Plan — Case of appellant falls within ambit of Regulation-II of J&K Control of Building Operation Regulation, 1998, and thus compoundable — Violation assessed at 1704 sqft. and compounded @ 75 per sqft. — Total compounding fee of Rs. 1,27,800 ordered to be deposited with two months — sqft. — Total compounding fee of Rs. 1,27,800 ordered to be deposited with two months — Tribunal also observed that no doubt while raising the construction by the appellant, minor deviations have taken place and in case the appeal of the appellant is not accepted it will put the appellant in trouble — Whereas the authorities were under obligation to check the site at first hand and stop the appellant from raising the construction but when the appellant had completed the construction, the respondent authorities chose the mode to issue the impugned notice for demolition of the building — Hon'ble High Court has observed the extent and quantum of construction has no relevancy to ascertain whether, it is a major or minor violation — Where there is no violation of the regulations, in so far as the land use, height and ground coverage and front and rear set back is concerned, compounding of encroachment is not legal — Deviation which have been taken while raising the construction by the appellant are minor in nature — Construction raised by appellant has not been shown in contravention of prevention of Ribbon Development Act or Master plan, case of appellant falls within ambit of Regulation-II of Control of Building Operation Regulations 1998. Accordingly appeal is accepted — Case of the appellant is compounded @ Rs. 75 per sqft. and thus the compounding fee comes to "Rs. 1,27,800 to be deposited with a period of two months.—*Sunita Arora v. Joint Commissioner (A) Jammu Municipal Corporation* 2017 (9) JKLRJ 161[Tri] : 2014 (1) JKJ 32[Tri] : JKJ Soft JKJ/28579

11. Compounding of offence

(1) The Appellate Authority may compound an offence of a minor nature specified in sub-clause (2) of these Regulations:

Provided that the compounding fee shall be worked out on the basis of rates to be notified by the Government.

(2) For the purpose of these Regulations an offence of a minor nature shall include any erection or re-erection of the building which has taken place in violation of permission referred in section 4 of the Act or deemed permission as referred in Sub-clause (2) of clause (7) of these Regulations provided that such erection or re-erection:-

- (i) does not violate the approved land use of area as notified in the Master Plan or Town Planning scheme;
- (ii) does not violate the permissible front, rear or side set backs prescribed in the bye-laws;
- (iii) does not violate by more than 10% the permissible grounds coverage as prescribed in the bye-laws; and

- (iv) does not violate the permissible height of the building as prescribed in the bye-laws.

NOTES

Compounding of construction — Challenge — Appeal — Jurisdiction of Tribunal

Compounding of construction — Challenge — Appeal — Jurisdiction of Tribunal — Respondent No. 1 has kept front setback as per approved plan — He has also maintained rear setback to some extent whereas one side of the building is pacca nallah and so no setback was required towards nallah side — Tribunal has found that Respondent No. 1 having committed violations, which are minor in nature and has thus compounded the same — Only violation was that coverage plot area was greater than permissible ground coverage and the land use as halls constructed were contended to be used for commercial purpose — Minor in nature — No interference — Petition dismissed.—*Jammu Municipal Corporation & Anr. v. Naresh Chowdhary & Anr.* 2017 (10) JKLRJ 611[HC] : 2017 (4) JKJ 501[HC] : JKJ Soft JKJ/32207

Compounding of minor offences

Compounding of minor offences — Construction raised in 2002 but respondent authorities did not take any action when construction was in progress — Notice for demolition issued on 13.11.2002 — During arguments in appeal, appellant produced two permissions dated 2.11.2004 and 9.7.2009 — Construction of 3281 sft. raised on second floor held minor in nature and ordered to be compounded @ Rs.30/- sft.—*Kusam Bhatia v. Building Operation Controlling Authority, Jammu* 2017 (8) JKLRJ 373[Tri] : 2012 (2) JKJ 74[Tri] : JKJ Soft JKJ/28010

Compounding of minor offences by the Appellate Authority

Compounding of minor offences by the Appellate Authority — Offence of minor nature means construction not to violate approved land use of area as notified in Master plan or Town Planning Scheme; does not violate permissible front rear or side set backs prescribed in bye-laws and that construction does not violate more than 10% permissible ground coverage and permissible prescribed height.—*Sanjeev Bhasin v. Building Operation Controlling Authority & Ors.* 2017 (8) JKLRJ 304[Tri] : 2012 (1) JKJ 77[Tri] : JKJ Soft JKJ/28049

Compounding of offence

Compounding of offence — Appellants constructed a GUEST HOUSE i.e. a building for commercial use in the area earmarked for residential purpose only, thereby violating the approved land-use — Action does not and cannot be said to an offence of 'minor nature' so that the same may be compounded — Municipal authorities (Authority) of M.C.Katra shall make suitable arrangements within one month & demolish the entire building of Himani Guest House Katra, if the appellants do not themselves do the same within this period.—*Sat Pal v. Building Control Authority* 2017 (7) JKLRJ 12[Tri] : 2008 (2) JKJ 29[Tri] : JKJ Soft JKJ/27770

Compounding of offence — Nature

Compounding of offence — Nature — Appellant had been given a fair opportunity to explain that he had erected SHOPS against the sanctioned plan for RESIDENCIAL BUILDING & he has NO EXCUSE for this GROSS VIOLATION — Authorities have established that the land use of this pocket is earmarked as residential but the appellant has constructed ten shops in the already congested mohalla of old city thus creating acute congestion and also straining the already existing infra-structure like roads, water supply, electricity, traffic congestion, nuisance & pollution etc in the said pocket — None of these violations can be termed as 'offence of minor nature' that may be taken for compounding.—*Rajeev Gupta v. Jammu Municipal Corpn. & Ors.* 2017 (7) JKLRJ 50[Tri] : 2008 (2) JKJ 41[Tri] : JKJ Soft JKJ/27795

Compounding of offence of minor nature — Meaning

Compounding of offence of minor nature — Meaning — Construction raised in violation of Section 4 COBO Act not to violate approved land use of area as notified in Master plan or Town planning Scheme; it does not violate permissible front rear or side set back prescribed in bye-laws and it does not violate more than 10% permissible ground coverage prescribed in bye-laws and lastly does not violate permissible height of building prescribed in bye-laws.—*Surinder Singh Charak v. Chairman, Building Operation Controlling authority, Municipal Corporation, Jammu & Ors.* 2017 (8) JKLRJ 513[Tri] : 2012 (3) JKJ 18[Tri] : JKJ Soft JKJ/27869

Construction raised for commercial purposes

Construction raised for commercial purposes — Requisites of offence of minor nature with regard to construction raised in violation of Section 4 of COBO Act — Firstly construction shall not violate approved land use of area as notified in Master plan or Town planning Scheme; secondly it does not violate permissible front, rear or side set-backs prescribed in bye-laws; thirdly it does not violate more than 10% permissible ground coverage as per bye-law and fourthly it does not violate permissible height of building prescribed in bye-laws — Held, construction raised for commercial purposes in mixed area is permissible — Rules for set backs applicable to ground floor, not applicable to upper floors.—*Daya Shankar v. Jammu Municipal Corporation, Jammu & Ors.* 2017 (8) JKLRJ 499[Tri] : 2012 (3) JKJ 53[Tri] : JKJ Soft JKJ/27879

Deviation from permission for construction on first floor

Deviation from permission for construction on first floor — Appeal against order of demolition — Violation of ground coverage more than 10% — Though not minor offence, yet because of conduct of respondents who allowed the construction to be completed and not having stopped construction at initial stage, violation allowed to be compounded and further held that equity demands that construction should not be demolished. AIR 2005 SC 2578, Rel.—*Babu Lal v. Joint Commissioner(A), Municipal Corporation, Jammu* 2017 (8) JKLRJ 429[Tri] : 2012 (2) JKJ 93[Tri] : JKJ Soft JKJ/28016

Empowers — Special tribunal

Empowers — Special tribunal — The Rule empowers the J&K Special tribunal to compound an offence of minor nature provided construction raised by the appellant does not violate the approved land use and also does not violate permissible front, rear or side set backs and also does not violate by more than 10% of the permissible ground coverage and the permissible height. It, therefore, follows that the power vested in the appellate authority, that is, J&K Special Tribunal to compound an offence of minor nature pursuant to Regulations, 1998 is not absolute or un-fettered and rather has been circumscribed by certain conditions mentioned in Rule 11 of the Regulation.—*Gh. Ahmad Najar v. Building Operations Controlling Authority* 2017 (6) JKLRJ 298[Tri.] : 2007 (1) JKJ 45[Tri] : JKJ Soft JKJ/27513

Minor offence — Compounding

Minor offence — Compounding — Petitioner admitted to have raised construction of one garage (room) with attached toilet without seeking prior permission — JMC issue notice to demolish structure being major violation — Appeal dismissed by Special Tribunal — Review petition filed — Tribunal allowed review and compounded offence being minor — Writ court set aside review order — Appellant was not impleaded as party — Appeal allowed.—*Sham Sundar Dutta v. Sunil Kumar Jain & Ors.* 2017 (9) JKLRJ 366[HC] : 2014 (2) JKJ 294[HC] : JKJ Soft JKJ/28598

Show cause notice of unauthorized construction of a hall and a stair

Show cause notice of unauthorized construction of a hall and a stair — On spot inspection Khilafwarzi officer reported construction of two rooms and veranda on first floor of shops and municipality had permitted their re-roofing by putting slabs in 1993 when Control

of Building Operation Act and Master Plan were not in force — Held, violation in raising two small room and veranda on first floor without any building permission was compoundable under Regulation 11 of J&K Building Operation Regulation, 1998.—*Parkasho Devi v. Building Operation Controlling Authority & Anr. 2017 (7) JKLRJ 749[Tri] : 2010 (3) JKJ 9[Tri] : JKJ Soft JKJ/27913*

Violation of minor nature compoundable

Violation of minor nature compoundable — Appeal against order of demolition within 5 days passed by respondent Joint Commissioner (A) Jammu Municipal Corporation dated 20.5.2013 — Construction raised by appellant on his own land and there was no encroachment of any sort either on private land or on the State land — Violations minor in nature, not in contravention of Prevention of Ribbon Development Act, or Master Plan — Case of appellant falls within ambit of Regulation-II of J&K Control of Building Operation Regulation, 1998, and thus compoundable — Violation assessed at 1704 sft. and compounded @ 75 per sft. — Total compounding fee of Rs. 1,27,800 ordered to be deposited with two months — Tribunal also observed that no doubt while raising the construction by the appellant, minor deviations have taken place and in case the appeal of the appellant is not accepted it will put the appellant in trouble — Whereas the authorities were under obligation to check the site at first hand and stop the appellant from raising the construction but when the appellant had completed the construction, the respondent authorities chose the mode to issue the impugned notice for demolition of the building — Hon'ble High Court has observed the extent and quantum of construction has no relevancy to ascertain whether, it is a major or minor violation — Where there is no violation of the regulations, in so far as the land use, height and ground coverage and front and rear set back is concerned, compounding of encroachment is not legal — Deviation which have been taken while raising the construction by the appellant are minor in nature — Construction raised by appellant has not been shown in contravention of prevention of Ribbon Development Act or Master plan, case of appellant falls within ambit of Regulation-II of Control of Building Operation Regulations 1998. Accordingly appeal is accepted — Case of the appellant is compounded @ Rs. 75 per sft. and thus the compounding fee comes to "Rs. 1,27,800 to be deposited with a period of two months.—*Sunita Arora v. Joint Commissioner (A) Jammu Municipal Corporation 2017 (9) JKLRJ 161[Tri] : 2014 (1) JKJ 32[Tri] : JKJ Soft JKJ/28579*

12. Authentication of Orders and Instruments

Any order or instrument requiring authentication by the Authority shall be signed by the Chairman or any other officer authorised by him in this behalf.

FORM 'A'

(See Rule 4(A))

APPLICATION UNDER SUB-SECTION (1) OF SECTION 5 FOR PERMISSION FOR ERECTION OR RE-ERECTION OF BUILDING

To

The Chairman of the Building Operations Controlling Authority
I hereby submit an application for permission to undertake:-
the development of the site
construction of a building
repair of a building

in accordance with the plans submitted herewith. I attach the following documents:

8 copies of the Building Plans showing the site plan, key location plan, section and elevations of each floor and specifications.

An attested copy of sale deed/lease deed/gift deed/Court decree/mutation order in support of ownership.

Yours faithfully

Name

Postal Address

Telephone No.

Enclosures attached:

Copies of Building Plan showing site plan,
Key location, plan, section, elevation and
Specifications.

Attested copy of _____
in support of ownership of land.

¹[FORM "A-1"]

(See Rule 4 (A))

AN APPLICATION UNDER SUB-SECTION (1) OF SECTION 5 FOR PERMISSION OR ERECTION OR RE-ERECTION OF BUILDING

To

The Chairman,
Building Operations Controlling Authority,
Patnitop Development Authority Area,
Kud, Distt. Udhampur, J&K.

Sir,

I hereby submit an application for permission to undertake:

(a) The Development of the Site.	
(b) Construction of Building.	
(c) Repair of a Building.	

¹ Form A-1 added by SRO-249 dated 12.7.2001.

in accordance with the plans submitted herewith I attach the following documents:

- (1) 8 copies of the Building Plans showing the site plan, key location plan, section and elevations of each floor and specifications.
- (2) An attested copy of sale deed/lease deed/ gift deed /court decree/mutation order in support of ownership of the land was endorsed by the Deputy Commissioner Udhampur/Doda.
- (3) No objection certificate from the Forest Department.
- (4) No objection certificate from the Public Health Engineering Department.
- (5) No objection certificate from the Power Development Department.
- (6) No objection certificate from Sewerage & Drainage Department.
- (7) No objection certificate from the Officer Commanding Beacon, Batote (If construction is falling on National Highway (NH1A).
- (8) No objection certificate from the Executive Engineer PWD (R&B) concerned (If construction is falling on the PWD records).
- (9) No objection certificate from the Fire Services Department (In case of Hotel/ Commercial Building).
- (10) No objection certificate from the Pollution Control Board in case of Hotel/ Commercial Establishment.
- (11) Building for which permission is sought to proposed at Kh. No. _____
 Khewat No. _____
 Khata No. _____ Land Measuring _____
 At Village _____ Tehsil _____
 Distt. Udhampur/Doda.
- (12) Measures proposed for disposal of liquid/solid waste of the proposed construction.

- (13) Purpose for which the construction of Building is proposed.

- (14) The construction of the building will be supervised by:

- (15) Estimated cost of the proposed Building case of Hotel/Commercial Building is: _____ Rs in Lakh.
- (16) Application form charges has been paid vide G. R. No.

Dated: _____

Yours faithfully,

Name : _____
 S/O : _____
 Postal Address : _____
 Village : _____
 Tehsil : _____
 District : _____
 Telephone No : _____]

FORM 'B'

(See Rule 4 (3))

REPORT OF THE INSPECTING OFFICER

Name and address of Applicant

Date of Application _____

Date and Time of Inspection _____

Whether the applicant or his authorised representative was present at the time of inspection	Yes/No
Whether the site has access	Yes/No
If yes, width of the road or lane having access to the site	
Whether drinking water facility is available at the locality.	Yes/No
Whether the electricity supply is available at the locality.	Yes/No
Whether the site is falling under high tension power line.	Yes/No
Whether the site is flood prone.	Yes/No
Whether the site encroaches on the State land or public utility area.	Yes/No
Whether the Key plan of the Plan is correct.	Yes/No

If the Key Plan has been shown wrongly in the Building Plan, the correct rough key plan showing the identification marks on all the four sides shall be drawn below or on the opposite page.

Signature _____
 Name of Inspecting Officer _____
 Designation _____

¹[FORM B-1

(for other than LWWDA)

(See Rule 5(1))

REPORT OF THE INSPECTING OFFICER

1)	Name and address of the applicant	:	_____
2)	Date of application	:	_____
3)	Construction Site	:	_____
4)	Date and Time of inspections	:	_____
5)	Particulars of the permission sought	:	_____
6)	Whether the applicant or his authorised representative was present at the time of inspection	:	YES/NO
7)	Whether the site has access	:	YES/NO
8)	If Yes, width of road or lane having access to the site	:	_____
9)	Whether drinking water facility is available at the locality	:	YES/NO
10)	Whether electricity supply available at the locality	:	YES/NO
11)	Whether the site is falling under high tension power line	:	YES/NO
12)	Whether the site is flood prone	:	YES/NO
13)	Whether the site encroaches on the State land or public utility area	:	YES/NO

¹ Inserted by Notification No. LSG(J094) 147 dated 3.12.1998.

14)	Whether the key plan of the Building Plan is correct.	:	YES/NO
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Certified that the site and building plans drawn by the approved Architect/Draftsman have been checked at site & found correct. The observation made at site are as under:-

N.B. If the plan has been shown wrongly in the Building Plan, the correct rough key plan showing the identification marks on all four sides shall be drawn below or on the opposite page.

Signature _____
 Name of the Inspecting Officer _____
 Designation _____

¹[FORM B-2 (For LAWDA)

(See Rule 5(1))

REPORT OF THE INSPECTING OFFICER

1. Distance of proposed construction from nearest lake fringe/shore-line/waterway as indicated on the index plan. _____

2. Measures taken for disposal of Liquid/Solid waste as a result of proposed construction for _____

(a) Waste construction material during construction _____

(b) Solid wastes _____

(c) Sullage _____

(d) Sewerage _____

(Plan should show septic tank & soakage pit on connection to sewer line)

3. Measures proposed for drainage of Proposed constructed area _____

4. Whether the applicant proposes to get connected to Sewerage/drainage scheme of the J&K LWWDA YES/NO

5. Ultimate occupancy _____

Signature _____
 Name of Inspecting officer _____
 Designation _____

¹ Inserted by Notification No. LSG(J094) 147 dated 3.12.1998.

¹[FORM C
PROXY-FORM

_____ name of the Deptt./Organisation
I _____ of _____ being a mem-
ber of the Building Permission Authority of _____
representing the above Department/organization hereby appoint Mr.
_____ of _____ failing him Mr. _____ of
_____ as my proxy to attend and decide upon the issues arising
out of the discussions held.

Signed this _____ day of _____ of the year _____

Signature _____

Name _____

Designation _____]

1 Inserted by Notification No. LSG(J094) 147 dated 3.12.1998.