

Extract from West Bengal Building Rules, 2007, Section 33: and Section 34.

- (b) if during the erection or execution of work any external deviation beyond the sanctioned covered space, either horizontal or vertical or both, is intended to be made and which does not violate the provisions of the Act or these rules, the person referred to sub rule (1) of rule 11 shall, prior to carrying out such erection or execution of works, submit, in accordance with the provisions of these rules, a revised plan incorporating the deviations intended to be carried out, for obtaining necessary sanction there for;
- (c) if total sanctioned building is intended to be shifted as a whole within the periphery of the boundary keeping mandatory open space within the rule, this can be permitted with prior notice to the Municipal Authority with a revised plan. After serving such notice the owners may be allowed to proceed with the work unless there is any objection from the end of the Municipal Authority within 15 days.

32. Demolition of unauthorized construction.—

(1) The Board of Councillors may order for demolition or alteration of any building, if it is satisfied that the erection of any building—

- (i) has commenced without obtaining the sanction or permission under the law, or
- (ii) is being carried on or has been completed otherwise than in accordance with the particulars on which such sanction or permission or order is based or after such sanction or permission has been lawfully withdrawn, or
- (iii) is being carried on or has been completed in breach of any provision of the Act or these rules or of any condition, modification, direction or requisition lawfully given or made under the Act or under these rules.

(2) If any material alteration of, or addition to, any building has been commenced or is being carried on or has been completed in breach of any provision of the Act or these rules or if any alterations required by any notice issued under these rules have not been duly made, the Board of Councillors may, make an order directing that such erection, alteration or addition, as the case may be, or so much thereof as has been executed unlawfully, or if any structure specified in the application or plan or specification as a structure to be demolished or altered before the erection of the new building, has not been demolished or altered, or if any material alterations or additions have been made, such alterations or additions shall,—

- (a) be demolished by the owner thereof or altered by him to the satisfaction of the competent authority, as the case may require; or
- (b) be demolished or altered by the competent authority at the expense of the said owner;
- (c) all demolished materials shall be removed by the Municipality at the cost of the owner or to the satisfaction of the Municipality within a maximum period of 30 days from the date of demolition:

Provided that prior to carrying out any demolition of any building or part thereof as described in the notice, the owner of the building shall be given a notice stipulating therein the date and time to appear himself or through his authorized representative before the Board of Councillors, who will hear the circumstances under which such deviation unauthorized construction work has been carried out and after hearing record the order of the Board-of-Councillors and the said order shall be communicated to the owner officially.

33. Completion of work.—

Within one month after the completion of the erection of a building or the execution of any work, the owner of the building shall submit a notice of completion in Form 'G' as required under section 212 of the Act. In case of deviation as stated in clause (a) of sub-rule (2) of rule 31, the notice shall be accompanied by three sets of building plan marked 'completion plan' with all revisions and modifications including those referred to in sub-rule (2) of rule 31. The plans shall be duly signed by the applicant and the concerned technical personnel specified in rule 15:

Provided that for a residential building or educational building in any municipal area, excepting the Salt Lake Township, not exceeding 8.0 metre in height on a plot of 200 sq. metre in area, application of this rule may not be insisted upon but the owner will have to intimate in writing to the municipality about the completion of such building.

Note.—The notice shall be accompanied by a structural safety certificate duly signed by the Architect or Licensed Building Surveyor and/or Empanelled Structural Engineer, as the case may be, and wherever applicable shall be accompanied by—

- (a) in the case of a building having more than three separate and independent residential units or apartments and all buildings other than residential buildings, a certificate from the Technical persons employed as per rule 15 that inside house drainage and water supply net work have been completed to the satisfaction of the Municipal Authority;

- (b) fire safety certificate, if applicable under the West Bengal Fire Services Act, 1950 (West Ben. Act XVIII of 1950) and the rules made there under;
- (c) in the case of building referred to in clause (a), a certificate from the electric supply undertaking regarding provision to its satisfaction, of transformer, sub-station, ancillary power supply as required;
- (d) a certificate pertaining to the lift installation, if any;
- (e) such other certificates or documents or declarations as are necessary under any law for the time being in force or as the Municipal Authority may, from time to time, specify in this behalf.

34. Occupancy certificate.—

(1) Within fifteen days of receipt of the notice of completion of building or work, the Board of Councillors or the authorised representative in this behalf shall inspect the building or work and shall satisfy itself or himself that the erection of the building or the execution of the work has been done in accordance with the sanctioned plan.

(2) Within fifteen days from inspection, the Board of Councillors shall, if it is satisfied that the building or the work has been completed in accordance with the sanctioned plan, issue an occupancy certificate, in Form H:

Provided that such certificate shall not be issued in the case of a building or any work for which provisional sanction was given unless the applicant produces before the Chairman the license or permission required for sanctioned for construction of building:

Provided further that the occupancy certificate shall be issued only after all the extra materials like sand, boulders, stone chips, cement, steel, bamboo, timber, lying on the public road have been removed by owner and the damages to public property, if any, has been made good by the owner with his own cost to the entire satisfaction of the Board of Councillors.

(3) After due verification, one set of the building plan shall be returned to the applicant with the endorsement of approved completion plan under the signature of the Chairman or an officer authorised in this behalf.

(4) The Board of Councillors may, upon a written request from an applicant and on his furnishing an indemnity bond undertaking to indemnify the Board of Councillors against any risk, danger or damage to any person, whether an occupier or not, and on his giving an undertaking to ensure, in such manner as the Board of Councillors may specify, public safety, issue a partial occupancy certificate, subject to the provisions of sub-rule (1) and the proviso to sub-rule (2):

Provided that no partial occupancy certificate shall be issued unless the Board of Councillors is satisfied that the portion for which such partial occupancy is solicited is in a habitable condition:

Provided further that when the erection of the building or the execution of the work is completed within the period or the extended period provided for in the Act, the applicant shall apply for conversion of the partial occupancy certificate or issue of an occupancy certificate and such certificate may be issued in accordance with the provisions of these rules.

(5) In a case where the occupancy certificate is refused, the Board of Councillors shall communicate the reasons in writing, to the applicant within thirty days from the date of receipt of the notice of completion of the work.

(6) In case where, in the opinion of the Board of Councillors, the building or the work has not been completed in accordance with the sanctioned plan, it may take necessary action in accordance with the provisions of the Act and these rules.

(7) The Board of Councillors shall not permit connections to be made to municipal water mains and municipal drains, if any, from any new building in respect of which occupancy certificate has not been issued:

Provided that the Board of Councillors may order severance of such connections if it is of the opinion that the conditions of the partial occupancy certificate are being violated or if further erection of the building or execution of the work is proceeding contrary to the sanctioned plan.

(8) The Board of Councillors shall not permit connections to be made to municipal water mains, if any, from any new building in respect of which water connection fee, as may be specified by the Board of Councillors under the relevant rules, has not been paid in advance.

(9) Tolerance Limit for architectural measurement before or after finishing works on the outer face of the wall at the ground floor level shall be 50 mm.

The owner of building need to submit a notice of completion in Form G & Form H

PART I]	THE KOLKATA GAZETTE, EXTRAORDINARY, FEBRUARY 14, 2007	87
FORM G [See rules 33, 151(3)] FORM OF NOTICE OF COMPLETION		
From:		Dated
..... (Name and address of the applicant)		Office Ref. No. and date, if any.....
To The Chairman, Municipality/Notified Area Authority/Industrial Township Authority		
Subject: Notice of completion under rule 33/151 (3).		
Building Particulars:	Premises No. and Street.....
	Ward No.....
Sir,		
I/We hereby give notice that the erection/re-erection/addition to/alteration of, the building on plot, Street....., Ward No..... has been completed according to the plans sanctioned vide Building Permit No..... dated.....		
I/We have to request you to arrange for the inspection and for the issue of an occupancy certificate.		
Counterigned	Yours faithfully Signature of the applicant(s)	
..... (Signature of the Architect/Licensed Building Surveyor)		
..... (Name, address and Licence No. of the Architect/Licensed Building Surveyor)		
Enclosure:		
<ol style="list-style-type: none">(1.) Three sets of the building plans marked as 'Completion Plans' signed by the applicant and the Architect/Licensed Building Surveyor, one set of which is cloth bound laminated (clearly stating the occupancy and use-group for which the building or the work has been sanctioned).(2.) Structural stability certificate signed by Empanelled Structural Engineer and countersigned by the Architect/ Licensed Building Surveyor.(3.) Fire Safety Certificate issued under the West Bengal Fire Services Act, 1950 or the rules made thereunder.(4.) Certificate from electric supply undertaking.(5.) A certificate pertaining to lift installation, if any.(6.) Other certificates (mention the nature of other certificates).		
*Strike out which are not applicable.		

FORM H
(See rule 34(2))
FORM OF GRANTING OCCUPANCY CERTIFICATE

From: The Chairman,

..... Municipality/Notified Area Authority/Industrial Township Authority

Dated

Office Ref. No. and date, if any

To

(Name and address of the applicant)

Subject: Grant of Occupancy Certificate under sub-rule (2) of rule 34.

Building Particulars:

Premises No. and Street

Ward No

Sir,

With reference to your notice of completion dated I hereby certify that the building as per description below on plot Street
Ward No., in respect of which plans were sanctioned vide Building Permit No.
dated, has been inspected with reference to the provision of the Building Rules, under the West Bengal Municipal Act, 1993. On the basis of the same and on the strength of the Structural Stability Certificate, this building is certified to be fit for occupation.

Description of construction, use and conditions, if any

One set of building plans with endorsement "Approved Completion Plan" is returned herewith (where required).

Yours faithfully,

(Signature and designation
of the officer to whom
powers have been delegated).

Office No

Official Stamp

Dated the