

- viii) for handing over land to the Authority for development of housing under PMAY by the Authority.
- ix) The purposes as may be notified by the Government from time to time.

11.2.3 Cases not eligible for Transferable Development Rights (TDR)

It shall not be permissible to grant Transferable Development Rights (TDR) in the following circumstances:-

- i) For earlier land acquisition or development for which compensation has been already paid partly or fully by any means;
- ii) Where award of land has already been declared and which is valid under the Acquisition Act or the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 unless lands are withdrawn from the award by the Appropriate Authority according to the provisions of the relevant Acts.
- iii) In cases where layout has already been sanctioned and layout roads are incorporated as Development Plan roads prior to these regulations.
- iv) If the compensation in the form of FSI / or by any means has already been granted to the owner.
- v) Where lawful possession including by mutual agreement /or contract has been taken and such agreement does not provide for TDR.
- vi) For an existing user or retention user or any required compulsory open space or recreational open space or recreational ground, in any layout.
- vii) For any designation, allocation of the use or zone which is not subjected to acquisition.
- viii) Existing nallah, river, natural stream, natural pond, tank, water bodies etc.
- ix) Reservations which are not developable under the provisions of UDCPR.
- x) For the lands owned by the State Government.

11.2.4 Generation of the Transferable Development Rights (TDR)

Transferable Development Rights (TDR) against surrender of land:-

- a. For surrender of the gross area of the land which is subjected to acquisition, free of cost and free from all encumbrances, the owner shall be entitled for TDR or DR irrespective of the FSI permissible or development potential of such land to be surrendered and also that of land surrounding to such land at the rate given below :-

Area Designated on DP	Entitlement for TDR / DR
Non-Congested Area	2 times the area of surrendered land.
Congested Area	3 times the area of surrendered land.

Note :-

- i) The quantum of Transferable Development Rights (TDR) generated for reservation in area having total legal impediment / constraint on construction or development like CRZ / Hazardous zone / Low Density zone, shall be 50% of TDR generated as prescribed above.
- ii) The quantum of Transferable Development Rights (TDR) generated for Bio Diversity Park reservation shall be 8% of gross area.

(Explanation :- Above entitlement may also be applicable to the compensation paid in the form of FSI to the owner to be utilised on unaffected part of same land parcel and in such cases the procedure of DRC shall not be insisted.)

Provided that, if levelling of land and construction/erection of the compound wall/ fencing as per Clause (b) below to the land under surrender is not desirable considering the total area of reservation, the quantum of TDR shall be reduced to 1:1.85 and 1:2.85 in non-congested area and congested area respectively. In such cases, the owner shall have also an option of paying the cost of construction of compound wall (as decided by the Authority) without reducing the quantum of TDR.

Provided further that such construction/ erection of compound wall/ fencing shall not be necessary for area under development plan roads. In such cases TDR equivalent to entitlement as mentioned above shall be granted without any reduction.

Provided also that Additional/ incentive Transferable Development Rights (TDR) or Development Rights (DR) to the extent of 5% of the surrendered land area shall also be allowed to the land owners who submit the proposal for grant of Transferable Development Rights (TDR) of land reserved in the development plan, within 2years from the sanction of these regulations.

Provided that the quantum of generation of TDR as prescribed above, shall not be applicable for TDR generated from construction of amenity or construction of reservation/ /⁽¹⁾deemed reservations / roads, Slum TDR, Heritage TDR.

- b. DRC shall be issued only after the land is surrendered to the Authority, free of cost and free from encumbrances and after levelling the land to the surrounding ground level and after constructing/ erecting a 1.5 m. high compound wall / fencing i.e. brick/stone wall up to 0.60m. above ground level and fencing above that upto remaining height with a gate, at the cost of the owner and to the satisfaction of the Authority.
- c. If any contiguous land of the same owner/developer, in addition to the land under surrender for which Transferable Development Rights (TDR) is to be granted, remains unbuildable, the Authority may grant Transferable Development Rights (TDR) for such remaining unbuildable land also if the owner / developer hands it over free of cost and free from all encumbrance and encroachment. If such land is from the proposed roads then such land shall be utilised for road side parking, garden, open space or road side amenities including bus bays, public toilets or any compatible user as the Authority may decide and if the such land is from the proposed reservation then same shall be included in such proposed reservation and shall be developed for the same purpose.
- d) In case of lessee, the award of Transferable Development Rights (TDR) shall be subject to lessee paying the lessor or depositing with the Authority for payment to the lessor, an amount equivalent to the value of the lessor's interest to be determined by the Authority on the basis of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the area of land surrendered, free of cost and free from all encumbrances.
- e) Where the authority has taken the possession of the reserved land in development plan with the commitment of granting TDR / DRC in the past and DRC is not issued, in such cases, DRC shall be issued for the quantum as per this UDCPR.

11.2.5 ^(#) Transferable Development Rights (TDR) against Construction of Amenity-

When an owner or lessee, with prior approval of Authority, develops or constructs the amenity on the surrendered plot, at his own cost subject to such stipulations as may be prescribed and to the satisfaction of the Authority and hands over the said developed/constructed amenity free of cost to

(1) Inserted vide Corrigendum / Addendum No. CR 121/21, dt. 02nd December, 2021.
 (#) Clarification issued vide letter - CR 44/21 dt., 10th June, 2021.

the Authority, then he may be granted a Transferable Development Rights (TDR) in the form of FSI as per the following formula :-

$$\text{Construction Amenity TDR in Sq.m.} = A/B * 2.00 \quad \text{Where,}$$

A = cost of construction of amenity in rupees as per the rates of construction mentioned in Annual Statement of Rates (ASR) prepared by the Inspector General of Registration for the year in which construction of amenity is commenced. (In case of construction of new D.P. road, cost of construction as worked out on the basis of District Schedule of Rates.)

B = land rate per Sq.m. as per the Annual Statement of Rates (ASR) prepared by the Inspector General of Registration for the year in which construction of amenity is commenced.

In case of buildings like auditorium, assembly etc. wherein height of building is more, cost of the building may be worked out from the Public Works Department as per applicable DSR. Also expenses for ancillary requirements only of immovable items like acoustic etc. may also be included in such cost. Such expenses for ancillary requirement may also be considered for hospital and educational buildings.

If any person, with the consent of the authority, constructs D.P. road by obtaining development rights / consent of the other owners whose land is covered under the D.P. road, then such person may be entitled for construction amenity TDR subject to -

- i) This provision shall only apply to construction of new road proposed in the Development Plan.
- ii) One end of road should meet other existing public road.
- iii) The specifications for construction of road shall be as decided by the Authority.

11.2.6 Utilisation of Transferable Development Rights (TDR)

- i) A holder of DRC who desires to use FSI credit therein on a particular plot of land shall attach valid DRCs to the extent required with his application for development permission. Proposal for Transferable Development Rights (TDR) utilisation shall be submitted along with the documents as may be prescribed by the Authority or by the Government from time to time.
- ii) With an application for development permission, where an owner seeks utilization of DRC, he shall submit the DRC to the Authority who shall endorse thereon in writing in figures and words, the quantum of the TDR proposed to be utilised, before granting development permission. Before issuance of Occupation Certificate, the Authority shall endorse on the DRC, in writing in figures and words, the quantum of TDR/DRs actually used and the balance remaining, if any
- iii) The Transferable Development Rights (TDR) generated from any land use zone shall be utilised on any receiving plot irrespective of the land use zone including development plan reservations of buildable nature and anywhere in congested or non-congested area or town planning scheme area earmarked on Development Plan. The equivalent quantum of Transferable Development Rights (TDR) to be permitted on receiving plot shall be governed by the formula given below:-

$$\text{Formula: } X = (R_g / R_r) \times Y$$

Where,

X = Permissible Utilisation of TDR/DR in Sq.m. on receiving plot.

R_g = Rate for land in Rs. per sq.m. as per ASR of generating plots in generating year.

R_r = Rate for land in Rs. per Sq.m. as per ASR of receiving plot in generating year.

Y = TDR debited from DRC in Sq.m.