



The Kolkata Municipal Corporation  
Central Municipal Office Buildings  
Municipal Commissioner's Office  
5, S.N. Banerjee Road  
Kolkata - 700013

Date:- 23/09/2020

Municipal Commissioner's Circular No. ...22... of 2020-21

Sub:- Directives to be followed by SO (Building) or any other Officer dealing with Demolition, regularization and/or change of use.

It has been seen that at times the orders issued by Special Officer (Building) is not speaking i.e., it does not very clearly state the reasons for arriving at their decision. Demolition, regularization and/or change of use are very sensitive issues for the citizen and thus there needs to clarity in rules/procedures /precedence that gives a sense of predictability in the decision making.

Thus at the time of dealing unauthorized construction and unauthorized change in use under section 400(1) and 416 of KMC Act,1980 respectively following direction has to be followed by Special Officer (Building) or any other officer dealing with such cases:

1. Précis & Infringement Statement form should be prepared carefully so that all objection of violation of building rules and sections of KMC Act along with area of unauthorized construction and area of change in use (from-to) should be recorded. Redundant objection should be avoided. Précis & Infringement Statement should be prepared by SAE in case of SAE is not available AE shall prepare the précis. For building height more than 12.5 m, Executive Engineer shall counter sign.
2. Record Mobile number and email address of the Person Responsible and complainants.
3. Try to send the hearing notice through email as well.
4. Hearing can also be done through Zoom or Google meet or any mutually convenient platform.
5. Order part of the hearing should clearly record how much area is allowed to retain or order for demolition, similarly how much area is allowed for change in use. It should record the finding on each violation clearly stating the violation, rule concerned and the decision with reason. Order should be clear with proper recording of justification / reason for such retention or such demolition of any unauthorized construction or change in use as the case may be.
6. After delivery of order, AO(Hearing) shall upload the order in KMC web portal within 3 days with the Scan D/ sketch.
7. File should be sent to respective Executive Engineer for preparation of agenda as per prescribed format and onward transmission for approval and resolution of Board of Administrator (BOA).
8. Afterwards on getting resolution of BOA, Respective Executive Engineer shall implement the order after obtaining all NOC and documents and or orders required for implementing the order of Special Officer (Building).
9. Fees and charges as admissible can only be deposited after compliance of above and compliance of part demolition if any.

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23/9/20  
Municipal Commissioner

Distribution:-

1. OSD to Hon'ble Chairperson, BoA
2. Spl. Mpl. Commissioner (G,D&S)
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