

Rule 4 of KMC Building Rule 2009

4. Notice for erection or alteration of a building

(1) Every person who intends to erect a new building on any site whether previously built upon or not or re-erect or make addition to or alteration of any building shall apply for sanction by giving notice in writing to the Municipal Commissioner.

(2) Every such notice for erection/ re-erection/ addition/ alteration shall be in the form as specified in Schedule I, one copy of which shall be submitted along with all the enclosures required under these rules.

The application shall contain, in addition to the notice as aforesaid, duly stamped and legally enforceable declarations, indemnities etc., as required.

Except in case of a residential building to be erected or re-erected or altered on a plot of five hundred sq. m. or less of land, the notice shall be accompanied by six sets of :

- a) Key (location) Plan
- b) Site Plan
- c) Building Plan (Architectural)
- d) General Specifications.

In case of a residential building to be erected or re-erected or altered on a plot of five hundred sq.m. or less of land, one set of the aforesaid is to be submitted.

(3) The notice shall be accompanied by copies of documents showing that the applicant has exclusive right to erect, re-erect or alter any building or portion thereof upon the land.

(4) In the case of a site or plot measuring 500 sq. m. or more to which, the Urban Land (Ceiling and Regulation) Act, 1976, (33 of 1976) applies, the notice shall be accompanied by a "no objection certificate" from the competent authority, appointed under clause (d) of section 2 of the said Act 33 of 1976, to the effect there is no objection in respect of transfer of the site or plot under sub section (3) of section 5 of the said Act.

Provided that the requirement as aforesaid shall be deemed to have been waived on the failure of the competent authority to furnish the certificate within three months from the date of reference to it.

(5) In the case of a plot referred to in section 364, the notice shall be accompanied by a certificate from the Municipal Commissioner that it is a plot included in the layout plan as approved by the Mayor-in-Council under section 365 along with a statement of the conditions of such approval.

(6) The notice shall, in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, of section 395 specify in terms of sub section (2) of section 390:

(a) the purpose for which the building is intended to be used, or

(b) the purpose for which the building is proposed to be used after execution of any of the works referred to in clauses (b) to (m) of sub section (1) of section 390 or after alteration, and shall also be accompanied by a declaration by the applicant in a form as specified in Schedule II to the effect that he shall comply with the requirements of section 416 at all times.

(7) In case, the intended use of the building is such that under section 425 a license or permission is required from Government or any statutory body under any law for the time being in force, or from the Municipal Commissioner under any of the provisions of Chapter XXIII of the Act, the notice shall state the nature of the use of the building proposed to be erected, re-erected or altered with reference to the relevant section under Chapter XXIII of the Act or any other law for the time being in force, and shall be accompanied by duly authenticated copies of such license or permission wherever applicable, before such erection, re-erection or alteration:

Provided that in case where such license or permission cannot be produced along with the notice, the applicant shall clearly state that he is seeking provisional sanction in the notice in question.

(8) The notice shall, where necessary, be accompanied by a declaration of the applicant that necessary permission under Section 63 of the Calcutta Improvement Act, 1911 (Bengal Act V of 1911) has been obtained.

(9) The notice shall be accompanied by duly authenticated copies of receipts showing payment of tax to the Corporation upto the quarter previous to the date of the application in respect of the land, building or portion thereof upon which the building is proposed to be erected, re-erected, or altered, and a declaration stating that there is no arrear dues payable to the Corporation.

(10) The notice shall be accompanied by a composite declaration of the applicant in the form as specified in Schedule III covering the following :-

(a) that the work of erection, re-erection or alteration will be supervised by an Architect/Licensed Building Surveyor, a Structural Engineer and a Geo Technical Engineer as the case may be as may be required under these rules;

(b) that the works relating to water supply, drainage and sewerage shall be supervised by an environmental engineer or licensed plumber, as may be required under these rules;

(c) that no building materials shall be deposited in any street except with the prior written permission of the Municipal Commissioner and on deposit of fees for stacking materials as per demand raised by the Corporation and that the same will be stacked only at a place as may be directed by the Corporation;

(d) that the applicant will make plantation as per Corporation's guidelines in the open spaces of the site.

(11) The notice shall also be accompanied by a general undertaking of the applicant in the form as specified in Schedule IV.

(12) In a case involving piling work, deep foundation work or construction of basement or any other underground structures, including superstructure, the notice shall be accompanied by an Indemnity Bond as specified in Schedule V.

(13) An additional set may be required to be submitted alongwith structural plan, design calculation as well as geo technical report (if applicable) before issuance of sanction.

(14) All the plans enclosures and statements shall be signed by the Architect / Licensed Building Surveyor, a Structural Engineer and a Geo Technical Engineer as the case may be, and also by the person intending to erect, re-erect, or alter the building.

(15) The applicant shall, at the time of giving the notice, be required to deposit as application fee such amount as may be determined by the Corporation.

(16) The applicant shall, prior to the sanction of the building plan, be required to produce the originals of all documents, duly authenticated copies of which may have been enclosed with the notice, for scrutiny by the Municipal Commissioner.

(17) The applicant shall also have to fully indemnify the Corporation in respect of all actions, suits, proceedings, claims or damages from any third party arising out of the acts or omissions of the applicant. Such indemnity should be in the form specified in Schedule V.

(18) In the event, boundaries are not mentioned in the title document submitted by the applicant and there is no site plan forming part of such document, a deed of declaration containing boundary details of the boundary and land area, should be registered with the appropriate registration authorities and submitted along with the notice.

(19) The notice shall also be accompanied by a certified copy of the registered deed of gift recording gift of land to the Corporation, where necessary.