

भोपाल, दिनांक 14 सितम्बर 2012

क्र. एफ 3-183-2012-बत्तीस.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की अधिसूचना क्र. एफ 3-183-2012-बत्तीस, दिनांक 14 सितम्बर 2012 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
वर्षा नावलेकर, उपसचिव.

Bhopal, the 14th September 2012

NOTICE

No. F 3-183-2012-XXXII.—In exercise of power conferred by sub-section (1) of Section 85, the State Government hereby makes the following Rules, the same having been previously published in the “Madhya Pradesh Gazette (Extra-ordinary)”, dated 16th July 2012 as required by sub-section (1) of Section 85 of the said Act.

RULES

CHAPTER - I

PRELIMINARY

1. Short title.- These rules may be called the Madhya Pradesh Nagar Tatha Gram Nivesh Niyam, 2012.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) “Act” means the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973);

(b) “Convenor” means an officer appointed under clause (i) of sub-section (1) of section 17-A of the Act;

(c) “Form” means a Form appended to these rules;

(d) “Population” means the population as per the latest published census report

- (e) "section" means a section of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973).

3. Applicability of the rules.- These rules shall be applicable to the regions, planning areas, special areas constituted respectively under section 4 or 13 or 64, as the case may be and shall come into force from the date of its publication in the official gazette.

CHAPTER - II

CATEGORIES OF OFFICERS

4. Officers to assist the Director.- The State Government may appoint Assistant Director, Deputy Director, Joint Director, Additional Director and such other officers, as it may deem appropriate, from time to time, to assist the Director, Nagar Tatha Gram Nivesh.

CHAPTER - III

REGIONAL PLANNING

5. Form of notice for publication of draft Regional Plan.- The notice regarding draft regional plan prepared under sub-section (1) of section 8 shall be published in Form-I.

6. Manner of publication of notice of draft Regional Plan.- The notice under rule 5, hereinabove shall be published in,-

- (a) the Madhya Pradesh Gazette; and
- (b) at least two Hindi news papers which have a wider circulation in the area of the region.

Such notice shall also be affixed on the notice boards of the offices of Town and Country Planning, Divisional Commissioner(s) and District Collector(s) concerned, inviting objections/ suggestions from any person with respect to proposals of draft regional plan.

7. Opportunity of hearing.- The Director shall consider all the objections and suggestions received within the specified period and give reasonable opportunity of hearing to all the persons interested. Thereafter the regional Plan with such modifications, as he considers necessary shall be prepared and submitted to the State Government for approval.

8. Manner of publication of notice for approval of regional plan.- The notice under sub-section (1) of section 9 shall be in Form-II and shall be published in,-

- (a) the Madhya Pradesh Gazette; and

- (b) at least two Hindi news papers which have a wider circulation in the area of the region.

Such notice shall also be affixed on the notice boards of the offices of Town and Country Planning, Divisional Commissioner(s) and District Collector(s) concerned.

9. Notice for modifications in draft regional plan.- The notice of modification in the draft regional plan required under the proviso to sub-section (2) of section 9 shall be published in the official Gazette in Form-III and at least two hindi news papers which have a wider circulation in the area of the region.

CHAPTER IV

PLANNING AREAS AND DEVELOPMENT PLANS

10. Manner of publication of notice for inviting objections to the existing land use map.- The existing land use maps under sub-section (1) of section 15 shall be published in Form-IV in the Madhya Pradesh Gazette and also at least in two Hindi newspapers which have a wider circulation in the area concerned inviting objections and suggestions within a period of 30 days from the date of publication. The existing land use maps shall be made available for inspection of the general public during office hours in the offices of Divisional Commissioner(s)/ District Collector(s), Town and Country Planning and the Urban Local Authorities concerned.

11. Manner of adoption and final publication of existing land use map.- A public notice under sub-section (3) of section 15 in Form-V shall be published in,-

- (a) the Madhya Pradesh Gazette; and
- (b) at least two Hindi newspapers having wider circulation in the area of the plan,

informing that the existing land use plan has been adopted by the Director and the same shall be available for inspection at the offices of concerned Divisional Commissioner(s), District Collector(s), Town and Country Planning and Urban Local Authorities, during office hours.

12. Functions of the Committee constituted under section 17-A (1) The State Government shall constitute a committee under sub-section (1) of section 17-A to hear the objections received on the published draft development /zonal plan.

(2) The manner of recording objections received, conducting the meetings of the Committee and obtaining its recommendations regarding modifications or alterations in the draft plan shall be as under :-

- (a) the Convener of the Committee shall compile all objections and suggestions which were received within 30 days of the publication of the draft plan in the format prescribed in Form-VI. Such objections and/or suggestions which are identical or similar in nature shall, as far as possible be recorded in one group;
- (b) the Convener shall record the names of the persons who had submitted their objections within 30 days of the publication of the Draft Plan in Form-VI and shall also prepare a brief description of the objections submitted;
- (c) the record prepared in Form-VI mentioned in clause (a) above shall be compiled within fifteen days from the expiry of the period of 30 days from the date of publication of the draft;
- (d) the first meeting of the Committee shall be convened within a period of 21 days from the date of expiry of the period of 30 days from the date of publication of the draft;
- (e) in the first meeting of the Committee, the Convener shall present the brief of the published draft plan and also of the objections and suggestions received and recorded. He shall indicate location of suggestions and objections on draft development plan map;
- (f) a soft copy of objections and suggestions compiled as above shall be provided to a member who so desires;
- (g) the Convener shall, after consulting the members present in the first meeting of the Committee fix the date of subsequent meetings required for completing the hearing of all the objections and suggestions in such a manner that the hearing is completed within 90 days from the date of publication of the draft plan;
- (h) a member of the Committee shall not be allowed to nominate a representative to attend the meeting on his behalf. No person other than the member shall be allowed to attend the proceedings of the meeting. However, the convener may permit such other officials to remain present as he considers necessary to assist him;
- (i) every person whose name has been included in the records prepared in Form-VI shall be issued a notice for hearing in Form-VII by the convener at least 7 days before the date fixed for such hearing ;
- (j) The number of persons who are issued the notice under clause (i) hereinabove shall be determined in a manner that allows the proceedings to be conducted in a smooth and orderly manner;

- (k) the Convener shall obtain the signature of the members present in the hearing. In case a member does not sign, the Convener shall make a note of the same in the register;
- (l) the proceedings of the Committee shall commence on the time fixed for its meeting and no quorum shall be required. The persons who were issued notices for appearing before the committee may be called separately or in groups as may be decided by the Convener;
- (m) any person who appears before the Committee for hearing shall be required to sign the attendance register and if he refuses so to do, the Convener shall make a record of such refusal in the register. Such person may appear himself or through his representative duly authorized in writing.
- (n) the Convenor shall prepare a brief description of any new issue that may be raised during the hearing. The documents, if any, produced during the hearing, shall also be recorded. This record shall be prepared in Form-VIII;
- (o) after the Committee has provided the opportunity of hearing to all the persons, the Convener in consultation with the Collector shall fix further dates of the meetings in which the Committee shall prepare its recommendations on the objections and suggestions received or/and heard;
- (p) the committee shall finalize its recommendations within a period of 135 days from the date on which the draft was published;
- (q) the Committee shall, as far as possible, make its recommendations unanimously but where this is not possible, the decisions shall be taken on the basis of the majority of the members present and voting at the time of decision. The majority shall be determined by the Convener by head count and no other mode of voting shall be permitted.
- (r) whenever a decision has been taken on the basis of the majority determined in the manner mentioned in clause (q), the Convener shall record the number of members present, who may have voted for or against or may have abstained from voting.
- (s) any recommendation once made on the basis of the majority shall not be reviewed or recalled or amended in any manner whatsoever. It may, for the removal of doubt, be clarified that even if members numbering more than the number which constituted the majority at the time of voting, demand any modification in the recommendation already made, the same shall not be considered;

(t) the committee, in addition to making recommendations on the objections received, may also make its own suggestions for modifications or alterations with respect to the draft development plan. Only such suggestions shall be recorded as may have been approved by the majority of the members present and voting;

(u) the convener shall submit the recommendations of the committee along with his report duly signed in three sets along with the soft copies of the maps indicating locations of objections and/or suggestions to the Director so as to reach him within six months of the date of publication of the draft plan; and

(v) the proceedings of each meeting of the Committee may be video graphed if so decided by the Convener.

13. Manner of publication of draft development plan.- The draft development plan under sub-section (1) of section 18 shall be published together with a notice in Form-IX inviting objections and suggestions on the said draft plan within a period of 30 days from the date of publication of such notice in,-

(a) the Madhya Pradesh Gazette; and

(b) at least two Hindi newspapers having wider circulation in the area concerned,

stating that the draft development plan has been prepared under section 14 and is available for inspection of general public at the offices of the concerned Divisional Commissioner(s), District Collector(s), Town and Country Planning and Urban Local Authorities during office hours.

14. Manner of publication of approved development plan.- A public notice under sub-section (4) of section 19 in Form-X shall be published in

(a) the Madhya Pradesh Gazette; and

(b) at least two Hindi newspapers having wider circulation in the area of the plan,

informing that the development plan has been approved by the State Government and the same shall be available for inspection of general public at the offices of concerned Divisional Commissioner(s), District Collector(s), Town and Country Planning and Urban Local Authorities during office hours.

15. Modification in development plan / zoning plan.-(1) An application for modification of development plan or zoning plan under clause (b) of sub-section (1) of section 23-A shall be made to the State Government in Form-XI. Such application shall be submitted only by the owner of the land. Where the land in question is owned jointly, the application may be submitted by anyone of the owners and the same

shall be accompanied by affidavits of all other co-owners authorizing the applicant.

(2) Every application submitted under sub rule (1) above shall be accompanied with the documents mentioned in Form-XI and also an application fee of Rs. 5000/- per hectare or part thereof of the land over which modification has been applied.

(3) The State Government may send the application so received to the Director.

(4) (a) The Director shall send the application received from the State Government under sub-rule (3) to the Madhya Pradesh Vikas Pradhikaran Sangh, henceforth called VPS, for submitting a detailed factual report. The applicant shall have to submit soft copies of the application and the documents therein in such number as required by VPS and shall also pay such fee to VPS for preparing the aforementioned factual report, as may have been determined by it.

(b) VPS shall send a copy of the application along with the documents and its factual report thereupon to the officer in charge of the concerned district office of Town and country planning for comments.

(c) VPS may seek the comments of concerned government departments/agencies on the proposed change of land use. If the concerned government department / agency fails to communicate its comments within a period of 21 days, its consent shall be presumed.

(d) VPS shall submit its factual report along with the comments of the district office and other related documents to the Director.

(5) The committee consisting of the following shall examine the factual report prepared by VPS, the comments of the district office under clause (b) of sub-rule (4) and responses received under (c) herein above .

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|----|---|-----------------------|
| 1. | Director, Town & Country Planning | - Chairman |
| 2. | Joint Director/ Deputy Director/ Assistant Director concerned | - Member |
| 3. | Commissioner/ Chief Municipal Officer of the concerned Urban Local Authority or his nominee | - Member |
| 4. | Chief Executive Officer of Zila Panchayat (in case the area lies wholly or partly in rural area) or his nominee | - Member |
| 5. | Chief Executive Officer of the concerned town development authority or his nominee | - Member |
| 6. | Project Director of Madhya Pradesh Vikas Pradhikaran Sangh | - Member
Secretary |
| 7. | Town Planner/Urban Planner, nominated by the Director | - Member |

(6) The applicant shall be given an opportunity to present his case before the Committee. The Director may, if so required direct the applicant or the Vikas Pradhikaran Sangh to furnish such additional information, as may be considered necessary.

(7) The Committee shall submit its recommendations on the said application for modifications to the State Government.

(8) The State Government on receiving the recommendations of the Committee under sub-rule (7) may publish a public notice in Form-XII. Such notice shall be published in at least one Hindi and English newspaper each, which have wide circulation in the concerned town. The details of the proposed modification shall be made available for inspection of general public in the offices of Joint Director/ Deputy Director/ Assistant Director in charge of the district and the same shall also be displayed on the website of Housing and Environment Department. The copy of the notice shall also be sent to the concerned district Collector, Urban Local Authority and Zila Panchayat for affixing on their notice boards.

(9) The State Government shall provide reasonable opportunity of hearing to the person who may have submitted his objections or suggestions with regard to the proposed modification within the stipulated time.

(10) The State Government may after considering the objections / suggestions and also the recommendations of the Committee modify the plan in such a manner, as it may deem appropriate. The modification so made shall become an integral part of the development plan or zoning plan.

(11) The State Government may impose such conditions, as it may consider appropriate while modifying the plan under sub-rule (10) above.

(12) The State Government shall not modify the permissible limits of Floor Area Ratio (FAR) in the development plan while making any modification in development plan or zoning plan under sub-rule (10). For removal of any doubt, it is clarified that if the land use category of any area is modified under this rule, the FAR prescribed for such modified land use in the relevant development plan shall be applicable.

(13) (a) In case the modified land use is such as mentioned in column (2) of the table below, the applicant shall have to pay a levy calculated as mentioned in column (3) or (4) or (5) as the case may be, therein.

S. No.	Modified Land use	Levy [Expressed as percentage of market value of the land]			Value of FAR factor [A] mentioed in rule13(b)
		planning area having population less than 5 lakhs	planning area having population between 5 to 10 lakhs	planning area having population above 10 lakhs	
(1)	(2)	(3)	(4)	(5)	(6)
1.	Residential	5.50	7.00	8.50	1.00
2.	Commercial/ mixed	6.00	8.00	10.00	1.50
3.	PSP and others	3.00	3.50	4.00	0.75

(b) The market value of the land, where the modified land use is as mentioned in the column (2) above, shall be calculated as under:-

Total area of the land (square meters) x [A] x prevailing Collector guideline rate for developed residential plot per sq. mtrs in the area where the land is situated. Where the guideline rates for developed residential plots are not available for the area in which the land in question is located, the guideline rates of the nearest residential area shall be taken. The nearest residential area shall be such as may be decided by the Director. For the purpose of the calculation of the market value hereinabove the residential area shall be considered wherein the FAR is at least 1.

(14) (a) In case the modified land use is such as mentioned in column (2) of the table below, the application for modification under clause (b) of sub-section (1) of section 23-A shall be accepted for consideration only if the total area of the land over which such land use modification is applied for is not less than that mentioned in column (3) or (4) or (5) as the case may be, below:-

S. No.	Modified Land use	For planning area having population		
		Below 5.0 lakhs (area in Hect.)	5.00 to 10.00 lakhs (area in Hect.)	10.00 lakhs and above (area in Hect.)
(1)	(2)	(3)	(4)	(5)
1.	Residential or mixed	2.00	4.00	6.00
2.	Commercial	0.50	1.00	1.50
3.	Industrial	5.00	7.50	10.00

(b) In cases where after the modification, the modified land use is other than the residential, mixed, commercial or industrial, there shall be no condition of minimum area for submitting an application under clause (b) of sub-section (1) of section 23-A. The land over

which the modified land use has been applied for shall ordinarily be in one piece.

(c) For the purpose of calculating the area of the land mentioned in table herein above, only such land as owned by the applicant in his own name or co-owned by the applicants in their own names shall be considered.

Note: For the purpose of removing any doubt it is clarified that two or more different owners of different pieces of land shall not be permitted to jointly make an application for the purpose of fulfilling the minimum requirement of land mentioned in this subrule.

16. Sanction of Additional Floor Area Ratio (AFAR) under sub-section (1) of section 23-B.- (1) The State Government may on its own motion or on an application or on the advise of the Director identify such area within a planning area in which increase in the FAR over and above the permissible limits in the development plan may be permitted.

(2) (a) After such identification, the State Government may direct the following committee to assess the,-

(i) impact of allowing the additional FAR in the identified area; and

(ii) adequacy of the infrastructure to support the proposed additional FAR.

1.	Director, Town & Country Planning	Chairman
2.	Officer In-charge of the Town and Country Planning Department of the concerned District	Member
3.	Commissioner/Chief Municipal Officer of concerned Urban Local Authority	Member
4.	Chief Executive Officer of Zila Panchayat of the concerned district, if the area lies in his jurisdiction	Member
5.	A Town Planner nominated by the Director	Member
6.	Chief Executive Officer of the concerned Development Authority or the Special Area Development Authority	Member
7.	Project Director, Madhya Pradesh Vikas Pradhikaran Sangh	Member Secretary

The members of the committee mentioned at 3, 4 and 6 may nominate their representative.

Note: In case the identified area lies outside municipal area but in the vicinity of the area of an urban local authority, the

Commissioner or Chief Municipal Officer of such authority shall be a member;

(b) the Committee shall make a detailed note of the existing infrastructure including roads, sewerage, power, water supply, drainage, population density, traffic movement, waste disposal and such related issues as the committee may consider appropriate. The committee may take the services of concerned sector experts to advise it on the matters connected with the assessment required in clause (a) of sub-rule (2) above;

(c) the recommendations of the committee submitted to the State Government, shall include -

- (i) assessment of the existing infrastructure in the identified area;
- (ii) adequacy of such infrastructure to support the proposed increase in FAR;
- (iii) additional infrastructure that may be required within or in the vicinity of the identified area; and
- (iv) any other point considered appropriate.

(3) The State Government, after considering the recommendations of the committee, may publish notice under first proviso to section (1) of section 23-B, in Form-XIII inviting suggestions or objections, within a period of 21 days from the date of publication of notice, on the proposed increase in the floor area ratio (FAR). The notice shall clearly mention the boundaries of such area and the extent of proposed increase in FAR.

4) The area identified and mentioned in the said public notice not be less than 5 hectares.

5) The notice in Form-XIII shall be published in two newspapers, one of which must be in Hindi, having wide circulation in the concerned planning area. Such notice shall be affixed on the notice boards of offices of concerned Urban Local Authority, District Collector and Town and Country Planning.

(6) The State Government shall provide a reasonable opportunity of hearing to all the persons who may have given their suggestions or objections. Every such person shall be informed at seven days before the date of hearing.

(7) (a) The State Government, after considering the suggestions/objections received and also the recommendations of the committee, may determine the extent of additional floor area ratio in the identified area or part thereof, as it considers appropriate. The final FAR so determined shall be notified in Form-XIV, for the

information of the general public in two news papers, one of which must be in Hindi, having wide circulation in the concerned planning area. The same shall also be published in the Gazette. The extent of such additional FAR shall be considered to be an integral part of the development/ zoning plan and shall come into operation from the date of publication in the official Gazette. Such additional FAR within the identified area shall be used if permitted by the Director on an application made under subrule (8) and on the payment of the amount mentioned in subrule (9) hereinbelow.

(b) The additional FAR permitted shall not exceed 50 percent of the FAR already permissible in the applicable development plan.

(8) (a) An application for availing additional floor area ratio notified in sub-rule (7) shall be made to the Director in Form-XV. Such application shall be accompanied by the documents mentioned in this form and a fee of Rs. 5000/-. The Director after examining the application may allow additional floor area ratio to the applicant to the extent permitted under subrule (7) hereinabove.

(b) The application for grant of additional FAR shall be considered only in case the plot in question is a part of a layout plan duly approved by the competent authority.

(9) (a) The applicant shall have to pay an amount equal to one fourth of the market value of the additional equivalent land before the permission of additional FAR is issued under sub-rule (8).

(b) Additional equivalent land mentioned in clause (a) above shall be equal to the plot area (in square meters) x [(Additional FAR granted)/FAR Permissible under the applicable development plan].

(c) The market value of the additional equivalent land, where the land use of the plot in question is residential shall be equal to the additional equivalent land (in square meters) x prevailing Collector guidelines rate (per square meters) for developed residential plot (in square meters) applicable to that area x FAR as permitted in that area in the development plan or 1.00 whichever is less .

(d) The market value of the additional equivalent land, where the land use of the plot in question is that mentioned in column (2) of the table below, shall be such as has been mentioned in the column (3) of the table :

S. No. (1)	Land use of the plot (2)	Market value of the additional equivalent land (3)
1.	Commercial and mixed	150 percent of the value calculated as per Note below
2.	PSP	50 percent of the value calculated as per Note below

3.	Industrial and others	25 percent of the value calculated as per Note below
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Note:- Additional equivalent land (square meters) x prevailing Collector guidelines rate (per square meters) of developed residential plot (in square meters) applicable to that area

(e) In case guidelines rates of developed residential plots are not available for the area in which additional FAR can be granted, the rates of the nearest residential area shall be applicable. Such nearest residential area shall be determined by the Director on case to case basis.

(f) For the purpose of the calculation of the market value hereinabove such residential area shall be considered wherein the FAR is at least 1.

CHAPTER V

CONTROL OF DEVELOPMENT AND USE OF LAND

17. Intention of development undertaken on behalf of Union or State Government.- Where the Union or State Government intends to carry out development of any land, the authorized officer of the concerned Government shall inform the Director in writing of such intention at least 30 days before undertaking the proposed development. Such information shall be accompanied by the following documents and particulars, namely:-

- (a) Description of land (Location with name of road/roads on/off which the land is situated and its boundaries).
- (b) Khasra Plan showing khasra numbers of the land in question and also adjoining Khasra numbers lying within 200 meters from the outer limit of the land. The land in question shall be shown in red in Khasra map.
- (c) Location plan, indicating the land in question showing main approach roads and any other important buildings in the vicinity.
- (d) Survey plan on scale 1:500 to 1:2000 to be given showing boundaries of land in question and also showing physical features within 200 meters radius such as nala, water bodies, trees, slopes, contour plan if the land is undulating, high tension lines, existing roads showing the right of way, railway lines and railway boundaries, position of electric and telephonic poles and all such other developments and features which need to be coordinated with adjoining areas and land in question.

- (e) A plan showing all development proposals with respect to the land in question with a general report so as to make the scheme self explanatory. Such plan must give information regarding utilities and services like water supply, drainage, electricity and sewerage.
- (f) Other architectural details as required by the Director.
- (g) A note indicating the type of development proposed namely residential; commercial or industrial or mixed or any other.
- (h) The name and address of registered Planner/Architect/Engineer engaged.

CHAPTER VI

TOWN AND COUNTRY DEVELOPMENT AUTHORITY

18. Term of office of the Chairman and other members.- The term of office of the Chairman and other members shall ordinarily be three years. The Chairman or a member may be removed from such office by the State Government at any time, before completion of the term, without assigning any reason thereof.

19. Preparation of Town Development Scheme.-(1) The Town and Country Development Authority shall prepare the proposal of the town development scheme and shall submit the same to the State Government for prior approval.

(2) After obtaining the aforementioned prior approval the authority shall declare its intention to prepare the scheme under sub-section (1) of section 50. Such intention shall be declared by publishing it in Form-XVI in at least two Hindi news papers having wider circulation in the plan area in which such scheme lies. Copies of the notice shall also be affixed on the notice boards of the offices of the Town and Country Development Authority and of Town and Country Planning concerned.

(3) Not later than thirty days from the declaration of the intention mentioned in subrule(1) above, the authority shall publish a public notice under sub-section (2) of section 50 in Form-XVII, declaring its intention of making a town development scheme in,-

(a) the official Gazette and

(b) at least two hindi news papers having wide circulation in the plan area in which such scheme lies. Copies of the notice shall also be affixed on the notice boards of the offices of the Town and Country Development Authority and of Town and Country Planning concerned.

(4) Not later than two years from the date of publication of the notice under sub-rule (3) hereinabove, the Town and Country

Development Authority shall publish a public notice under sub-section (3) of section 50 in Form-XVIII in,-

- (a) the Madhya Pradesh Gazette; and
- (b) at least two hindi news papers having wider circulation in the plan area in which such scheme lies, inviting objections and suggestions with respect to the said draft within a period of thirty days from the date of such publication.

Such draft shall be made available for inspection during office hours in the offices of the Town and Country Development Authority and Town and Country Planning concerned.

(5) The Town and Country Development Authority shall submit its proposal for approval within nine months from the date of publication of draft scheme under sub-section (3) of section 50 to the Director. After obtaining the approval of the layout of the scheme from the Director, the Authority shall, within one year from the date of publication of draft scheme, publish a public notice under sub-section (7) of section 50 in Form-XIX in the Madhya Pradesh Gazette and also in at least two hindi news papers having wider circulation in the area in which such scheme lies, informing the general public that the final town development scheme has been approved and is available for inspection in the offices of the Town and Country Development Authority, Town and Country Planning and Urban Local Authorities concerned, during office hours.

(6) The Authority shall obtain the revised approval of the layout of the scheme from the Director if it proposes to make any change in the scheme after its publication under section 50 (7).

20. Acquisition of land.- (1) The Authority may, if required, make an application to the Collector for the allotment of the Government land that may be situated within the scheme boundaries. The terms and conditions of such allotment shall be binding on the Authority.

(2) The authority shall, within three months, after the final publication of the town development scheme under sub-section (7) of section 50, proceed to acquire the private land situated within the scheme boundaries through agreement with the owners by giving them option of entering into agreement with the Authority.

(3) The authority, where the owner agrees, shall execute the agreement in Form-XX. The State Government may, on the request of the Authority, permit such modifications in Form-XX as may be considered appropriate for that town development scheme.

(4) (a) If the Authority is satisfied that acquisition by agreement is not possible, it shall request the District Collector to acquire the said land under Land Acquisition Act, 1894 (No. 1 of 1894). All expenditure incurred in such acquisition shall be borne by the Authority.

(b) Notwithstanding any action that may have been taken for acquisition of land under sub rule 4(a) above, the Authority may, on an application of the owner, enter into the agreement in Form-XX provided that on the date of such agreement proceedings under section 6 of the land acquisition Act of 1894 have not been initiated by the competent authority.

(5) The land acquired under sub rule (3) and (4) hereinabove shall, on acquisition, vest free of all encumbrances in the Authority.

21. Power to borrow money.- (1) The Town and Country Development Authority may, with the previous sanction of the State Government under section 63 of the Act , borrow money by issuing debentures for the purposes of the Act.

(2) The State Government shall determine,-

(a) the amount of money to be borrowed by issue of such debentures, their issue price, denomination, terms of maturity and the rate of interest;

(b) the manner in which a sinking fund shall be constituted for the redemption of debentures, report to be made in case of any failure on this account, subscriptions to the debentures made, the intervals at which the interest on debentures shall be paid, debentures which by reasons of damages sustained have become unfit for circulation shall be replaced, fresh debentures issued to replace those lost or destroyed, the rate at which brokerage and under writing commission may be paid;

(3) No debentures shall be issued, except with the guarantee by the State Government, as to the repayment of principal and payment of interest.

(4) The authority may, with the sanction of the State Government, reserve the debentures or bonds for issuing to any particular person or institution or have them under written.

22. Terms and conditions subject to which loans may be raised by the Special Area Development Authority.- (1) The Special Area Development Authority may, for the purpose of the Act, raise loans under sub-section (2) of section 70, in accordance with the provisions contained in the Local Authorities Loans Act, 1914 (9 of 1914) and in

pursuance of a resolution passed at a special meeting convened for the purpose :

Provided that no loan shall be raised without the previous sanction of the State Government :

Provided further that the terms upon, the period within and the method by which the loan is to be raised and repaid shall be subject to these rules and the approval of the State Government.

(2) The Special Area Development Authority shall, unless otherwise permitted by the state government, maintain a sinking fund for the repayment of loans raised under sub-rule (1) and shall pay every year in the sinking fund such amount, as may be sufficient for repayment of all loans so raised within the period fixed.

(3) The sinking fund or any part thereof shall not be applied for any other purpose until such loan is wholly discharged.

23. Appeal.— An appeal preferred under sub-section (1) of section 31 of the Act shall contain,-

- (a) a copy of the order against which the appeal is being filed;
- (b) a clear statement of facts and the ground on which the appeal is made;
- (c) the relief prayed for; and
- (d) a proof of having paid a fee of Rs. 500/- as fees.

24. Revision.— A revision preferred under sub-section (1) of section 32 of the Act shall contain,-

- (a) a copy of the order against which the revision is being filed;
- (b) a clear statement of facts and the ground on which the revision is made; and
- (c) the relief prayed for.

25. Repeal and savings.— The Madhya Pradesh Nagar Tatha Gram Nivesh Niyam, 1975 and the amendments made therein, from time to time, hereby stand repealed :

Provided that,-

- (a) such repeal shall not affect the previous operation of the said rules or anything done or any action taken, thereunder;
- (b) any application submitted under the repealed rules, pending at the commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules;
- (c) nothing in these rules shall be construed as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules so repealed;

FORM - I

(See rule 5)

Notice for publication of Draft Regional Plan

Notice is hereby given that the draft regional plan for _____ (region) has been prepared in accordance with the provisions contained in Chapter III of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and a copy thereof is available for inspection at,-

1.
2.

(Mention names of the concerned district offices of Town and Country Planning, Divisional Commissioner(s) and District Collector(s) where copies are available) during office hours. If there be any objection or suggestion with respect to the draft plan, it shall be submitted in writing to the district office(s) of town and country planning mentioned hereinabove before the expiry of sixty days from the date of publication of this notice in the "Madhya Pradesh Gazette" for due consideration.

Date :

**Director,
Town and Country Planning,
Madhya Pradesh, Bhopal**

FORM - II

(See rule 8)

Notice for approval of the regional plan

Notice is hereby given that the Government has approved the regional plan for _____ (region) under sub-section (1) of section 9 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and a copy of the said plan may be inspected at the offices of Town and Country Planning , Divisional Commissioner(s) and District Collector(s) concerned, namely:-

1.
2.

The said regional plan shall come into operation with effect from _____.

By order and in the name of the
Governor of Madhya Pradesh,

**Secretary,
Government of Madhya Pradesh
Housing and Environment
Department**

FORM- III
(See rule 9)

Notice for modifications in the draft regional plan

It is hereby notified for public information under the proviso to sub-section (2) of section 9 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) that the State Government proposes to approve the draft regional plan for _____ (region) published in Madhya Pradesh Gazette dated _____ with modification(s) as specified in the Schedule below.

Any objection and suggestions with respect to the said modifications may be submitted by any person to the Secretary, Housing and Environment Department, Madhya Pradesh in writing within a period of thirty days from the date of publication of this notice in the Madhya Pradesh Gazette for the consideration of the State Government.

SCHEDULE

.....
.....
.....

By order and in the name of the
Governor of Madhya Pradesh,

**Secretary,
Government of Madhya Pradesh
Housing and Environment
Department**

FORM- IV

(See rule 10)

Notice inviting objections to existing land use map

Notice is hereby given that the existing land use map for _____ (Planning Area) has been prepared under sub-section (1) of section 15 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and a copy thereof is available for inspection during office hours in the offices of,-

1.
2.

(Mention names of the offices of Town & Country Planning, Divisional Commissioner, District Collector(s) and Urban Local Authorities concerned where such copies have been made available).

If there be any objection or suggestion with respect to the existing land use map so prepared, it shall be submitted in writing to the concerned District office of Town and Country Planning within a period of thirty days from the date of publication of the notice in the Madhya Pradesh Gazette for due consideration.

Place :

Date :

**Director,
Town and Country Planning,
Madhya Pradesh,**

FORM- V

(See rule 11)

Form for final publication of existing land use map

The existing land use map for _____ (name of planning area), was published under sub-section (1) of section 15 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) in Official Gazette dated and objections and suggestions were invited from the public under the provisions of sub-section (2) of the said section. After giving reasonable opportunity of hearing to all such persons who have filed the objection or suggestion, modifications as considered desirable, are made therein.

Now, the existing land use maps for the above planning area is hereby adopted under sub-section (3) of section 15 of the of the said Act and a copy thereof is available for inspection from ----- (date) to ----- (date) during office hours in the offices of :

1.
2.

(Mention names of the offices of Town & Country Planning, Divisional Commissioner, District Collector(s) and Urban Local Authorities concerned where such copies have been made available)

Place :
Date :

**Director,
Town and Country Planning,
Madhya Pradesh,**

FORM- VI

[See rule 12(2)(a)]

**FORM FOR COMPILING OBJECTIONS ON DRAFT DEVELOPMENT PLAN
OF ----- (NAME OF THE TOWN) AND RECOMMENDATIONS
OF THE COMMITTEE**

1. PLACE OF HEARING -----

2. DATES ON WHICH HEARINGS WERE HELD.....

S. No.	Objection Number	Name and address of the person	Brief description of Suggestions/ Objections (Including detail of Village /Khasra /Area/ provision regarding which suggestion/ objections made)	Comment of District Office	Recommendations of the Committee	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Name designation and signatures
of the Convener and members

Note:-

1. Coloumn no 1 to 4 shall be prepared initially as provided in rule 12 (2) (a)
2. Coloumn no 5 shall be filled in before the hearing by the committee begins.
3. Coloumn no 6 shall be filled in by the convener as provided in rule 12(2) (p)
4. The recommendations under rule 12 (2) (t) shall be made separately and signed by the convener

FORM- VII

[See rule 12 (i)]

Notice to appear before the committee for hearing

To

Shri/Smt./Ms.

Address

.....

.....

Sub : Hearing on your objection on Draft Development Plan of
_____ (town) before the Committee

Reference :- Your objection dated----- registered at S. No. -----

Sir/Madam,

This is with reference to your objection on Draft Development Plan of
_____ (town) published by the Town and Country Planning.
You are requested to be present for hearing in person or through your
authorized representative before the Committee constituted by the
State Government under section 17-A of the Act at the venue and time
mentioned below :-

Venue :

Date :

Time :

Any additional information / document in support of your
objection may be submitted on the same day.

**Convener of the Committee
Name and Designation**

FORM- VIII

[See rule 12 (n)]

**FORM FOR LISTING OF ADDITIONAL INFORMATION PROVIDED
DURING HEARING OF DRAFT DEVELOPMENT PLAN OF (NAME OF
THE TOWN) ----- BEFORE THE COMMITTEE**

S.No.	Objection Number	Name & Address of the person	Date of hearing	Details of Additional Information	Additional documents submitted
(1)	(2)	(3)	(4)	(5)	(6)

Signature of the Convener of the Committee**Name and Designation**

FORM- IX

(See rule 13)

Notice of Publication of Draft Development Plan

Notice is hereby given that the Draft of Development Plan for _____ (Name of planning area) has been published in accordance with the provisions of sub-section (1) of section 18 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), a copy thereof is available for inspection at,-

1.

2.

(Mention names of the concerned district offices of Town and Country Planning, Divisional Commissioner(s) and District Collector(s) where copies of the draft are available) during office hours.

If there be any objection or suggestion with respect to the said draft plan, the same may be submitted in writing to the abovementioned district office(s) of Town and Country Planning before the expiry of thirty days from the date of publication of this notice in the Madhya Pradesh Gazette for due consideration.

Place :

Date :

**Director,
Town and Country Planning,
Madhya Pradesh, Bhopal**

FORM- X

(See rule 14)

Notice for approval of the Development Plan

Notice is hereby given that the State Government has approved the Development Plan for _____ (Planning Area) under sub-section (1) of section 19 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhinyam, 1973 (No. 23 of 1973) and a copy of the said plan may be inspected at the following offices:-

1.

2.

(Mention names of the offices of Town and Country Planning, the Divisional Commissioner, District Collector(s) and Urban Local Authorities where the copies have been made available) during office hours.

The said development plan shall come into operation from the date of its publication in the official Gazette.

By order and in the name of the
Governor of Madhya Pradesh,

**Secretary,
Government of Madhya Pradesh,
Housing and Environment Department.**

FORM- XI

[See rule 15 (1)]

**Application form for modification in Development / Zoning plan
under clause (b) of sub-section (1) of section 23-A**

To,

The Secretary,
Government of Madhya Pradesh,
Housing and Environment Department,
Mantralaya, Bhopal.

I / we, who are rightful owner/co-owners of the land described below, apply for modification in Development / Zoning Plan under clause (b) of sub-section (1) of section 23-A as below :-

1 Description of land applied for modification :

- (a) District : -----
 (b) Tehsil : -----
 (c) Village : -----
 (d) Khasara No(s) : -----

and area of each khasra: -----

- (e) Total area in hactare : -----

2 Details of owner(s) :

- (a) Name of Owner(s) : -----
 (b) Postal Address : -----

 (c) E-mail Address : -----

Telephone No. : -----

Mobile No. : -----

3. Present provision/ Land : -----
use in Development Plan

4. Desired modification/ : -----
land use

5. The Documents (self attested) are enclosed herewith as per the annexure (List of documents)

6. I/ we undertake to pay the levy charged under rule 15(13) and comply with all the conditions that may be imposed.

Enc: As above

Date :

Signature of owner (s)

Name

Address

.....

ANNEXURE**List of documents**

(to be attached with the application form under clause (b) of sub-section (1) of section 23-A)

1. Land ownership document:-
 - (a) Latest Khasra Paanchsala P-II form (certified).
 - (b) Consent of present land owner to change the land use (if the applicant is not the owner).
 - (c) In case the project proponents are in association/ consortium/ joint venture, then the necessary legal documents for the same shall be enclosed.
2. Landuse certificate as issued by the Town and Country Planning
3. Description of the land
 - (a) Khasara Plan showing survey number(s) of land in question and also adjoining khasara no(s) falling within 500 meters from the outer limit of the land on all sides. (the land in question should be highlighted in red).
 - (b) Location plan indicating land in question, main approach road (existing and proposed), important public buildings, water bodies and the existing uses surrounding the land.
 - (c) Survey plan to scale of 1:500 to 1:2000.
 - (d) The survey plan shall show the boundary of land in question, natural features like nala, ponds, trees and slopes, contour plan at an intervals of 2 meters, electric line and position of electric/telephone poles and all such other features which may need to be coordinated.
4. General project report: land ownership, location/site plan, development proposals/ layout (urban planning/traffic planning/ environment planning), sketches of proposed buildings, planning for infrastructure like water supply, sewerage, electrification, drainage, fire safety, rain water harvesting, garbage disposal, treatment plant (water/sewerage/garbage), recycling of waste water.
5. Environmental impact study of the proposed development and its mitigation measures.
6. The report showing the proposed development with respect to employment generation, enhancement of the facilities for the public, enhancement of environment quality of the area and

improvement of the quality of the life of the beneficiaries of the proposed use.

7. Project cost estimates.
8. Cost of upgradation of external infrastructure with reference to roads, water supply, sewage etc.: The applicant shall have to indicate external development to be undertaken by him for upgradation and improvement of the infrastructure and shall have to indicate the standards and norms on which his development proposals in the selected sector are being based for example . adoption of IRC standards for the construction of road etc.
9. Financial arrangement and investment plan and time line for completion of the project.
10. Phases of implementation.
11. An Affidavit of the owner stating that he has been duly authorized to apply for the modification by the other co-owners and that the contents of the application and the documents produced are true.

Date :

Signature of owner(s)

Name

Address

.....

FORM- XII**[See Rule 15 (8)]****Notice of modification in development/zoning plan**

It is hereby notified for public information under clause (b) of sub-section (1) of section 23-A of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) that the State Government proposes to modify the provisions of development /zonal plan for _____ (name of place) as specified in the Schedule below.

Any objection and suggestions with respect to the said modification may be submitted by any person to the Secretary, Government of Madhya Pradesh, Housing and Environment Department, in writing within a period of 15 days from the date of publication of this notice in the Madhya Pradesh Gazette and such objections or suggestions which may be received before the expiry of the period specified above will be considered by the State Government.

SCHEDULE

Give details of the proposed modifications

By order and in the name of the Governor
of Madhya Pradesh,

**Secretary,
Government of Madhya Pradesh
Housing and Environment Department**

FORM- XIII

[See rule 16(3)]

Notice for making provisions of additional Floor Area Ratio (FAR) in development / zonal plan

It is hereby notified for public information under section 23-B of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) that the State Government proposes to provide additional Floor Area Ratio over and above that permissible in the applicable development plan to the extent and in the area as specified in the table below.

S.no	Description of the area in which additional FAR is proposed	FAR permissible under the applicable development plan	Proposed additional FAR	Additional FAR expressed as % of prevailing FAR
(1)	(2)	(3)	(4)	(5)

Any objection and suggestions with respect to the said increase in FAR may be submitted by any person to the Secretary, Government of Madhya Pradesh, Housing and Environment Department, in writing within a period of 21 days from the date of publication of this notice in the Madhya Pradesh Gazette. Such objections or suggestions which may be received before the expiry of the period specified above will be considered.

By order and in the name of the
Governor of Madhya Pradesh,

**Secretary,
Government of Madhya Pradesh,
Housing and Environment Department**

FORM - XIV

[See rule 16(7)(a)]

**Notice for approving Additional Floor Area Ratio in
Development / Zonal Plan**

It is hereby notified for public information under section 23-B of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) that additional floor area ratio over and above that permissible in the applicable development plan may be permitted by the Director in the areas and to the extent as described in the table below:-

S.No	Description of the area in which additional FAR may be granted	FAR permissible under the applicable development plan	Granted Additional FAR	Granted Additional FAR expressed as percentage of prevailing FAR
(1)	(2)	(3)	(4)	(5)

By order and in the name of the
Governor of Madhya Pradesh,

**Secretary,
Government of Madhya Pradesh,
Housing and Environment Department**

FORM -XV

[See rule 16(8)]

Form of Application for availing additional FAR on land under sub-section (4) of section 23- B

From :

To,

The Director,
Town and country planning,
Madhya Pradesh,
Bhopal

Sir,

1. I/we apply for permission to avail additional FAR as published in Madhya Pradesh Gazette dated ----- on land as mentioned below :-

(a) Description of land (including khasra No. -----, Village -----, Tehsil -----, location with name of road on /off which the property abuts and its boundaries) -----

(b) Total area of the land ----- square meters

(2) FAR as permissible in the development plan -----

(3) Additional FAR applied for -----

(4) I/We, attach herewith the following documents namely:-

(a) Revenue records of the land (as proof of title).

(b) Khasra plan/ aks showing Survey number of land in question and also adjoining Khasra nos. falling within 200 meters from the outer limit of the land. The land in question shall be shown in 'red'

(c) Land use certificate issued by Town and Country Planning.

(d) Receipt of payment of application fee of Rs 5,000/-.

Signature of the applicant -----

Name of applicant-----

Address -----

Contact No. -----

FORM - XVI

[See rule 19(2)]

Notice for declaration of intention to prepare Town Development Scheme under sub-section (1) of section 50

It is hereby declared under sub-section (1) of section 50 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhinyam, 1973 (No. 23 of 1973) that the ----- (Name of the Town and Country Development Authority) intends to prepare a Town Development Scheme, namely ----- for ----- (description of the area in which the scheme is proposed including Khasra number).

Chief Executive Officer

(Town and Country Development Authority)

FORM- XVII

[See rule 19(3)]

Notice for declaration of Town Development Scheme under sub-section (2) of section 50**NOTICE**

It is hereby declared and published for the information of the general public under sub-section (2) of section 50 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) that the _____ (Name of the Town and Country Development Authority) intends to prepare a Town Development Scheme namely-----for ----- (description of the area in which the scheme is proposed including Khasra number)

No person shall, henceforth, within the area included in the scheme, institute or change the use of any land or building or carry out any development except with the permission duly obtained from the competent authority from of date of its publication in Madhya Pradesh Gazatte.

Chief Executive Officer**(Town and Country Development Authority)**

FORM- XVIII

[See rule 19(4)]

**Notice of Publication of Draft of Town Development Scheme
under sub-section (3) of section 50**

Notice is hereby given that a Draft of Town Development Scheme (name of the scheme) -----has been prepared for the area _____(description of the area in which the scheme is proposed including khasra nos.) under sub-section (3) of section 50 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and a copy thereof is available for inspection during office hours in the offices of,-

1. -----.
2. -----.
3. -----.

(Mention names of the Town and Country Development Authority, district office of Town and Country Planning, concerned Urban Local Authority where such copies have been made available).

Any objection or suggestion with respect to the draft Town Development Scheme received in writing in the office of the undersigned from any person affected thereby, within 30 days of the publication of this notice in the Madhya Pradesh Gazette will be considered.

Chief Executive Officer

(Town and Country Development Authority)

FORM - XIX

[See rule 19(5)]

**Notice of Publication of Final Town Development Scheme under
sub-section (7) of section 50****NOTICE**

The Town Development Scheme namely -----for the area _____ as approved under sub-section (4) of section 50 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) is hereby finally published under sub-section 7 of section 50 for the information of the general public and copies of the said scheme are available for inspection during office hours for 90 days at the following offices :-

1. -----.
2. -----.

(Mention the names of the offices of the Town and Country Development Authority and district office of Town and Country Planning where such copies are available)

Chief Executive Officer

(Town and Country Development Authority)

FORM - XX

[See rule 20 (3)]

Town and Country Development Authority.....**Form of agreement between Town and Country Development Authority and owner(s) to acquire land for the implementation of the scheme.**

This Agreement (hereinafter called the Agreement) is made on the day of, year -----, between, on the one hand Chief Executive Officer of ----- name and address of the Town/ Special Area Development Authority (hereinafter called the Authority which expression shall include its respective successors and permitted assigns, unless the context otherwise requires) and, on the other hand Sh./Smt/M/s..... (name and address of the owner) (hereinafter called the Owner which expression shall include their respective successors and permitted assigns unless the context otherwise requires).

Whereas

2. The Authority is duly established under section 38 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and is a Town and Country Development Authority corporated under section 39 of the Act.

OR

The authority is duly established under Section 64 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and is a Special Area Development Authority incorporated under section 66 of the Act.

(b) Under sub-section (2) of section 38 of the Act, the Authority is authorized to prepare town development schemes and accordingly it notified a Town Development Scheme, whose details are mentioned in Annexure-A.

(c) After following the procedure prescribed, the Scheme under sub-section (7) of section 50 of the Act was finally published in the Madhya Pradesh Gazette Part _____ dated _____.

(d) According to the provisions of section 56 of the Act read with rule 19 of Madhya Pradesh Nagar Tatha Gram Nivesh Niyam, 2012, the Authority has right to acquire the land lying within the scheme area through agreement or otherwise from the land owner

(e) The Authority vide its letter no. ----- dated ----- (Annexure-B) had asked the Owner to enter into this agreement on the terms and conditions mentioned therein.

(f) The owner in response to recital (e) above has consented in writing vide his letter dated ----- received at inward no. ----- dated ----- (Annexure-C) to surrender the title and peaceful possession of his land free from all encumbrances (hereinafter called the Surrendered land) in favour of the Authority and the details of said land are given below:

(Describe the details of the surrendered land here)

(g) The Authority in lieu of the surrendered land has agreed in writing vide its letter no. ----- dated ----- (Annexure-D) to transfer the title and peaceful possession free from all encumbrances the developed plot(s) as described herein below in favor of the owner (Hereinafter called the transferred plot).

[Describe the details of the transferred plot(s) here (i.e plot number, location, size/area of each of the transferred plots) . In case either of the details cannot be mentioned for reasons to be recorded the total area of the transferred plot(s) should be mentioned]

(h) The owner has furnished an affidavit stating that no litigation of any kind or any civil or criminal case with respect to the surrendered land is pending in any court of law nor has it been encumbered in any manner whatsoever.

Now, therefore, the parties hereto hereby agree as follows:

1. Definitions and Interpretation.- The words and expressions defined in this Agreement shall, unless the context otherwise requires, have the meaning hereinafter respectively assigned to them,-

(a) "Act" means the Madhya Pradesh Nagar Tatha Gramin Nivesh Adhiniyam, 1973 (No. 23 of 1973);

(b) "applicable laws" means the laws and any other instruments having the force of law in India;

(c) "Agreement" means this Agreement, together with all the Annexures;

(d) "dispute" shall have the meaning as set forth in clause 26 of this Agreement;

(e) "Government" means the Government of Madhya Pradesh;

(f) "Party" means the Authority or the Owner, as the case may be,

(g) "Parties" means both "the Authority as well as the Owner;

(h) "Third Party" means any person or entity other than the Authority and the Owner.

(i) "development" means all such works to be executed for completing the Scheme and shall include but not limited to

construction of roads, sewerage, power supply, drainage, water supply etc. in the Scheme area.

(j) "Scheme" means the Town Development Scheme of the Authority which was published under sub-section (7) of section 50 on ----- in the official Gazette and described in Annexure-A hereinabove and shall include any amendments that may have been made from time to time.

(k) "surrendered land" means the land of the owner which falls within the Scheme boundaries whose peaceful title and possession the owner has agreed to transfer to the authority and the same has been described in recital (f) above.

(l) "transferred plot" means the plot whose peaceful title and possession the authority has agreed to hand over to the owner in lieu of the surrendered land and the same has been described in recital (g) above.

2. The development of the land situated in the Scheme boundaries, including the surrendered land, shall be undertaken by the Authority in accordance with the lay out sanctioned by the Director, Town and Country Planning under section 50 and subsequent amendments, if any.

3. The transferred plot shall, as far as possible, be located on the surrendered land. However, the location will be determined solely by the Authority in its wisdom and discretion and the same shall not be questioned by the Owner. However, the Authority may, for reasons to be communicated in writing to the Owner, change the location and dimensions of the transferred plot.

4. The Authority shall have the first right to select the plots that it would retain in lieu of development done by it.

5. The Owner shall not make demands regarding location and dimensions of the transferred plot and the same shall be the sole discretion of the Authority.

6. The Authority shall obtain the approval of the Director whenever the layout approved under sub-section (4) of section 50 needs to be changed. The Authority shall inform the owner about any such change along with the reasons thereof.

7. If subsequent to the execution of this agreement, any dispute with regard to the surrendered land is raised by any party in any court of law or if the Authority discovers that any such dispute existed at the time of execution of this agreement, it shall neither transfer the title nor handover the possession of the transferred plot to the Owner. Only after the Authority is satisfied that no such dispute exists any longer, it shall execute the instrument necessary under the law to effect the transfer of the title of the transferred plot to the owner.

8. In case the owner intends to transfer, wholly or partly by registered deed, the title of his surrendered land before any action has been taken under clause 10 hereinbelow, he shall furnish the details of such proposed transfer to the Authority and obtain formal permission so to do. The Authority may grant permission for such transfer only after the buyer furnishes his consent to continue to abide by the terms and conditions of this agreement which would be applicable to his share in the title of the surrendered land as the permitted assign of the owner. This agreement shall be deemed to have been accordingly modified. The Authority may, in such case also enter into a separate agreement with regard to the surrendered land or its part thereof which has been sold off to such buyer as mentioned hereinabove.

9. The Owner shall not create any encumbrance of any kind on the surrendered land after the execution of this agreement.

10. The Owner shall transfer the title of the surrendered land in favor of the Authority when so demanded by Authority without fail or delay by executing the necessary instrument. He shall also assist the Authority in getting the necessary mutation done in the land records.

11. The Owner shall not take recourse to any legal action against the Authority with respect to the location or dimension of transferred plot or change in layout or delay in the transfer of the title of the surrendered land or the transferred plot mentioned in this agreement or any other matter connected therewith or incidental to.

12. Where the owner is a society the title and peaceful possession free of all encumbrances of transferred plot shall be handed over by the Authority to the society and not to any of its members.

13. The cost of registration and stamp duty and all other incidental expenses involved in executing the necessary instruments for surrender of land to the Authority and the transfer of transferred plot to the owner shall be borne by the Authority.

14. The possession and title of the transferred plot shall be handed over to the owner by the Authority after completing the development works around such plots or within a period of three years of execution of this agreement, whichever is earlier. However if the owner demands that the possession and title of the transferred plots be handed over earlier the Authority in its discretion may, if it considers appropriate, do the same without either waiting for the development to complete or expiry of the said period of three years.

15. Effectiveness of Agreement.- This Agreement shall come into force on the date on which it is signed.

16. Governing law and jurisdiction.- This Agreement shall be construed and interpreted in accordance with and governed by the laws of India, and the courts at ----- (name of the district in which the Authority is situated) shall have exclusive jurisdiction over matters arising out of or relating to this Agreement.

17. Language.- All notices required to be given by one Party to the other Party and all other communications, documentation and proceedings which are in any way relevant to this Agreement shall be in writing either in English or in Hindi language.

18. Notices.- Any notice or other communication to be given by any Party to the other Party under or in connection with the matters contemplated by this Agreement shall be in writing and shall,-

- (a) in the case of the Owner, be given by facsimile and by letter delivered by hand or by speed post at the address given and marked for attention of the Owner or to such other person as the Owner may from time to time designate by notice to the Authority :

Provided that notices or other communications to be given to an address outside ----- (name of the district in which the authority is situated) shall be sent by a registered acknowledgement due or speed post or facsimile to the Owner or to such other person as the Owner may, from time to time designate by notice to the Authority;

- (b) in the case of the Authority, be given by facsimile and by letter delivered by hand and be addressed to the Authority with a copy delivered to the Authority's representative or to such other person as the Authority may from time to time designate by notice to the Owner :

Provided that, if the Owner stays out of ----- (name of the district in which the Authority is situated) it may send such notice by facsimile and by registered acknowledgement due or speed post; and

- (c) any notice or communication by a Party to the other Party, given in accordance herewith, shall be deemed to have been delivered in the normal course of post and it ought to have been delivered.

19. Authorized representatives.- (1) The Authority may, from time to time, designate an official as the authorized representative of the Authority who will be nominated by the Chief Executive Officer of the Authority. Any action required or permitted to be taken and any document required or permitted to be executed under this Agreement

by the Authority may be taken or executed by the officials so authorized.

(2) The Owner may designate its authorized representative who may take any action required or permitted to be taken, and any document required or permitted to be executed under this Agreement.

20. Entire Agreement.- This Agreement and the annexures together constitute a complete and exclusive statement of the terms of the agreement between the Parties on the subject hereof and no amendment or modification hereto shall be valid and effective unless such modification or amendment is agreed to in writing by the Parties and duly executed by persons especially empowered by the respective Parties. All prior written or oral understandings, offers or other communications of any kind pertaining to this Agreement are abrogated and withdrawn.

21. Termination of Agreement.- In case the Scheme is modified or abrogated by the orders of the State Government or by order of any court of law this agreement shall be terminated by the Authority under intimation in writing to the Owner. In such event, the peaceful title and possession of the surrendered land shall, as far as possible, be returned to the Owner and where this is not possible for reasons beyond the control of the Authority, the owner shall be paid such compensation, as may be decided by the Authority. The Authority while determining the compensation shall consider the claims of the Owner and provide him an opportunity of being heard.

22. Modification of Agreement.- Modification of the terms and conditions of this Agreement may only be made by written agreement duly executed by the Authority and the Owner. The representatives mentioned in clause 19 hereinabove shall not be authorized to make any such modification.

23. Force Majeure.-

(1) Definition.

(a) "Force Majeure" means an event which is beyond the reasonable control of the Authority and which makes the performance of its obligations hereunder impossible or so impractical as reasonably to be considered impossible in the circumstances and includes, but is not limited to war, riots, civil disorder, earthquake, fire, explosion, storm, flood or other adverse weather conditions, strikes, lockouts or other industrial action (except where such strikes, lockouts or other industrial action are within the power of the Party invoking Force Majeure to prevent),

confiscation or any other action by Government agencies or courts of law.

(b) Force Majeure shall not include any event,-

(i) which is caused by the negligence or intentional action of authority or its agents or employees; and

(ii) any event which could reasonably have been expected to foresee (taken into account at the time of the conclusion of this Agreement).

(c) Force Majeure shall not include insufficiency of funds or failure to make any payment required hereunder.

(2) No breach of Agreement. The failure of Authority to fulfill any of its obligations shall not be considered to be a breach of or default under this Agreement insofar as such inability arises from an event of Force Majeure :

Provided that the Party affected by such an event has taken all reasonable precautions, due care and reasonable alternative measures, with the objective of carrying out the terms and conditions of this Agreement.

(3) Measures to be taken.

(a) The Authority if affected by an event of Force Majeure shall take all reasonable measures to remove its inability to fulfil its obligations with minimum delay.

(b) The Authority shall notify the Owner of such event as soon as possible, and in any event not later than 14 days following the occurrence of such event, providing evidence of the nature and cause of such event and shall similarly give notice of the restoration of normal conditions, as soon as possible.

(c) The Parties shall take all reasonable measures to minimize the consequences of any event of Force Majeure.

(4) Extension of time. Any period, within which the Authority was liable to complete any action or task pursuant to this Agreement shall be extended for a period equal to the time during which it was unable to perform such action as a result of Force Majeure.

(5) Consultation. Not later than 30 days, the Authority has, as a result of an event of Force Majeure, become unable to fulfill its obligations under this agreement, the Parties shall consult with each other with a view to agreeing on appropriate measures to be taken in the circumstances.

24. Good Faith. The Parties undertake to act in good faith with respect to the rights of each other's under this Agreement and to adopt all reasonable measures to ensure the realization of the objectives of this Agreement.

25. Operation of the Agreement. The Parties recognize that it is not possible to provide for every contingency in this Agreement which may arise during the life of the Agreement, and the Parties hereby agree that it is their intention that this Agreement shall operate fairly between them, and without detriment to the interest of either of them and that, if during the term of this Agreement either of the Parties believes that this Agreement is operating unfairly, the Parties will use their best efforts to agree on such action as may be necessary to remove the cause of such unfairness, but failure to agree on any action pursuant to this Clause shall be subject to arbitration in accordance with clause 26 hereunder.

26. Dispute resolution.-

(1) Amicable settlement. The Parties shall use their best efforts to settle amicably all disputes arising out of or in connection with this Agreement or the interpretation thereof.

(2) Any dispute, difference or controversy of whatever nature howsoever arising under or out of or in relation to this Agreement (including its interpretation) between the Parties, and so notified in writing by either Party to the other Party the "Dispute" shall, in the first instance, be attempted to be resolved amicably.

(3) The Parties agree to use their best efforts for resolving all disputes arising under or in respect of this Agreement promptly, equitably and in good faith and further agree to provide each other with reasonable access during normal business hours to all non-privileged records, information and data pertaining to any dispute.

27. Arbitration.- Any dispute which is not resolved amicably by conciliation, shall be referred to the Board of the Authority who shall give its decision within 60 days.

28. Right to acquire land.- If at any time before the title of the surrendered land is transferred to the Authority under clause 10 hereinabove, the Owner fails to fulfill his obligations under this agreement, the Authority may, notwithstanding anything contained in

this agreement, send a notice of termination of the Agreement to the Owner asking him to fulfill the obligation within 15 days failing which the agreement shall stand terminated. Thereafter the Authority may request the Collector to acquire the land in question under section 56 of the Land Acquisition Act, 1894 (No. 1 of 1894).

In witness whereof, the Parties hereto have caused this Agreement to be signed in their respective names as on the day and year first above written.

SIGNED, SEALED AND DELIVERED

2. For and on behalf of Authority (Give details of Authority)

Signature:

Name:

Designation:

Address:

.....

2. For and on behalf of owner

Signature:

Name:

Address:

.....

In the presence of : (Witness)

Signature: Signature:

Name: Name:

Designation: Designation:

Address: Address:

.....

By order and in the name of the Governor of Madhya Pradesh,
VARSHA NAOLEKAR, Dy. Secy.