

FREQUENTLY ASKED QUESTIONS UNDER BPS

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Q1. What are the advantages of Penalisation of Unauthorised Constructions?

A: *The constructed building will get formal orders of regulation which will remove the uncertainty and threat of demolition and will get the occupancy certificate which is mandatory as per Municipal Laws.*

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Q2. Is it compulsory to apply for penalisation of Unauthorised Constructions?

A: Yes.

Q3. What are the consequences if I do not apply?

A: *Action will be taken against such unauthorised construction as per the provisions of the Municipal Laws for levy of exemplary fines including demolition of the unauthorised constructions.*

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Q4. Unauthorised construction made before 1.1.1985 can be penalised if applied?

A: *Persons who have made unauthorised constructions before 1.1.1985 need not apply. However, if persons apply under this scheme, it will be considered [subject to verification of structural stability and heritage angle.](#)*

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Q5. Whether the time prescribed for filing the applications for penalisation of **unauthorised constructions Scheme** will be extended?

A: No

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Q6. My neighbour has complained against me on building setbacks violation and a case is pending in the court. Can I apply for building regularisation?

A: Yes, provided there are no specific court orders/directions in this matter.

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Q7. Whether unauthorised construction made in a parking area which was in excess of the required parking area, can be penalised under these rules?

A: No. The said area has to be utilised for parking only.

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Q8. Permission has been obtained for one use (e.g. residential use) and constructed as per plan but the use of the building is changed (e.g. for commercial use), can it be penalised?

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A: If the present usage of the building is in accordance with Zoning Regulations such cases are eligible for penalisation.

Q9. Sanction for construction of the building is obtained but the sanctioned copy is not available. How the penalisation charges will be levied?

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A: The concerned Municipality shall assist the applicant to trace out the copy of sanctioned plan from the Municipal records. If it is found that there is no sanction for the said construction, the entire building will be treated as unauthorized and penalisation charges will be levied accordingly.

Q10. Permission is obtained for 3 floors but constructed 4 floors. What penalisation charges will be levied?

A: If the permitted 3 floors are constructed as per plan no penalisation charges will be collected for the 3 floors. If there are deviations in the permitted floors, the penalisation charges will be collected as per that rate. But the entire 4th floor will be treated as unauthorized construction and penalisation charges will be collected as per that category.

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Q11. Permission was obtained for individual residential building but converted in to Apartment Complex. Whether such apartments are eligible for penalisation?

A: Yes. Penalisation charges will be levied as applicable in the case of apartment complexes.

Q12. Whether Constructions made in parks, green areas and layout open spaces are eligible for Penalisation?

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A: No.

Q13. Permission was obtained for stilt for parking + 5 floors for apartments but converted the stilt floor for other purposes (flats/shops/office etc). Whether the apartments in the upper 5 floors are eligible for penalisation?

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A: *Constructions made in the stilt floor are not eligible for penalisation. However apartments in upper floors are eligible for penalisation. Prompt action will be taken for removal of structures in the parking area.*

Q14. Whether the pent houses constructed over Stilt + 5 floors Apartment Complex can be penalised?

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I have a flat on the 3rd floor of an Apartment Complex with sanctioned plan of 5 floors which has balcony violations. In addition to these violations, the owner/builder constructed a pent house on the 6th floor and sold off the pent house. What penalties do I need to pay under these Rules?

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A: *Pent houses in buildings of height less than 18 meters are eligible for penalisation. In cases where penthouse construction is making the building height more than 18 meters then the penthouses can be penalised provided these are below 25% of the covered area of the floor and height is average floor height and would be considered subject to production of No Objection Certificate (NOC) from Fire Services Department and Airport Authority of India. In respect of flats on other floors, the pro-rata charges as applicable for an Apartment Complex would be levied without insisting on such NOCs.*

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Pent Houses exceeding the above stated limits would be treated as High Rise Buildings and all provisions of High Rise Buildings for the entire building shall be applicable in such cases.

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Q15. Whether the constructions affected in road widening are eligible for penalisation?

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A: *Constructions/buildings falling in the road widening portion are not eligible for penalisation. However the remaining portion is eligible for penalisation after handing over the affected portion to the Urban Local Body.*

Q16. Whether the constructions made in the area earmarked for Tot-lot are eligible for penalisation?

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A: *Yes.*

Q17. Whether the constructions made in deviation to the Special Regulations applicable to the Banjara Hills / Jubilee Hills are eligible for Penalisation?

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A: Yes

Q18. There are cases where certain builders are constructing additional floors during the interregnum period. Will these be covered under these Penalisation Rules?

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A: No. Such additional constructions are liable to be demolished besides taking penal action against the builders including black-listing.

Q19. A Builder has taken approval under the new Revised Building Rules, 2006 mortgaging the area as required under the said rules. He is constructing in violation of the sanctioned plan. Whether he is eligible for penalisation under these Rules?

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A: No, since he has already mortgaged certain area which would be forfeited in case of violations.

Q20. My builder has unauthorisedly constructed an additional cellar for parking. Will the parking floor be considered for penalisation?

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A: Yes.

Q21. Whether the penalisation charges can be paid in installments?

A: No, All penalisation charges have to be paid along with the application.

Q22. Whether Penalisation charges paid in excess will be refunded?

A: Yes, refunded after issue of the proceedings.

Q23. If the application is rejected, whether the penalisation charges paid are returned?

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A: Yes, 10% of penalisation charges will be deducted towards processing fee. In case of false declaration/misrepresentation of facts penalisation charges will not be refunded.

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Q24. Permission is taken in two plots by amalgamating them but constructed in one plot only, what would be the penalisation charges?

A: The penalisation charges will be levied on excess built up area i.e. difference between the proportionate permitted area on the extent of plot applied for regularisation and the total area constructed.

Q25. A person has constructed 3 floors with extra balconies and a 4th floor which is not permitted as per the sanctioned plan. What penalties would be levied?

A.: He has to apply for penalisation for both deviations in the permitted floor (extra balconies) and unauthorized 4th floor, as given in the Application Form, viz., the penal charges for the extra balconies which are deviation to the sanctioned plan; and separate penal charges for the additional floor which is totally unauthorized shall have to be paid as per relevant category. .

Q 26. My builder has taken sanctioned plan from the Gram Panchayat with stilt+ 5 upper floors and constructed according to the sanctioned plan only. I have purchased a flat in the said building. Am I liable for any penalisation?

A.: Yes, and all the flat owners are required to pay penalisation since the sanctioned plan of the Gram Panchayat is not valid as they are not empowered to approve such type of constructions as per delegation of powers without prior technical approval from UDA/ DTCP as per the Gram Panchayat Building Rules, 2002. This is clearly indicated on the plans.

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