

CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
No.1, Gandhi-Irwin Road, "Thalamuthu-Natarajan Maaligai"
Egmore, Chennai-600 008

Guidelines for Transfer of Development Rights under the Development Regulations for Chennai Metropolitan Area.

[i] In case of lands where it is partly affected by the Master Plan / Detailed Development Plan proposals or by any other development listed in the Regulation no.1 in the Annexure XXI of the DR, Planning Permission for development / construction in the remaining part of the site shall be considered by the Member Secretary, CMDA (or the competent authority to whom powers have been delegated for issue of planning permission) only after the part of the land required for the project / scheme has been surrendered through a registered gift deed satisfying the regulations for the grant of TDR stated in the DR.

[ii] (a) In other cases where a planning permission applications has not been received for any proposed development in a site as stated in (i) above, the Member Secretary, CMDA (or the local body concerned to whom power in this regard has been delegated) may publish a programme for road widening or a new road formation or implementation of any traffic and transportation infrastructure development or any urban infrastructure development granting TDR.

[b] After the above said publication, the owner can make and request to the Member Secretary, CMDA (or the executive authority of local body concerned as the case may be) for grant of Development Rights Certificate.

[iii] In cases where the site is already a developed one, irrespective of whether it is an authorized or unauthorised development, the part of the land required for the public purpose is eligible for the award of DRC.

[iv] In cases where there are existing buildings / structures in a site, and because of the surrender of the land for obtaining DRC there may be violations of planning parameters for the existing buildings retained in the remaining plot, they shall be construed as in conformity with these regulations as long as no addition or alteration or change of use is made, provided these existing buildings / structures should have been approved or in existence as such prior to 5.8.75.

(Public purpose over weighs any individual interest / requirement and hence violations if any in the remaining plot require such consideration of deemed provisions)

[v] Existence of any unauthorised building in a plot does not prohibit a land owner from getting the DRC for the land required for the public purpose. But the existing building in the remaining part of the plot shall continue to be unauthorised until it gets regularised following due process of laws/rules, or demolished.

[vi] For arriving at the FSI credit the Guide Line Value [GLV] of the land surrendered and the GLV of the DRC utilized shall be with reference to the GLVs at the export and import sites in the year of DRC utilisation applied for.

[vii] (a) When utilised in the remaining part of the export site itself:

If the applicant of a planning permission application proposes to utilise the Development Rights of the part of the land he is surrendering / has surrendered, in the remaining part of the site retained by him, then also, the applicant is eligible for the FSI as prescribed in these regulations [i.e after allowing the guideline value incentives, the eligible FSI would be as given below:

Sl.no.	When the Site (from which the land surrendered) qualifies for FSI of	TDR FSI allowable for the land surrendered
1	Non MSB \leq up to 1.50	2.25
2	MSB 1.75	2.25
3	MSB 2.00 / 2.25	2.50
4	MSB 2.50	2.75

In that case the question of issue of a separate DRC doesn't arise].

(b) When utilised in a different import site:

If the DRC is utilised in a different site (i.e. not in the remaining part of the export site itself), then the FSI eligible towards TDR will be as follows:

Sl.no.	When the Site (from which the land surrendered) qualifies for FSI of	TDR FSI allowable for the land surrendered
1	Non MSB \leq up to 1.50	2.25 x V
2	MSB 1.75	2.25 x V
3	MSB 2.00 / 2.25	2.50 x V
4	MSB 2.50	2.75 x V

Where V is the multiplication factor arrived at by dividing the guideline value of the land surrendered with the guidelines value of the land at which the DRC is proposed to be received / utilised.

(c) In the cases where it is claimed that an export site qualifies for normally permissible FSI of 2.00 or more, the onus of proving the eligibility of that higher FSI permissible only for Multi Storeyed Buildings as per the DR, lies with the applicant, by submission of detailed plans of the existing developments in the export site.

[viii] DRC shall be valid initially for a period of 5 years, and may be renewed for a further period of 5 years subject to payment of revalidation fee fixed by the Authority, from time to time.

[ix] [a] Application for DRC shall be with necessary documents and particulars as prescribed in the Appendix – A.

[b] Format of the Development Rights Certificate to be issued by the Member Secretary, CMDA or executive authority of local body concerned to whom power has been delegated shall be as prescribed in Appendix – B.

[c] Register on the award of DRC, the transfer of DRC if any, and the utilisation of DRC shall be maintained as prescribed in Appendix – C.

[d] DRC holders shall submit utilisation form as prescribed in Appendix–D.

[x] DRC issued can be cancelled by the Member Secretary, CMDA or the executive authority of the local body to whom power has been delegated, in the following circumstances:

- a. where DRC has been obtained by fraudulent means.
- b. where the property is encumbered in any way restricting the ownership or development rights or where there is a dispute on the title of the land.

[xi] Where a land for any development listed in the Regulation no.1 in the Annexure XXI of the DR, could not be taken possession under these TDR regulations, Land Acquisition Laws can be invoked and the land required can be taken possession for the development by the public authorities so that the project or scheme can be implemented without any hindrance/delay.

[xii] The planning authority may consider relaxing set back requirements along the dividing line between the land surrendered and the land retained, for a proposed construction in the remaining plot, on individual merits of the case, except in the cases of multi storeyed buildings.

Sd/xxx dt. 21.10.2009
Member-Secretary.

APPENDIX - A
Application for Development Rights Certificate

From

Name of the owner & his address

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To

The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

Sir,

I / We intend to surrender the part / whole of the land of extent about sq.mts in T.S.No....., Block No....., S.No..... ofVillage in Taluk of District which is reserved as....., a public purpose as per the Second Master Plan for CMA / DDP / as notified by the Government Department or agency or Local Body for the grant of DRC in lieu of monetary compensation.

I / We enclose herewith the following:

- (i) Site plan showing the extent of the site owned by the applicant along with the details of the existing structures
- (ii) FMB sketch / PLR extract for the site under reference duly attested by a revenue official not below the rank of Deputy Tahsildar
- (iii) Title deed to prove that the applicant has absolute right over the land for which DRC is applied for
- (iv) Area statement of the land for which DRC applied for, duly certified by an Architect or an Engineer who shall also be a class-I Licensed Surveyor
- (v) Encumbrance certificate for *20 years*

I / We hereby state that no monetary compensation or DRC has been obtained earlier for the part of the land applied for the DRC now.

I agree for all the regulations and conditions stated in the Annexure XXI of the DR for CMA and the Guidelines notified there under including the conditions that the DRC issued can be cancelled if it has been obtained by any fraudulent manner and if it has come to the notice of the CMDA later that the site under reference is encumbered or the title is under litigation.

Signature of the owner of the land

Encl.:

APPENDIX – B

Development Rights Certificate

Office of the Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-600 008.

I Member Secretary, Chennai Metropolitan Development Authority having its office at Thalamuthu- Natarajan Building, No.1, Gandhi Irwin Road, Egmore, Chennai-600 008, certify that the persons named hereunder in this certificate is / are the Registered Holders of the DRC issued subject to the provisions of the Development Regulations No.9 [read with the regulations for TDR given in Annexure - XXI and the guidelines approved by the Authority] which formed part of the Second Master Plan for Chennai Metropolitan Area approved under the provisions of the Tamil Nadu Town & Country Planning Act, 1971.

- i. Location and details of the land surrendered
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.....
- ii Reservation as per the Master Plan / DDP or
.....
.....

2. The DRC can be utilised only in the areas notified for the purpose and subject to the conditions contained in the DR.

- i) Certificate No.
- ii) Names of the DRC Holders
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- iii) Extent of the land eligible for the FSI credit.....

Given under the common seal day of
Year

Senior Planner / Chief Planner,
Area Plans Unit,
CMDA

Member Secretary
CMDA

APPENDIX –C
Register of DRC Information

- (i) S.Nos.
- (ii) Folio No.
- (iii) CMDA File No.
- (iv) Date of receipt of the DRC request in CMDA
- (v) Date of award of the DRC & the Sanctioning Authority
- (vi) DRC No.
- (vii) DRC originally issued in favour of
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.....
- (viii) Details of the land surrendered
 - a) S.No.
 - b) T.S.No.
 - c) Block No.
 - d) Village Name
 - e) Block No.
 - f) District
 - g) Abutting street name
 - h) Extent of land in each S.No.
- (ix) Date of submission of utilisation requests
- (x) Name of the transferor
- (xi) Details of the land at which DRC utilised
 - a) S.No.
 - b) T.S.No.
 - c) Block No.
 - d) Village Name
 - e) Block
 - f) District
 - g) Abutting street name
 - h) Extent of land in each S.No.
- (xii) Balance extent of DRC if any
- (xiii) Date of submission of utilisation request for the balance DRC
- (xiv) Balance DRC utilisation details
 - a) S.No.
 - b) T.S.No.
 - c) Block No.
 - d) Village Name
 - e) Block
 - f) District
 - g) Abutting street name
 - h) Extent of land in each S.No.
- (xv) Remarks

APPENDIX – D

Utilisation Application

From

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To

The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

Sir,

I / We, the undersigned, do hereby request to allow to utilise the DRC detailed below for the construction proposed to be put up at the site bearing S.No/T.S.No..... Block No.....ofVillage..... TalukDistrict for which the Planning Permission is applied for by(name).....(address) and is being dealt in CMDA file No.....

Particulars of DRC

DRC No. :
Issued in favour of :
Name in full

Signatures

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I / We, the applicants of the PPA for the construction at is / are willing to utilise the DRC issued in favour of the above persons, and request CMDA to permit the eligible floor area to be put up at my premises.

Name in full

Signatures

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Attestation by Notary Public

I hereby attest the signatures of
the DRC holders and
the PPA applicants mentioned above.

Signature

Name

Address & Seal

Witnesses

1.....

2.....