

TOWN PLANNING GR. II. DEPARTMENT

NOTIFICATION

Jaipur, February 6, 1975.

G.S.R. 311(10).—In supersession of this Department Notification No. F. 8 (1) TP/63 dated the 7th November, 1961 and in exercise of the powers under sub-section (1) of section 74 read with section 73-A of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959), the State Government hereby makes the following Rules, the same having been previously published as required by under sub-section (2) of section 74 of the said Act, in the Rajasthan Rajpatra, Part III (B) Extra ordinary, dated 10th January, 1975, namely:—

1. *Short title extent and commencement.*—(1) These rules may be called the Rajasthan Urban Areas (sub-division, reconstitution and improvement of plots) Rules, 1975.

These rules shall extend to the urban areas in the State in which a sub-division, reconstitution or improvement of plots has been constituted or is being constituted.

2. *Application of the Rules.*—These rules shall apply to the sub-division, reconstitution and improvement of plots by a person or a private individual or a local authority or group of individuals, societies including cooperative societies or companies whether incorporated or not, or a coloniser, a State Government Department other than the Defence Department of the Government of India.

3. *Rules to be supplementary.*—These rules shall have effect as supplementary to and not in derogation of the bye-laws for buildings in force in any urban area made under provisions of the Rajasthan Municipalities Act, 1959, (Act No. 38 of 1959).

4. *Definitions.*—(1) In these rules, unless the subject or context otherwise requires:—

- (1) 'Act' means the Rajasthan Urban Improvement Act, 1959, (Act No. 35 of 1959);
- (2) 'Developer' means a person, who desires or under take sub-division, re-constitution or Improvement of plots;
- (3) 'Dwelling Unit' means a residential house in a plot which is to be used as such and is intended for the use of one household only;
- (4) 'Local Authority' means a 'Board' or Council or a Municipality as established under the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

- (5) 'Open space' means a park, garden, lawn or any other form of open space which is intended to be used by the public;
- (6) 'Plan' means all the documents as detailed in rule 7;
- (7) 'Person' means any private individual, a group of individuals, a society, a coloniser, a company whether incorporated or not or a local authority, and a Government Department or the Government of India other than the Defence Department of the Government of India.
- (8) 'Public Street' means any street—
- Over which the public have a right way, or
 - which has, heretofore, been levelled, paved, metalled, cancelled, sewered or repaired out of Municipal or other Public Funds;
 - which, under the provisions of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) becomes a public street and is used as a road;
- (9) 'Road width' means the distance between the compounds of properties on either side of the road and includes pavements, curves and foot-paths;
- (10) 'Saleable area' means an area which is intended to be sub-divided or re-constituted into plots and which is to be sold or given to a person;
- (11) 'Set-back lines' means the distances within a plot from its extremes within which a building is permitted to be erected;
- (12) 'Schedule' means the schedule appended to these rules; and

(2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Rajasthan Urban Improvement Act, 1959 and the Rajasthan Municipalities Act, 1959.

Procedure for sub-division, re-constitution or Improvement of plots.

5. *Obligation to seek permission.*— Any person who intends to sub-divide or re-constitute or improve his plot being in the area of the Trust shall obtain prior permission in writing from the Trust for the sub-division, re-constitution or Improvement of plots in the manner hereinafter prescribed.

6. *Procedure for permission.*—(1) Any person who intends to sub-divide, re-constitute or improve his plot shall make an application to the Trust in form I and submit such plans to such scales and statements in quadruplicate and in such details as are specified in these rules. Prints in other reproduction paper shall be submitted of which at least one set shall be cloth-mounted.

(2) The applicant shall enclose with the application a receipt in proof of the payment of the fees of an amount calculated at Re. 1/- per square meter of the whole area of the land intended to be sub-divided reconstituted or improved.

(3) The application shall be accompanied by a proof to the satisfaction of the Trust that the land intended to be sub-divided reconstituted or improved belongs to the applicant.

7. *Drawings to accompany applications.*—(1) Every application for the sub-division, reconstitution or improvement of plots shall be accompanied by the following:—

(i) *Key Map.*—drawn to a suitable scale (not less than 4"-1 mile, 1 : 15,000) showing the site in relation to its environment such as existing roads and other physical features.

(ii) *Survey Map.*—of the area for which the sub-division, reconstitution or improvement of plots and about 100 meters (120 yds.) around the proposed site drawn to a scale of 1 : 2,500 (200' to an inch) showing:—

(a) Boundaries of the aforesaid land and the adjoining areas, showing therein the Khasra numbers or plot numbers, as the case may be;

(b) Existing structures, kachha or pucca and use to which they are put, and roads and access to the proposed site;

(c) Other existing physical features such as nallas, water bodies, wells, electric, telephone, water supply and sewer lines etc. and levels of the site with respect to the access roads and contours on an appropriate scale.

(d) The north direction and the scale.

(iii) *Layout Plan.*—The proposed layout plan of the site shall indicate developer's proposals on a scale of (1"—40') 1:500 showing the manner in which he intends to develop the land and shall include the following as per the standards laid down in the rule:—

- (a) Reference to the various uses of land proposed in the scheme shall be made in the form of a schedule (Land use Schedule) in the drawing, clearly indicating the areas under Residential, Commercial, Parks and Open Spaces, Educational, Roads and Streets and other uses, and their percentages in relation to the total land area.
- (b) Reference to various sizes of plots with their setbacks, as proposed in the scheme shall be made in the form of a schedule (schedule of plots) in the drawing.
- (c) Reference to rights of way of roads with the width of the pavement and their lengths as proposed in the Scheme shall be made in the form of a Schedule (Schedule of roads) in the drawing.
- (d) Open spaces.
- (e) Other uses such as schools, shops and other public amenities.
- (f) The services such as water, surface drainage, sewerage, electric lines etc.
- (g) Index of all notations used.

(2) The applicant shall furnish to the Trust such other information as may be required to make the scheme of sub-division, re-constitution or improvement of plots self explanatory as far as possible or as the Trust may direct.

8. *Written statement to accompany the application.*—Every applicant who applies for permission for sub-divisions, reconstitution or improvement of plots shall produce with the application and plan, a written statement explaining the scheme for sub-division or reconstitution or improvement of plots and such a statement shall include atleast the following information:—

- (a) Location of the site and its relation with the surrounding area and physical features of the land, title of the land of the applicant in original and attested copies of such document.
- (b) the present and future use of the land.
- (c) Description of the proposals of the plan.

NOTE:— The Local Authorities shall also include in the information required by this sub-rule the land acquisition cost, if there be any, and any such information as may be required by the Trust or as the applicant may think it necessary to substantiate his proposals.

9. *Authentication of the plans etc.*—(1) All the plans and statements sent to the Trust shall be duly signed and authenticated by the developer and the person who has prepared the plans and statements.

(2) A registered Architect/Civil Engineers/Town Planner may be authorised by the Trust shall be eligible to prepare the plans under these rules.

NOTE:— (1) Scheme involving less than 1 acre of land may be prepared by a draftsman/overseer/diploma holder in Architecture or Civil Engineering, as may be licenced by the Trust in this behalf.

(2) Scheme involving more than 1 acre of land may be prepared by qualified architect, Civil Engineer, Town Planner as may be licenced by the Trust in this behalf.

(3) Scheme may be prepared by the Town Planning Organisation of the State on payment of such charges as the Chief Town Planner, Rajasthan, Jaipur may in each decide.

10. *Density.*—The minimum gross residential density shall be 30 p.p.s. calculated @ 7 persons/plot provided that this may be relaxed by the Trust if so deemed necessary because of the special characteristics of the area. Wherever there is a Master Plan/Zonal Plan/scheme in force, the density of development shall follow the directions of such a plan.

11. *Saleable Area.*—The saleable area in any scheme of sub-division, reconstitution or improvement of plots shall not exceed 66% of the total area, however in small size development it may be more.

12. *Residential Plots.*—No Plot which is intended for residential purpose, shall be less than 90 sq., (100 sq. yds.) or bigger than 650 sq., (800 yds.) in the schemes of sub-division, reconstitution or improvement of plots. The size of plots, and set backs lines shall

generally be as under:—

Sl. No.	Plot size in M (in ft.)	Set backs				Max. per Gov. GF.FF.		Bar sq. M (in sq. yds.)	Type of housing
		Front fixed in M (in ft.)	Rear Min. in M (in ft.)	Side Min. in M (in ft.)	Other side Min. (in ft.)	%	%		
1.	6×15 (20×49)	3 (10)	3 (5)	1.5 (5)	—	45	55	—	Row
2.	7.5×15 (25×49)	3 (10)	3 (10)	1.5 (5)	—	45	55	—	Row
3.	7.5×19.5 (25×64)	4.5 (15)	3 (10)	1.5 (5)	—	45	55	—	Row
4.	9×19.5 (30×64)	4.5 (15)	3 (10)	1.5 (5)	—	45	55	—	Row
5.	10.5×21 (34×69)	4.5 (15)	3 (10)	3 (10)	—	50	50	25% of GF	Semi- de
6.	12×12 (39×69)	4.5 (15)	3 (10)	3 (10)	—	50	50	Corner age	Semi- de
7.	12×27 (39×89)	6 (20)	3 (10)	3 (10)	—	50	50	or 40 sq.	Semi- de
8.	15×27 (49×89)	6 (20)	3 (10)	3 (10)	2.25 (7'×6")	45	45	which ever is	Detach- ed
9.	15×36 (49×118)	7.5 (25)	4.5 (15)	3 (10)	2.25 (7'×6")	45	45	less	Detach- ed
10.	19×36 (59×118)	7.5 (25)	6 (20)	3 (10)	(2.25) (7'×6")	40	40		Detach- ed

Note:—(i) Permissible coverage also includes Garage.

(ii) Not more than one dwelling unit shall be constructed on each floor of any one plot.

(iii) In case the site conditions demand the size of plot other than those given in 12(i), this may be allowed and the set backs for those shall be as per the plot size range. The frontage to depth ratio shall generally be 1.0 to 2.5

(iv) In plots of more than 650 sq. m. (800 sq. yds.) the permissible coverage shall not exceed 35%

(v) All applications for sub-division, re-constitution or improvement shall be for the complete site at one time and not in piecemeal. Once a sub-division of whole or part has been made, no further sub-division shall be allowed.

(vi) No plot covered in a scheme shall be further sub-divided or reconstituted, but a plot covered in the scheme prepared earlier than 31st December, 1974, may be sub-divided or reconstituted provided that the size of such a plot to be sub-divided is not less than 800 sq. m. (800 sq. yds.), and that the minimum size of the plot after reconstitution shall not be less than 250 sq. m. (300 sq. yds.). Provided that due regard shall always be given to the existing character of development envisaged on that street or that scheme in which a sub-division of plot is sought and other set-back lines shall remain unaltered.

(vii) In case of group housing the conditions as laid down under 12(i) shall not apply.

(viii) Two adjoining plots shall not be combined together and made as one unit even though they belong to the same owner.

(ix) Corner plots shall have at least 3 meter (10') more width than the other plots in the same row and they shall be located to have two fronts and two sides for the purposes of set-back lines. The radius at the compound walls of such plots shall not be less than 4.5 meters (15 ft.). The curve radius at a junction shall not be less than 9 meters (30 ft.).

(x) Special set-back lines with respect to certain plots may be prescribed by the Trust as it deems fit.

13. *Open spaces.*—Open spaces shall be uniformly located as far as possible and be provided at the rate of 1.0 to 1.5 acre per 100 persons and shall be distributed as follows:—

Type of open sp.	Minimum size	Minimum Dimension on one side	Location	
			To serve plots numbering	To serve an area
Tot lot	650 sq. meter (800 sq. yds)	18 M. (60'-0")	30-40	195-240 M. (650'800) radius.
Local Park.	3000 sq. yds. (3630 sq. yds.)	45 M. (150'-0")	200-250	360-450 M. (1200-1500') radius

14. *Educational Facilities.*—(i) In the scheme of sub-division, reconstitutions or improvement of plots for educational buildings the area of the sites for educational buildings shall be as under:—

(a) Nursery Schools ... 0.2 to 0.4 Hectare
(0.5 to 1.0 acre) per school.

- (b) Primary Schools 0.6 to 1.2 Hectare
(1.5 to 3 acre) per school.
- (c) Higher Secondary Schools. 2 to 2.8 Hectare
(5 to 7 acre) per school.

(ii) Land for educational facilities shall be provided in any scheme of sub-division, reconstitution, or improvement of plots as shown below:—

S. No.	Type of School	To Serve Population	An area	Area per School	Recommend Location
1	2	3	4	5	6
1.	Nursery Sch.	1500	180-240 M. (600'-800') radius	0.2 to 0.4 Hect. (0.15-1.0)	Adjoining open space or tot. lot
2.	Primary Sch.	4000	360-480 M. (1200'-1600') radius	0.6 to 1.2 Hect. (1.5-3) acre.	Adjoining local park
3.	Secondary or Higher Secondary School	10000 120000	750 M. (2500') radius.	2-2.8 Hect. area	Adjoining local park

(iii) The provision of sites for schools other than those mentioned in sub-rule (i) colleges and other Educational Buildings in the urban area shall be determined by Trust.

15. *Other facilities.*—An other facility that may be deemed necessary in an area shall be adequately provided as may be directed by the Trust from time to time.

16. *Shops and Commercial Establishment.*—In any scheme of sub-division, re-constitution or improvement of plots for commercial purposes, local or convenient shops shall be provided at a rate of 3 shops per 1000 persons. These shall however be centrally located. Shop sizes shall be as follows:—

S. No.	Type of Plot size shop (in met.(ft.))	Chajja in met.(ft.)	Verandah in M.(ft.)	No. of st-per.	Remarks
1	2	3	4	5	6
1.	Small shop (10x10)	3x8	(1/3)	3x2.1 (10x7)	G.F. only Back back.

1	2	3	4	5	6	7
2. A Small Kiosk (Unit of four)	6×6 (20×20)	(1/3)	—	2.1×2.1 (7×7)	G.F. only back	back to back
3. General	3×4.5 (10×15)	(1/3)	—	3×3 (10×12) —3×5.1 (10×17)	-do- -do-	-do- -do- Service Road in rear.
4. General	3×6 (10×20) 4.5×9	(1/3) 1.5	—	3×5.1 (10×17)	-do-	
5. Shop-cum-resi- dence	(15×30) 6×9	(5)	—	4.5×7.5 (15×25)	G.F. one	-do-
6. -do-	(20×30)	1.5(5)	—	6×7.5 (20×25)	G.F. one with mazzanise GF.+one	-do-
7. Shop-cum-resi- dence	6×12 (20×40)	—2.25 (7.5)	—	6×7.75 (20×32.5)	With Mazaise Service -do- in rear.	road
8. Shop Room- cum-office	7.5×15 (25×50)	—2.25 (7.5)	—	(20×42.5)	G.F.+2	-do-
9. -do-	7.5×18 (25×60)	—3(10.0) 7.5×15	—	(25×25.0)	G.F.+one	-do-
10. Shop-Room- cum- Office	7.5×27 (25×90)	3 —(10.0)	—	7.5×24 (25×30.00)	-do-	-do-
11. Godowns	7.5×18 (25×60)	—	—	7.5×18 (25×60)	G.F. only Steel Trusee with A.C. sheet only.	

17. *Industrial Areas.*—In the scheme of sub-division, re-constitution or improvement of plots for any Industrial Area, no plot shall be less than one acre, and the restrictions prescribed by the Factories Act, 1943 (Central Act No. LXIII of 1948) shall be observed.

18. *Roads.*—The following shall be the hierarchies of roads to be followed in any scheme of sub-division, reconstitution or improvement of plots with minimum distance for punctures i.e. distance between one junction to another junction, right of way, maximum length of roads, range and type of plot sizes.

S. No.	Type of road	Right of way in M. (ft.)	Max. length of road in M. (ft.)	Distance between inter-sect. in M. (ft.)/ Range & Type of plot size in, sq.	Remarks	
1.	Service land	6 (20)	60 (200)	36 (120)	90 (100) or less	—
2.	Culs-de-sec. or loop street.	7.5-9 (25-30)	120 (400)	36 (120)	90-180 (100-200)	with sufficient turning radius.
3.	Residential Street	9 (30)	900 (1000)	60 (200)	135-225 (150-250)	—
4.	Residential Street 2.	12 (40)	450 (1500)	60 (200)	190-315 (200-350)	—
5.	Collector St.	18 (60)	600 (2000)	75 (250)	315-450 (350-500)	—
6.	Feeder St.	24 (80)	—	75 (250)	450 (500 & above)	—

Provided that if the Master Plan/Zonal Plan or in the absence if the Chief Town Planner deems it necessary to provide major roads through a scheme area in order to provide a viable circulation pattern for that part of the town. In such a case the major road shall be deemed to be part of that scheme.

19. *Connection with other road.*—All Roads with more than 30 meters (100 ft.) right of way will only be connected with 18.24 meters (60' to 80') wide connecting and feeder roads and not by any other residential streets, service roads, and cul-de-secs. All the roads of 30 meters (100 ft.) and more width will have limited access through service roads.

20. *Widths of National Highways etc.*—Width of National highways, State Highways, district roads and other important roads shall be as determined by the State or Central Public Works Deptt. or the Trust as the case may be.

21. *Intersection of the Streets.*—The streets shall intersect one another at right angles or at as near as a right angles depending upon the conditions of the site. But short turning and blind corners shall be strictly avoided.

22. *Provision for overlapping of junctions.*—An overlap of atleast 45 meters (150 ft.) is to be provided between the opposite roads meeting a main street in case they do not intersect at right angles or at as near as a right angle.

23. *Service Road.*—As far as possible service road shall be avoided and sewers shall be provided in all the schemes of subdivision, reconstitution or improvement of plots. In case where these service roads are provided, they shall not be less than 6 meters (20') in width.

24. *Dead-end street.*—As far as possible dead-end streets shall be avoided but in case where they are unavoidable, these streets at their ends shall be provided with a turning space of at least 9 meters (30') inner radius. The length of such streets shall not exceed 90 meters/300'.

25. *Other details.*—All other road details like weaving length traffic rotary diameter, turning radius, islands and channels, sight distances, splay and corners etc. shall be as per Indian Road Congress Standards.

26. *Compliance of restrictions imposed by Government Department.*—(1) If a site in respect of which any plan has been submitted to the Trust for approval, is situated within hundred feet of distance from the land which either forms part of any Government building or a part or whole of which is owned by any Government Department, the developer shall comply with such restrictions as may be imposed by the Government.

(2) The developer whose land is affected by the provisions of sub-rule (1) shall submit extra copies of the plan so that one copy thereof may be sent to each Government Department concerned.

Disposal of Applications :

27. *Treatment of the applications.*—(1) Within three months from the date of receipt of application under rule 6 with all relevant and complete information the Trust shall communicate to the

developer the manner in which his application has been treated by the Trust.

(2) The Trust may ask the developer to furnish some more informations which may be considered essential *before taking a decision* but such information shall be asked within sixty days from the date of receipt of the application.

(3) In case further details or informations are asked for from the developer with respect to his application a further period of ninety days from the receipt of further information under this sub-rule shall be allowed to the Trust to communicate to the developer the final decision of the Trust on his application.

(4) Should the Trust neglect or omit for ninety days after the receipt of the application under rule 6 or after the receipt of further information or further details under sub-rule (2) or sub-rule (3), the developer may by written notice sent by a registered post call the attention of the Trust to such neglect and omission and if such neglect or omission continues for a further period of thirty days from the date of receipt of such communication, the Trust shall be deemed to have sanctioned the proposed application and the plan for sub-division, reconstitution or improvement of plots:

Provided that nothing in this sub-rule shall be construed to authorise the developer or any person to act in contravention of any provisions of the Act or any rule or bylaw or in disregard of the master plan or draft master plan or scheme or draft scheme or in contravention of any order, of the State Government, Chief Town Planner or the Trust.

(5) The Trust may not approve a plan of site which has not been included in the Master Plan but which falls within the jurisdiction of the Trust.

(6) No order for any modifications rejection of any application for permission of sub-division, re-constitution or improvement of plots or of any plan thereunder shall be made by the Trust without giving the applicant any opportunity of being heard and without giving the reasons of so doing.

28. Powers of the Trusts regarding applications.— (1) The Trust may approve plan for sub-division, re-constitution or improvement of plots with or without modifications or reject any plan submitted by a developer, for one or more of the following reasons :—

- (i) the proposals of the plan are not in accordance with the Master Plan, if already, approved by Government;

- (ii) that proper standards and provisions prescribed by the Act or these or any rules made under the Act, have not been complied with;
- (iii) the restrictions imposed by the Government have not been complied with;
- (iv) that the site is under compulsory acquisition for the purposes mentioned in the Master Plan or for any scheme of improvement of any urban area sanctioned by the Government or public institutions;
- (v) that the Trust itself would like to develop the site for the reasons to be mentioned, in such manner as it deems fit; and
- (vi) that the land is unsuitable for any improvement.

(2) The Trust shall be guided by the advise of the Chief Town Planner, and Architectural Adviser to the Government with respect to the approval with or without modifications or the rejection of a plan submitted to it by private individuals, and Local Authority, company whether incorporate or not, a society or coloniser.

(3) Where the Trust decides to reject a plan for sub-division under these rules, 90% of the fee deposited under sub-rule (2) of rule 6 shall be refunded to the developer within 30 days of the date of rejection of the plan.

29. *Withdrawal of application* :— (1) A developer may withdraw his application for sub-division, re-constitution or improvement of plots together with all documents filed in accordance with these rules, within fifteen days of date of its submission, giving one or more of the following reasons :—

- (i) that the plan needs to be further modified or some more information is to be included in the applications, and
- (ii) that the applicant has changed his mind and does not intend to undertake the proposed scheme of sub-division, re-constitution or improvement of plots.

(2) In every such case the withdrawal shall only be effected by making a written application for withdrawal. The fees and other deposits made in this respect shall be refunded to the applicant and in full:

Provided that where any application for withdrawal is made after fifteen days of its submission no fees shall be refunded:

Provided further that no fresh fees shall be charged in cases where an application for sub-division, or re-constitution or improvement of plots is re-submitted within thirty days of the date of withdrawal if the fees have not been refunded on its first withdrawal.

(3) Where withdrawal is made at any time after the expiry of 30 days from the date of its submission, fresh fees be charged every time the fresh application is submitted.

30. *Consequences of approval or non approval of the plans for sub-division etc.*—(1) As soon as a plan is approved by the Trust with or without modification, the developer shall deposit with the Trust cost of development within 30 days from the date of communication of the approval by the Trust to the developer. The date of development charges shall be based on the prevailing PWD schedule inclusive of necessary escalation charges.

(2) As from the date of the approval of the sub-division by the Trust, ownership of roads, parks and open spaces shall vest in the Trust.

(3) In case the developer is unable to deposit the development charges under sub-rule (1), he may transfer the ownership of such number of plots to the Trust in lieu of development cost within the time specified in sub-rule (1) as shall be equivalent to the development charges determined by the Trust under sub-rule (1). The plots so obtained by the Trust shall be sold as soon as may be possible by open public auction.

(4) In the event of failure to deposit the development charges by the developer under sub-rule (1) or by transfer of plots to the Trust under sub-rule (3) within the time specified therein, the approval accorded by the Trust shall be deemed to have been cancelled, and the fee deposited by the developer shall lapse to the Trust.

(5) No plans for sub-division etc., shall be released by the Trust to the developer unless requirements of sub-rule (1) or sub-rule (3) have first been complied with.

(6) If any person whether the developer or the purchaser of plot does any work in contravention of the approval accorded by the Trust under rule 27, and despite refusal for the approval under rule 27 and rule 28, the Trust may direct such person by notice in writing to stop the work in progress and remove and pull down any work or restore the land to its original condition after such person has been given an opportunity of explanation:

Provided that despite the removal of the work or restoring the land to its original condition under this rule, any person again do

work in contravention of the provisions of the Act, and these or sells or purchases the land shall be liable to resumption by Trust on payment of such amount as the Collector of district determine.

31. *Maintenance of services and amenities obligatory.*— It shall be the obligation of the developer to incur such expenses towards the maintenance of services and amenities as may be necessary to keep these services and amenities upto the standard required by the Trust.

(2) If the Trust is satisfied that the developer has failed to maintain these services and amenities of the area to the standard required by it, the Trust may incur such expenses as may be necessary to put the services and amenities of area to the required standard and may charge these expenses from the developer.

(3) The Trust may proceed to recover the expenses incurred by it from the developer or the person to whom the developer has sold the land in the approved plan, in the manner provided in the Municipal Law for the time being in force for the recovery of Municipal claims.

32. *Power of the Trust to revise its decision.*—(1) The Trust may revise its earlier decision given with respect to a plan in the form of rejecting approved plan, approving a rejected plan without modifications, or attaching such conditions and restrictions to an approved plan with or without modification which it deems essential in the interest of securing expedient execution of any scheme of improvement.

(2) If at any stage the Trust is satisfied that the developer has made certain deviation from the approved plan in contravention of the sanction, it may make such modifications so as to render the improvement in accordance with the approved plan.

(3) If the Trust is satisfied that the developer has failed to make necessary modifications to render the improvement in accordance with the approved plan or that the improvement undertaken by the developer has reached such a stage that it is uneconomical to restore the improvement in accordance with the approved plan, the Trust may temporarily stop such improvement and take up the amendment of the approved plan to itself and modify or make adjustment of the approved plan to itself as it may deem it essential to render the improvement in accordance with the approved plan or amended plan, as the case may be and may undertake the improvement itself. The expenses incurred by the Trust in carrying out the improvement shall be chargeable to the developer on whose failure the Trust had to modify or to amend the plan as aforesaid.

The Trust may proceed in the manner laid down in sub-rules (2) and (3) of rule 31 above to recover the expenses incurred by it under this rule from the developer or the person to whom the site has been sold.

(4) The Trust while making amendment of adjustment of any plan submitted by a developer or while drafting a new scheme of improvement, may alter the boundaries of a site and thus include or exclude other adjoining areas to or from the scheme already contemplated and it may propose the compulsory acquisition of such areas or enter into an agreement with their owner or owners of the land concerned.

(5) The Trust shall, as soon as it decides to undertake improvement by itself with respect to any site to the required standard or according to the approved plan or in any manner as may be desired by it, take over from the developer all such responsibilities and obligations under these rules and henceforth all the interests in the scheme shall be vested in the Trust which may thereafter deal with the scheme.

Provided that the Trust shall in no case be responsible for the recovery of any dues of any kind which the developer has to collect from any person who has purchased the land in the area covered by the scheme.

(6) No order shall be passed by the Trust under this section without giving the developer an opportunity of being heard against and stating the reasons for the proposed order.

33. *Payment of compensation.*—(1) The Trust shall compensate the developer or any person claiming through him, under the following circumstances :—

- (i) where the Trust desires to reserve the land fully or partly for the purpose other than that proposed by the developer;
- (ii) where the Trust desires to make such amendments to or modifications of the proposals of the developer, which may result in considerable expenses to the developer who expresses his inability to make such improvement;
- (iii) where the Trust desires considerable space out of the land covered by the scheme of the developer, for other uses or schemes of improvement of the Trust; and
- (iv) where the Trust directs that some other part or whole of the adjoining site which is not owned by the developer and which may involve extra expenses to be incurred by the developer, which the developer is not willing to incur.

