

Government of West Bengal
Department of Urban Development and Municipal Affairs
“NAGARAYAN”, 6th Floor,
DF – 8, Sector – I, Salt Lake, Kolkata -700 064

MEMORANDUM

No. 77/UDMA-15011(24)/5/2024-LS-MA SEC

Dated, Kolkata, the 25th January, 2025

WHEREAS, it has been observed that a large no of new buildings are being constructed on the land/plots having prone to soil erosion or the nature of soil supposed to be black cotton soil or filled up soil or on the land nearer to water body/ railway line/metro railway line without taking any precautionary technical measures during construction of the building and some untoward incidents like collapse of the building, leaning/tilting of building etc. are occurring;

AND WHEREAS the Department of Urban Development and Municipal Affairs has already issued a guidelines to deal with the issues of unauthorised construction, illegal filling up of water bodies to construct buildings, dilapidated buildings and building unfit for human habitation etc. and circulated to the all Urban Local Bodies vide No. 208(150)/ UDMA-15011(24)/5/2024 -LS-MA SEC dated 06.05.2024 of this department reiterating the details of administrative steps that can be taken by the Urban Local Bodies as precautionary measures considering some untoward incident of collapse of building;

AND WHEREAS Department of Urban Development and Municipal Affairs has issued letters to the Urban Local Bodies administered under the West Bengal Municipal Corporation Act, 2006 and West Bengal Municipal Act, 1993 vide No. 645(126)/UDMA-15011(24)/16/2023-LS-MA SEC, dated the 29th August, 2023, reiterating strict compliance with the provisions of West Bengal Municipal (Building) Rules, 2007 and not to follow any separate Building Bye-Laws or decisions resolved in the BOC which are not in consonance with provisions of West Bengal Municipal (Building) Rules, 2007;

AND WHEREAS Department of Urban Development and Municipal Affairs has issued the guidelines on specific precautionary measures to be taken by the owner/builder/lessee(s) during demotion of existing building in a congested residential area, was issued by this Department vide No. 748/UDMA-15011 (12)/392/2022-LS-MA SEC Dated, Kolkata, the 4th October, 2023;

AND WHEREAS Department of Urban Development and Municipal Affairs has a Memorandum vide No. 175/UDMA-15011(12)/392/2022-LS-MA SEC Dated, Kolkata, the 2nd April, 2024, prescribing preventive measures to be taken during construction by the concerned builder/ developer/ owner(s) to prevent noise, water and dust pollution , health hazards to the households residing in adjoining areas;

AND WHEREAS in terms of clause (b) of sub-section 1 of section 17A of West Bengal Inland Fisheries Act, 1984 (West Ben. Act XXV of 1984), filling up of any water area including embankment or naturally or artificially depressed land holding as aforesaid with a view to converting it into solid land for the purpose of construction of any building or for any other purpose is prohibited and Competent Authority can take measures as prescribed in the relevant sub-sections of section 17 A of the said Act in the event of any contravention and in terms of notification No. 1748-Fish/C-1/9R-03/2017 dated 20th July, 2017 of the Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours, the Municipal Commissioner/Commissioner/Executive Officer of a Municipal Corporation/ Municipality /Notified Area Authority within their respective jurisdiction are the Competent Authority for this purpose;

AND WHEREAS in civil appeal no. 14604 of 2024 and civil appeal no. 14605 of 2024, Hon'ble Supreme Court of India, in connection with matter of demolition of structures, has directed that while issuing the building planning permission, an undertaking be obtained from the builder/applicant, as the case may be, to the effect that possession of the building will be entrusted and/or handed over to the owners/beneficiaries only after obtaining completion/occupation certificate from the authorities concerned and all the necessary service connections, such as, electricity, water supply, sewerage connection, etc., shall be given by the service provider / Board to the buildings only after the production of the completion/occupation certificate;

NOW THEREFORE, the Department of Urban Development and Municipal Affairs hereby introduces the following guideline on specific precautionary technical measures to be taken by the owner/ builder/ developer(s) of building as well as by Urban Local Bodies before construction/ demolition/ alternation of any building or part thereof within various Municipalities/Notified Area Authorities and Municipal Corporations:

Role of developers/promoters

(1) **Soil test report shall be submitted along with building plan application in the following cases:**

- a) Building height exceeding 10 meters (6.5 meters for ULBs in hill areas);
- b) Building having underground structure;
- c) Building located within a distance of 15 metres from water body;
- d) Building proposed in area prone to soil erosion;
- e) Nature of soil supposed to be black cotton soil or filled up soil;
- f) Plot directly abutting to railway line/metro railway line;
- g) Site inclination of 30 degree and above (in case of hill ULBs);

- h) Building with use group of assembly, hazardous, mixed use, mass housing project and mega commercial project.

(2) Building plan proposal should be accompanied by structural design report duly vetted by empanelled structural engineer in all cases mentioned above.

(3) In case of **demolition of existing building before construction**, the precautionary measures as stated in the guidelines issued by the Department of Urban Development and Municipal Affairs bearing no. 748/UDMA-15011(12)/392/2022-LS-MA SEC dt. 4.10.2023 shall be followed in all respects.

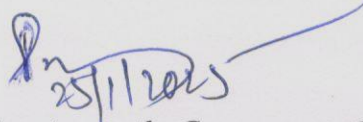
(4) In case of lifting of tilted building, the following steps should be followed:

- i. The owner(s)/lessee(s) of the building shall submit to the ULB the proposal of lifting along with the credential of the organisation intending to appoint for execution of such work and the details of lifting mechanism prepared by the said organisation.
- ii. The ULB Authority, if satisfied with the credential, shall send the lifting mechanism details to a reputed engineering institution for necessary vetting.
- iii. Structural stability of the building after completion of lifting work shall be assessed by an empanelled structural engineer to be engaged by the owner(s)/lessee(s) commensurating with the soil test report within the plot, if any, and the ULB will obtain a structural stability certificate in this respect from the structural engineer concerned.
- iv. Permission of lifting work shall be accorded by the ULB on the basis of vetted lifting plan and structural stability certificate stated above.
- v. Lifting work shall be executed taking care of adjoining structures under the supervision of the structural engineer engaged and in strict compliance with the lifting procedure duly vetted.
- vi. All charges relevant to such work shall be paid by the owner/developer/builder as the case may be and no damage should be inflicted upon adjoining buildings for such work.

Role of Urban Local Bodies

1. The ULBs shall carry out close vigilance on unauthorized construction and take proper action, if noticed, as per norms.
2. The ULBs shall not allow filling up of any water area including embankment or naturally or artificially depressed land holding as aforesaid with a view to converting it into solid land for the purpose of construction of any building or for any other purpose which is prohibited and Competent Authority(Municipal Commissioner/Commissioner/Executive Officer of urban local bodies) can take measures as prescribed in the relevant sub-sections of section 17 A of West Bengal Inland Fisheries Act, 1984, in the event of any contravention.

3. The ULBs shall verify the certificate submitted by the technical personnel involved regarding foundation work and NOC, as applicable, before issuance of plinth level certificate.
4. The ULB shall issue occupancy certificate (full/partial/block wise) if they satisfy with the structural stability certificate submitted by the engaged technical personnel and other certificates, as applicable.
5. Permanent water connection and connection with municipal drain or sewer shall not be permitted to the premises if occupancy certificate (full/partial/block wise) is not obtained by the applicant, as observed by Hon'ble Supreme Court of India in civil appeal no. 14604 of 2024 and civil appeal no. 14605 of 2024.

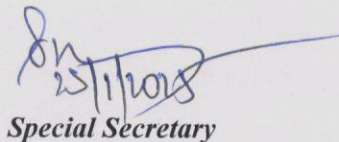


Special Secretary to the Government of West Bengal.

No. 77/1(150) /UDMA-15011(24)/5/2024-LS-MA SEC Dated, Kolkata, the 25th January, 2025

Copy forwarded for information to the:-

1. Municipal Commissioner, Kolkata Municipal Corporation.
2. Commissioner, Howrah/ Asansol/ Bidhannagar/ Chandernagore/ Durgapur/ Siliguri Municipal Corporation.
3. Chairman/ Chairperson of Board of Administrators/ Administrator, _____ Municipality/ Notified Area Authority.
4. Director, Institute of Local Government and Urban Studies.
5. Chief Engineer, Municipal Engineering Directorate.
6. Director, State Urban Development Agency
7. Private Secretary to the Hon'ble Minister-in-Charge, UD & MA Department.
8. Sr. P S to the Secretary, UD & MA Department.
9. Section Officer, IT Wing of this Department, with a request to upload the same in the Departmental Website.
10. Law Wing of this Department.
11. Guard file of Statutory Wings, UD & MA Department.



Special Secretary