

Government of Jammu and Kashmir
Housing and Urban Development Department
Civil Secretariat, Jammu/Srinagar

NOTIFICATION

Jammu, the 24th December, 2021

S.O. 439 - In exercise of the powers conferred by section 11-A of the Jammu and Kashmir Development Act, 1970, the Government hereby notifies the scheme for levy of charges for use of land as permitted in the master plan or the zonal plan as under:

1. **Extent of application:** This scheme shall apply to all such areas where a master plan or a zonal plan notified in terms of the Jammu and Kashmir Development Act, 1970 has come into force, and the permission for land use granted in terms of this scheme shall be strictly in accordance with the permitted land use under such master plan or zonal plan.
2. **Definitions:** Words and expressions used herein shall have the same meaning as given to them under the Jammu and Kashmir Development Act, 1970 and the rules made thereunder.
3. **Authority for assessment and levy of charges for land use:** The Development Authority having jurisdiction over the area in respect of which the permission for change in land use is sought shall be the competent authority to grant the permission for change in land use.
4. **Rate of charges for change in land use:** The charges payable for change of land use shall be calculated as follows:

$$CLU = \frac{1}{2} * (\text{Land Value} * \text{Land Area} * \text{FSI} * \text{Use Type})$$

Where:

- a. CLU *is* charges for permission for change in land use;
- b. Land Value *is* the highest value, in hundreds of rupees, of land for that usage type i.e. residential for residential usage type, and commercial for other usage types, as notified for the current year under J&K Preparation and Revision of Market Value Guidelines Rules, 2011 in the local area of that authority;
- c. Land Area *is* the area of the land in Kanals;
- d. FSI *is* the maximum permissible FSI for the particular parcel of land for which change of land use is sought;
- e. Use Type *is* the purpose for which the land is sought to be used which shall be:
 - i. 1 for residential use;
 - ii. 3 for industrial or for public/ semi-public use other than Government; and,
 - iii. 5 for commercial use.

Illustration:

If the permission for change in land use is sought in respect of a 4 kanal plot of land for usage type as public/ semi-public, the notified value of that land for commercial use is Rs 40 lakh per kanal, and the permitted FSI for that plot is 2, then before calculating the applicable charges, it shall first be confirmed whether the highest notified rates for commercial usage for any land in the local area of that Authority is higher than Rs 40 lakh per kanal or not. The value used for calculating these charges shall be the higher of these two values. If the highest notified rate for commercial usage in the local area of that Authority is Rs 80 lakh per kanal, then the calculation as per the formula shall be as follows:

$$CLU \text{ in Rs} = 0.5 * 8000000 / 100 * 4 * 2 * 3 \text{ which come to Rs } 9,60,000/-$$

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But if the same land parcel with the same FSI is to be used for residential purpose and the notified value of that land for residential use type is Rs 30 lakh per kanal, but the highest notified land value for residential use type in the local area of that authority is Rs 50 lakh per kanal, the calculation of land use charges shall be as follows:

CLU in Rs = $0.5 * 5000000 / 100 * 4 * 2 * 1$ which come to Rs 2,00,000/=.

5. **Process for issuance of the Certificate of Change of Land Use:** An applicant desirous of seeking change of land use shall make an application before the concerned Authority in Form-I, along with the required documents. The Authority shall, after making such enquiry as it may deem fit, issue a requisition for deposition of fee payable for change in land use within seven working days. Upon payment of the requisite fee, the certificate for change of land use shall be issued within a period of three working days, specifying therein the description of the land including the khasra/ khewat no. of the plot, the land use for which the permission has been given, and the FSI permitted on the land parcel.
6. The certificate of change of land use shall govern only the usage permitted for that land and the permitted FSI but shall not confer upon its holder any right to obtain any permission for any construction or development. Any permission for any construction or development shall be issued by the competent authority concerned strictly in accordance with the applicable norms, including byelaws governing such construction or development.
7. **Exemption from payment of charges for change of land use:** (1). No charges shall be payable for change of land use nor shall a certificate for change of land use be required for plots measuring up to one kanal which are to be used for residential purposes if residential use is permitted for that land under the master plan in force.
- (2). No charges shall be payable for change of land use in respect of plots of land other than those at (1) above nor shall a certificate for change of land use be required if the applicant establishes that fee for change of land use has been paid under the provisions of Jammu and Kashmir Land Revenue Act, Svt. 1996 in respect of that land for that usage. In case a further change of land use is sought, any fee that has been paid under the provisions of Jammu and Kashmir Land Revenue Act, Svt. 1996 or any fee already paid under this scheme, shall be set-off against the charges payable under this scheme for the new usage, and only the amount of shortfall shall be payable by the applicant for the purpose of issuance of a certificate of change of land use.
- (3). For change of land use in respect of plotted development, no charges shall be payable for change of land use in respect of the area used for construction of roads, sidewalks, and parks. Such charges paid at the time of initial change of land use shall be reimbursed on submission of the plans approved by the competent authority.
- (4). Except to the extent allowed herein above, no authority competent to allow any construction or development in a local area shall entertain any application for permission for construction or development unless it is accompanied by a certificate for change of land use issued in terms of this scheme.
8. **Utilization of the proceeds of the charges for change of land use:** (1). Any amount received by the Authority on account of these charges shall be kept by it in a separate account to be used by the Authority for acquisition of any land that may be required to be acquired in terms of section 50 of the Jammu and Kashmir Development Act, 1970.
- (2). In case there is no immediate need for funds for acquisition of land under section 50 of the Jammu and Kashmir Development Act, 1970 or the need for such funds is less than the funds available with the Authority, the Authority may utilize these funds or such excess funds, as the case may be, for acquisition or development of other land in its local area while setting aside sufficient sum to defray the expenses of any acquisition under Section 50 that may be reasonably foreseen to become due within one year.

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9. **Power to remove difficulties:** In case any difficulty arises in the interpretation or implementation of this scheme, the Government in Housing and Urban Development Department shall have the power to remove any such difficulty.

This notification shall come into force from the date of its publication in the Official Gazette.

By order of the Government of Jammu and Kashmir.

Sd/-

(Dheeraj Gupta)IAS

Principal Secretary to the Government
Housing & Urban Dev. Department

Dated: 24-12-2021

No.HUD/63/2021(C.No.94128)

Copy to the:

1. All Financial Commissioners.
2. Principal Resident Commissioner, J&K Government, New Delhi.
3. All Principal Secretaries to the Government.
4. Principal Secretary to the Lieutenant Governor.
5. All Administrative Secretaries to the Government.
6. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
7. Divisional Commissioner, Kashmir/Jammu.
8. All Deputy Commissioners.
9. All HoD's of Housing & Urban Dev. Department.
10. Director, Archives, Archaeology and Museums.
11. General Manager, Government Press, Jammu/Srinagar.
12. Private Secretary to the Chief Secretary.
13. Private Secretary to Principal Secretary to the Government, H&UDD.
14. Notification file/stock file.


(Ridhima Sharma)

Under Secretary to the Government,
Housing & Urban Dev. Department


24/12

FORM CLU-I

Form of Application

*Permission for Change of Land use under
Section 11A(2) of the Jammu & Kashmir Development Act, 1970.*

VC OF Urban Development Authority

Sub: Applying for Land use Change under Section 11A(2) of J&K Development Act, 1970.

Sir,

I/We beg to apply for permission to change the existing use of land for the purpose of developing the land into buildings for residential/industrial/commercial/other purposes.

I/We enclose the following documents in triplicate as per the given Check List for favour of information and necessary action.

I/We do hereby certify that the information furnished above is true and nothing has been mis-stated or kept concealed therein. I/We understand that in case of any wrong information made by me/us, I/We would be liable for criminal prosecution.

Dated:

Yours faithfully

Name and full address

ANNEXURE – I

CHECKLIST APPLYING FOR CHANGE OF LANDUSE (CLU)

S.No.	Description
1.	Prescribed Form CLU-I
2.	Name of applicant
3.	Address, Email, Aadhar
4.	Memorandum and Article of Association in case of company
5.	Board Resolution of company and authority letter in favour of authorized signatory.
6.	Purpose for which CLU permission is sought
7.	Ownership Documents: - a. Jamabandi (Latest) b. Mutation c. Takseem Intkal d. Aks-shajra Plan issued by Halka Patwari
8.	Copy of irrevocable Consent if the land belongs to another owner, authorizing the promoter to obtain CLU and license for the development of colony on a non-judicial stamp paper.
9.	Copy of Sale Deed(s)
10.	Area in Sq. mtr/ Kanal/ Acres
11.	Village/ Ward
12.	Notified under any Development Project/ Scheme/ TPS
13.	Use as per the Master Plan/ Development Plan (may check from concerned DTP office)
14.	Zone / Sector No. (may check from DTP office)
15.	Width of approach
16.	Distance from C/I of the abutting road and Building Line applicable
17.	Area falling within road widening, green / restricted belt, if any
18.	Processing/ Scrutiny fee Rs. 5000 for the first acre and Rs. 1000 per acre for additional area (Attach Bank Draft)
19.	State of construction at site (Site Plan)
20.	HT Line/ Gas pipeline passing through the site, if any
21.	Any other issues as required by the Competent Authority.
22.	Status w.r.t land acquisition proceedings, if any

Industrial Purpose	
1.	Registration of SSI or Medium or Large Industry
2.	Whether polluted or not polluted
3.	NOC from pollution Control Board and Department of Forest/ Wildlife if required.
Institutional (School, College, Hospital or Religious)	
1.	Genuineness certificate (From Deputy Commissioner)
2.	Technical capacity to run the institution
3.	Past experience etc.
4.	Recommendation of Health Department in case of Hospital with college
Petrol Pump	
1.	LOI of Oil company
2.	Distance from existing road junction/ intersection important from traffic flow point of view.
3.	Distance from existing Petrol Pump