

GOVERNMENT OF RAJASTHAN
Urban Development and Housing Department

No.F.17 (22)UDH/Rules/2020

Jaipur, Date

17 SEP 2021

NOTIFICATION

In exercise of the powers conferred by clause (xi-a) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), section 54-B and 95 of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), section 49 and 91 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), section 49 and 91 of the Ajmer Development Authority Act, 2013 (Act No.39 of 2013) and section 60 and 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) and section 71 and 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) and all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Urban Areas (Permission for use of Agriculture Land for Non-agriculture Purposes and Allotment) Rules, 2012, and orders with reference to proviso to sub-section (2) of section 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) that the previous publication of these amendment rules is dispensed with as the State Government, in public interest, considers that they should be brought into force at once, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Urban Areas (Permission for use of Agriculture Land for Non-agricultural Purposes and Allotment) (Second Amendment) Rules, 2021.

(2) They shall come into force at once.

2. Amendment of rule 4.- In sub-rule (1) of rule 4 of the Rajasthan Urban Areas (Permission for use of Agriculture Land for Non-agricultural Purposes and Allotment) Rules, 2012, hereinafter referred to as the said rules,-

(i) at the end in clause (viii), for the existing expression "(vii).", the expression "(vii):" shall be substituted; and

(ii) after clause (viii), so amended, the following proviso shall be added, namely:-

"Provided that where a survey has been conducted and a detailed lay-out plan of a developed colony has been already prepared by the Local Authority either on its own motion or on request made by any of the plot holder or Vikas Samiti, in such cases presenting of documents mentioned in clause (v), (vi) and (vii) of this sub-rule shall not be required with the application submitted under this sub-rule.

Explanation: For the purpose of this sub-rule 'Developed colony' means a colony where one dwelling units/boundary walls have been constructed on minimum ten percent plots of the total plots of lay-out plan of colony."

4. Amendment of rule 9.- In first proviso to sub-rule (2) of rule 9 of the said rules, for the existing expression "fifteen percent per annum", the expression "nine percent per annum" shall be substituted.

5. Insertion of new rule 9A.- After rule 9, so amended and before the existing rule 10 of the said rules, the following new rule 9A shall be inserted, namely :-



"9A. Fine under proviso to sub-section (5) of section 90A of the Rajasthan Land Revenue Act, 1956.- The amount of fine payable under proviso to sub-section (5) of section 90A of the Rajasthan Land Revenue Act, 1956 shall be such as may be notified by the State Government, from time to time."

6. Amendment of rule 16.- In proviso to sub-rule (2) of rule 16 of the said rules, for the existing expression "fifteen percent per annum", the expression "nine percent per annum" shall be substituted.

7. Amendment of rule 20.- After the existing last proviso to sub-rule (1) of rule 20 of the said rules, the following new proviso shall be added, namely:-

"Provided also that in case of group housing, flats, institutional, commercial, industrial plots or plots under township policy, one time deposition of urban assessment shall be mandatory."

8. Insertion of new rule 23-B and 23-C.- After the existing rule 23-A and before the existing rule 24 of the said rules, the following new rule 23-B and rule 23-C shall be inserted, namely:-

"23-B. Extension of tenure of lease granted under other rules.- In case if the land has been allotted on lease hold basis for a period upto thirty years for any non-agricultural purpose under any rules made under the Rajasthan Land Revenue Act, 1956 before commencement of the Rajasthan Urban Areas (Permission for use of Agriculture Land for Non-agricultural Purposes and Allotment) (Second Amendment) Rules, 2021 and period of such lease has not expired and annual payment due have been deposited, allottee of such land shall be entitled to get the extension of lease period upto the remaining period left to make it 99 years in all, by the local authority with prior permission of the State Government, on payment of an amount equal to the premium as specified in rule 9:

Provided that in case if the land has been allotted for five years as initial period of lease, the lease may be extended at the option of the allottee for five years at a time on payment of an amount equal to the premium as specified in rule 9.

Provided further that extension of lease period shall be allowed only if it is permissible in accordance with the law applicable in the area and is in consonance with the master plan.

Provided also that in case if the lease period has expired and lessee has not applied for extension of lease period before expiry of such lease period, application for extension of lease period may be considered, if lessee deposits late fee amount equal to 10% of premium as specified in rule 9.

23-C. Status of land on the expiry of the lease period.- The land allotted for any non-agricultural purpose, under these rules or any other rules, shall revert free from all encumbrances to the local authority on the expiry of the lease period."

9. Amendment of rule 26.- The existing sub-rule (1) of rule 26 of the said rules shall be substituted by the following, namely :-

"(1) if a person in whose favor lease deed or free hold patta of independent plot or other plot is issued under these rules, has not constructed one dwelling unit/commercial unit as the case may be, in case of independent plot or in case of other plot such as for group housing, flats, institutional purposes, commercial purposes etc has not constructed 1/5 of maximum ground coverage of plot area within seven year from the date of issue of lease deed of independent plot or other plot, as the case may be, he shall be liable to pay levy at the following rates :-

(a) in case of lease hold patta:

S.N.	Period of non construction	Levy
1.	0 to 7 years	Nil
2.	after 7 years and upto 14 years	1% per year of the residential price (four times of premium) of the area prevailing at the time of allotment/regularization of land.
3.	after 14 years and upto 20 years	2% per year of the residential price (four times of premium) of the area prevailing at the time of allotment/regularization of land.
4.	after completion of 20 years, the Trust shall issue a notice to the allottee to complete the construction within a period of 2 years.	2.5 % per year of the residential price (four times of premium) of the area prevailing at the time of allotment/regularization of land.
5.	after completion of 22 years	Lease deed shall automatically stand cancelled.

(b) in case of free hold patta:

S.N.	Period of non construction	Levy
1.	0 to 07 years	Nil
2.	after 07 years and upto 14 years	0.50 % per year of the residential price (four times of premium) of the area prevailing at the time of allotment/regularization of land.
3.	after 14 years and upto 20 years	1 % per year of the residential price (four times of premium) of the area prevailing at the time of allotment/regularization of land.
4.	after completion of 20 years, the trust shall issue a notice to the allottee/lessee to complete the construction within a period of two years	2 % per year of the residential price (four times of premium) of the area prevailing at the time of allotment/regularization of land.
5.	after completion of 22 year	Free-hold patta shall automatically stand cancelled.

Provided that the Trust may, if satisfied that some minimum facilities of electricity, water and approach road are not available in the area, exempt from payment of levy for non-construction.

Provided further that the Trust may, on application of lessee/allottee/patta holder, regularise and restore such cancelled lease/patta with the approval of the State Government, if such land has not been allotted to any other person and lessee is prepare to pay an additional levy at the rate of 2.5% and free hold patta holder is prepare to an additional levy at the rate of 2% per year of the residential price at the time of allotment/regularisation in addition to levy payable for 22 years.

(1A) Notwithstanding anything contained in sub-rule (1),-

- (i) in case of any vacant plot where rain/waste water or garbage gets accumulated, a notice of fifteen days shall be given to such plot holder to remove such accumulated rain/waste water or garbage within a period specified in the notice,

- if he fails to comply with the notice, the allotment of such plot shall be cancelled; and
- (ii) in case of a Group Housing/Township Scheme where developer/khatedar has obtained lease-deed/free-hold patta of individual plots for sale; he and his transferee shall not be liable for payment of levy specified in sub-rule (1) for a period of 14 years from the date of issue of lease-deed/free-hold patta in favour of the developer/khatedar.

10. Amendment of rule 28.- In rule 28 of the said rules, for the existing expression "fifteen percent", the expression "nine percent" shall be substituted.

By order of the Governor,


(Maneesh Goyal)

Joint Secretary to the Government.

Copy for kind information & necessary action to :-

- 1 P.S. to Secretary, Hon. Chief Minister, Rajasthan, Jaipur.
- 2 S.A. to Hon'ble Minister, UDH Department, Jaipur.
- 3 P.S. to Chief Secretary, Govt. of Rajasthan, Jaipur.
- 4 P.S. to Principal Secretary, Deptt. of Urban Development & Housing Govt. of Rajasthan, Jaipur.
- 5 P.S. to Secretary, Local Self Govt. Rajasthan, Jaipur.
- 6 Joint Secretary - I, II & III, UDH Department, Rajasthan, Jaipur.
- 7 Director, Local Bodies, Rajasthan, Jaipur.
- 8 Commissioner/Secretary, Jaipur/Jodhpur/Ajmer Development Authority.
- 9 Chief Town Planner, Rajasthan, Jaipur.
- 10 Secretary, Urban Improvement Trust, All.
- 11 DLR, UDH Department, Jaipur.
- 12 DTP, UDH Department, Jaipur.
- 13 Sr. D.S., UDH Department to send online for publication the notification in extra ordinary issue of gazette and uploading in the departmental website.
- 14 Guard File.


Joint Secretary to the Government.