

**UTTARAKHAND
TRANSFERABLE DEVELOPMENT RIGHTS
POLICY - 2021
(DRAFT)**



Contents

1	Background & Purpose.....	4
2	Definition	4
3	Transferable Development Rights (TDR).....	5
4	Cases Eligible for Transferable Development Rights:.....	6
5	Cases Not Eligible for Transferable Development Rights:	6
6	Generation of the Transferable Development Rights:.....	7
	6.1 Transferable Development Rights against surrender of land:	7
7	Transferable Development Rights (TDR) against Construction of Amenity	8
8	Issuance of TDR for Affordable Housing or Slum Re-Development Projects	9
9	Issuance of TDR for Heritage Buildings.....	9
10	General Guidelines on Transferable Development Rights:.....	10
11	Transfer of DRC:.....	11
12	Documents to be submitted along with Application for Grant for Transferable (DRC) Development Rights Certificate:.....	12
13	Provisions for issuance of TDR certificate	12
14	Utilization of Transferable Development Rights:	14
15	Utilization of Transferable Rights (TDR) and Road Width Relation:	16
16	Utilization of TDR Certificate on receiving plots:	17
17	Area Restricted from Utilization of Transferable Development Rights:.....	17
18	Cancellation of Transferable Development Right Certificate:.....	18
19	Audit of Transferable Certificate, etc.:	18
20	Maintenance of Record:.....	19
21	Overriding Effect Over the Regulation:	19
22	Power of State Government:	19
23	Removal of Difficulties:.....	19
	FORM-I.....	20
	Application for issue of Transferable Development Rights (TDR) Certificates.....	20
	FORM-II	22
	REGISTER FOR TDR APPLICATIONS.....	22
	FORM-III.....	23
	TRANSFERABLE DEVELOPMENTS RIGHT CERTIFICATE FOR DEVELOPMENT AREA	23
	FORM-IV	24
	LEDGER OF TRANSFRABLE DEVELOPMENT RIGHTS CERTIFICATE.....	24
	FORM-V.....	25
	APPLICATION FOR TRANSFER OF TRANSFERABLE DEVELOPMENT RIGHTS CERTIFICATE IN DEVELOPMENT PLAN AREA	25

FORM-VI	27
(REGISTER OF APPLICATION RECEIVED FOR TRANSFER OF TDRS).....	27
FORM-VII	28
APPLICATION FOR TDR CERTIFICATE UTILIZATION ORDER (TCUO)	28
FORM-VIII.....	30
REGISTER OF APPLICATIONS RECEIVED FOR UTILIZATION OF TDR CERTIFICATE TO BE MAINTAINED BY DEVELOPMENT AUTHORITY:	30
FORM-IX	31
TRANSFERABLE DEVELOPMENT RIGHTS CERTIFICATE UTILIZATION ORDER (TCUO) ORDER	31
FORM -X	32
REGISTERS OF TDR CERTIFICATE UTILISATION ORDER	32
FORM-XI	33
REGISTERS OF CONSUMED TCUCOs	33
FORM-XII	34
PROCESSING FEE DETAILS	34
ILLUSTRATION-I	35
TRANSFERABLE DEVELOPMENT RIGHTS (TDR) CONCEPT:	35
ILLUSTRATION-II	36
TRANSFERABLE DEVELOPMENT RIGHT FOR HISTORIC BUILDINGS:	36
ILLUSTRATION-III	37
SLUM REHABILITATION SCHEME (SRS).....	37

Uttarakhand Transferable Development Rights (TDR) Policy Draft

1 Background & Purpose:

Transferable Development Rights (TDR) is a land development rights (permitted to be used for new and existing buildings) issued by the Local Development Authority, in the form of a certificate regulated under the building byelaws or in conjunction with the TDR guidelines/Rules framed by the State Government. It is a certificate issued by the competent authority to an owner or a lessee of the land on surrender of the gross 'area' of the land which is required for public purpose. Notified TDR rules/policy are already in operation in states of Maharashtra, Karnataka, Gujrat, Rajasthan and Orissa.

The compensation in the form of TDR is broadly applicable for following purposes;

- 1.1 Development of green spaces- parks/ open spaces/playgrounds /water bodies etc. as per the provision of Master plan or Zonal Plan or Town Planning Schemes or Local Area Plan.
- 1.2 Development of roads including road widening and strengthening of other trunk infrastructure as per the provision of Master plan or Zonal Plan or Town Planning Schemes or Local Area Plan or TOD scheme.
- 1.3 Development of public parking lots.
- 1.4 Development of city level facilities/other public purposes as per as per the provision of Master plan or Zonal Plan or Town Planning Schemes or Local Area Plan or TOD scheme.
- 1.5 Slum rehabilitation scheme.
- 1.6 Public housing redevelopment.
- 1.7 Development of affordable houses.
- 1.8 Preservation of historical buildings/ landmarks/ heritage structures etc.
- 1.9 In lieu of land surrendered or reserved for other purposes as specified by the Government.

2 DEFINITIONS

For purpose of this document, the key terms are defined in this section.

- 2.1 **Floor Area Ratio (FAR)** refers to the quotient obtained by dividing the total Built- Up Area (BUA) of all floors by the plot area. For example, the FAR of 1 on a 100 sqm plot translates to 100 sqm of BUA. Which is permissible?
- 2.2 **Development Control Regulations (DCR)** of the city govern the building envelope based on FAR, maximum ground coverage of the building, building height or number of floors, minimum building setbacks and margins, minimum open spaces, minimum parking, and other requirements.

- 2.3 **Base FAR is the basic FAR** permitted by the competent authority as a matter of right without any cost.
- 2.4 **Purchasable/Chargeable/Premium FAR** is the FAR available by additional payment to the competent authority as per the applicable rules.
- 2.5 **Maximum permissible FAR** is the FAR that includes the base FAR, TDR FAR and purchasable FAR.
- 2.6 **TDR Certificate/Development Rights Certificate (DRC)** is a certificate issued by the competent authority to an owner or a lessee of the land on surrender of the gross 'area' of the land which is required for public purpose. Such 'area' of land must be free of cost and free from all encumbrances. The certificate comprises of the details like FAR credit in square meters of the built-up area to which the owner or lessee is entitled, the place from where it is generated and the rate of that plot as prescribed in the Annual Statement of Rates issued by the Registration Department or other concerned department for the concerned year.
- 2.7 **'Sending Zones'** means a zone of land or part thereof which is proposed to be surrendered to the competent authority in lieu of a TDR certificate. Similarly, 'Origination Plot' means the plot in which the development right originated due to surrender of 'Area'.
- 2.8 **'Receiving Zone'** means a zone of land or part thereof over which the TDR certificate is proposed or permitted to be utilized.

3 Transferable Development Rights (TDR):

- 3.1 Transferable Development Rights (TDR) is compensation in the form of Floor Area Ratio (FAR) which entitles the owner for construction of extra built-up area in lieu of land surrendered or reserved for other purposes as specified by the Government subject to provisions in building by- laws or the guidelines issued by the Government.
- 3.2 This FAR credit is issued in a certificate which is called as Development Right Certificate (DRC).
- 3.3 Development Rights Certificate (DRC) may be issued by any officer designated by the Government or Vice Chairman of the Development Authority as the case may be under his signature and approve thereon in writing in figures and in words, the FAR credits in square meters of the built-up area to which the owner or lessee is entitled, the place from where it is generated (**Sending Plots**) and the rate of that plot as prescribed in the Circle Rates and can utilize the same at the remaining part of the building or any other plot (**Receiving plots**) as specified in the Master Plan/Zonal Plan/LAP.

4 Cases Eligible for Transferable Development Rights:-

Compensation in terms of Transferable Development Rights (TDR) shall be applicable for the following purposes,

- 4.1 Lands under various reservations for public purposes, new roads, road widening etc. which are subjected to acquisition, proposed in the Master Plan or Zonal Plan or Town Planning Schemes or Local Area Plan or as intended by the Government.
- 4.2 Lands under any deemed reservations proposed in the Master Plan Master Plan or Zonal Plan or Town Planning Schemes or Local Area Plan or as intended by the Government.
- 4.3 Development or construction of the amenity on land.
- 4.4 Unutilized FAR of any structure or precinct or area which is declared as Heritage structure or Precinct.
- 4.5 In lieu of constructing housing for affordable housing for the weaker sections of the society.
- 4.6 The purposes as may be notified by the Government from time to time, by way of, modification to, new addition of, any of the provisions of Uttarakhand Urban and Country Planning and Development (Amendment) Act, 2013 or Uttarakhand Building Construction and Development Byelaws Regulation, 2011 (Amended time to time).

5 Cases Not Eligible for Transferable Development Rights:-

It shall not be permissible to grant Transferable Development Rights (TDR) in the following circumstances:-

- 5.1 For earlier land acquisition or development for which compensation has been already paid partly or fully by any means.
- 5.2 Where award of land has already been declared and which is valid under the Act, 1894 or the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or The Uttarakhand Land Pooling Scheme (Implementation) Rules, 2015 unless lands are withdrawn from the award by the Appropriate Authority according to the provisions of the relevant Acts.
- 5.3 In cases where layout has already been sanctioned and layout roads are incorporated as Development Plan/Master Plan roads prior to these regulations.
- 5.4 If the compensation in the form of FAR or by any means has already been granted to the owner.
- 5.5 For any designation, allocation of the use or zone which is not subjected to acquisition.

6 Generation of the Transferable Development Rights:-

6.1 Transferable Development Rights against surrender of land:-

6.1.1 For surrender of the gross area of the land which is subjected to be acquired, free of cost and free from all encumbrances, the owner shall be entitled for TDR irrespective of the FAR permissible or development potential or land use of the said land to be surrendered and also that of land surrounding to such land may be at the rate as given below:-

Area Designated on Master Plan	Entitlement for TDR
Less dense built-up area or less density areas or non-congested area as may be defined in Master Plan	2 times the area of surrendered land
High built-up area or Core congested Area as may be defined in Master Plan	3 times the area of surrendered land.

For Example: If one surrendered 30 sqm area free of cost & free from all encumbrances, in that case, the owner will be entitled to get TDR of 60 sqm if his land is in less dense built-up area and 90 sqm if his land is in high built-up area or Core Congested area.

6.1.2 For Preservation/Reservation/Conservation of Ecological Sensitive areas, Lakes/Water bodies/Rivers/Nalas along with their buffer areas, area specific agro rich crops/Orchards/Tea estates etc. Equivalent to 2 times of such buffer area/preservation area preserved at owners cost shall be provided with TDR Certificates. Land use conversion shall not be permitted. Any construction work in contravention to the provisions of the zoning of the said area if undertaken, within the said area shall be treated as unauthorized construction and shall be dealt with the provisions of the relevant Acts.

6.2 The TDR, if is to be utilized on same building area from where the land is surrendered will be in addition to the FAR which is permissible as per Uttarakhand Building bylaws for the net plot area.

6.3 Provided also that Additional / incentive Transferable Development Rights (TDR) to the extent of 20%, 15%, 10% and 5% of the surrendered land area shall also be allowed to the land owners who submit the proposal suo-moto for grant of Transferable Development Rights (TDR) within 2 ,3, 4 years and 5 years from this notification respectively.

6.4 Provided that the quantum of generation of TDR as prescribed above, shall not be applicable for TDR generated from construction of amenity, Slum TDR, and Heritage TDR.

6.5 DRC shall be issued only after the land is surrendered to the Development Authority, free of cost and free from encumbrances by way of registered deed.

- 6.6 If any contiguous land of the same owner/developer, in addition to the land under surrender for which Transferable Development Rights (TDR) is to be granted, remains unbuildable, the Vice Chairman or officer designated by the State Government as the case may be, may grant Transferable Development Rights (TDR) for such remaining unbuildable land also, if the owner/developer hands it over free of cost and free from all encumbrance and encroachment. If such land is along the proposed roads then such land shall be utilized for road side parking, garden, open space or road side amenities including bus bays, public toilets or any compatible uses as the Vice Chairman may decide and if the such land is from the proposed reservation then same shall be included in such proposed reservation and shall be developed for the same purpose. The Vice Chairman shall quarterly report such cases to Government.
- 6.7 In case of lessee, the award of Transferable Development Rights (TDR) shall be subject to lessee paying the lessor or depositing with the Planning Authority for payment to the lessor, an amount equivalent to the value of the lessors' interest to be determined by the Planning Authority on the basis of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the area of land surrendered free of cost and free from all encumbrances.
- 6.8 After utilization of TDR fully or partially in remaining building or any other plot, the required ECS must be provided as per norms on the Full F.A.R prescribed in the Uttarakhand Building Byelaws.
- 6.9 As and when the owner of the building intends to construct the building in the remaining area of the site, he is entitled to construct Builtup area permissible as per TDR over the normal permissible floors within the prescribed limits of section 15, subject to compliance of other norms as per Building Byelaws and NOC from Fire Department. For two additional floors over permission floors, the additional setbacks and higher road width may not be insisted after obtaining NOC from fire department and Civil Aviation (if required).

7. Transferable Development Rights (TDR) against Construction of Amenity-

When an owner or lessee with prior approval of Vice Chairman of Development Authority, developed or constructed the amenity on the surrendered plot or on the land which is already vested in the Planning Authority, at his own cost and to the satisfaction of the Vice Chairman of Development Authority and hands over the said developed/constructed amenity free of cost to the Vice Chairman of Development Authority then he may be granted a Transferable Development

Rights (TDR) in addition to the TDR on surrendered land in the form of FAR as per the following formula:-

Construction Amenity TDR in sq.m. = A/B * 1.25 Where,

A= cost of construction of amenity in rupees as per the PWD Schedule of Rates (SOR) of construction mentioned for the year in which construction of amenity is commenced.

B = Circle rate of the land for the year in which construction of amenity is commenced.

For Example: If the surrendered area is 30 sqm on which amenity is to be constructed having the cost of construction Rs 5,00,000.00 (A) as per SOR and the Circle rate is Rs 10000/sqm, then the B will be Rs 3,00,000. By applying above formula the FAR which is to be given as TDR in sqm would be 2.08.

8. Issuance of TDR for Affordable Housing or Slum Re-Development Projects:

To incentivize the construction of affordable houses as per relevant State Policy or Scheme in this regard to take up development of affordable housing and redevelopment of slums, TDR certificates shall be issued to the concerned Agency, institution, developer etc. to the extent equivalent to EWS housing built- up area. Which has been handed over to the EWS benefices subject to the conditions that these rights shall be to such extent and subject to such terms and conditions, as prescribed in such policies and schemes of the State Government.

9. Issuance of TDR for Heritage Buildings:

9.1 If the owner is deprived of using permissible FAR on the Heritage Building plot site/ Heritage Precinct site or development permission is granted to him with conditions which deprive him of use of permissible FAR, then he shall be entitled for TDR as per these rules.

9.2 TDR shall be provided for a Building unit with Heritage Structures or Building, or for Building units within a Heritage Precinct notified in the Master Plan or ASI notified Structures.

9.3 Maximum 50 % of total utilized FAR shall be provided as TDR of which Maximum 10% of this TDR may be used for extensions or alterations to the existing notified Heritage Building within the limit of maximum permissible FAR. The rest may be utilized through TDR mechanism in other receiving zone.

9.4 The Competent Authority shall issue Development Right Certificate (DRC) identifying the

amount of TDR for the Building.

- 9.5 Maximum 10% of this TDR may be used for extensions or alterations to the existing notified Heritage Building within the limit of maximum permissible FAR. The rest may be utilized through TDR mechanism in other receiving zone.
- 9.6 It shall be the responsibility of the owner for the upkeep of the premises else can hand it over vide registered deed to the Authority in lieu of 100% TDR.

10. General Guidelines on Transferable Development Rights

- 10.1 The transferable development rights certificate may be utilized either at the remaining portion of the area so surrendered or anywhere else in the Master Plan Area, either by himself or by way of transfer to any other person.

The TDR certificates to be issued to SC/ST shall be in accordance with the provision of section 41 of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013”.

- 10.2 Development Rights (DRs) will be granted to an owner or lessee for lands which are In possession of owner or lessee and not vested or handed over to the Government/Urban Local Bodies or any other Government department before.
- 10.3 Development Right Certificate (DRC) shall be issued by the Vice Chairman of Development Authority. Such a certificate shall be a “transferable and negotiable instrument”. The Development Authority shall maintain a register of all transactions, etc. relating to grant of, or utilization of Developmental Right Certificate (DRC).
- 10.4 The Vice Chairman, Development Authority shall issue DRC within 30 days from the date of application or reply from the applicant in respect of any requisition made by him, whichever is later.
- 10.5 Every TDR sold or disposed shall be accompanied by a prescribed agreement on Rs.100/- non-judiciary stamp paper between the person disposing the TDR and the person who intend to utilize the TDR.
- 10.6 In case the TDR certificate is defaced, lost or destroyed and sufficient proof thereof is submitted to the Competent Authority, the same may be replaced on payment of a processing fees at the rate of one percent of present valuation on such date of the sending plot and on submitting the necessary undertaking, indemnity bond, investigative evidences (Copy of FIR), etc. and after giving advertisement in two local newspapers and by following

the detailed process to be prescribed by the concerned Authority, in this regard.

10.7 For arriving at the development right value credit, circle rate of the land surrendered and the circle rate of the land at the utilizing site shall be with reference to the calendar year of utilization. The circle rate at the time of issue of Development Right Certificate or the actual circle rate, whichever is higher, shall be considered for utilization of transfer of development rights for 5 years from the date of issue of Development Right Certificate. The transfer of development rights value may be adjusted towards regularization/compounding charges and purchasable floor area ratio charges. The floor Area Ratio at the utilizing site shall not exceed maximum permissible floor Area Ratio as per the Policy or development regulations or as per Master Plan and as per the directions issued by the Government, from time to time.

11. Transfer of DRC-

The Vice Chairman shall allow transfer of DRC in the following manner,

11.1 In case of death of holder of DRC, the DRC shall be transferred only on production of the documents of death certificate, after due verification and satisfaction regarding title and legal successor.

11.2 If a holder of DRC intends to transfer it to any other person, he shall submit the original DRC to the Vice Chairman with an application along with relevant documents and along with registered agreement which is duly signed by Transferor and Transferee. The transfer shall not be valid without endorsement by the Vice Chairman and in such circumstances the Certificate shall be available for use only to the holder / transferor. (Form-V)

11.3 The Vice Chairman may refrain the DRC holder from utilizing the DRC in the following circumstances:-

- a. Under direction from a competent Court.
- b. Where the Vice Chairman has reason to believe that the DRC is obtained by producing fraudulent documents or by misrepresentation,

11.4 Any DRC may be utilised on one or more plots or lands whether vacant, or already developed fully or partly by erection of additional storeys, or in any other manner consistent with the prevailing Development Control Regulations.

11.5 DRC may be used on plots/land having Development Plan reservations of buildable nature, whether vacant or already developed for the same purpose, or on the lands under deemed reservations, if any, as per prevailing Regulations.

11.6 The Vice Chairman, before issuing DRC, shall verify and satisfy himself that the ownership and title of the land proposed for surrender is with the applicant, and get the Record of Rights to be corrected in the name of Development Authority.

11.7 An application for transfer or utilization of TDR should be in multiple of 10 square meters only except the last remainder.

12. Documents to be submitted along with Application for Grant for Transferrable (DRC) Development Rights Certificate:

Application to be made by owner in the prescribed format giving the following details:

12.1 Name of the owner with clear address, contact phone number, etc.

12.2 Copy of the ownership documents along with clear site plan and location plan (along with Google co-ordinates).

12.3 Site Plan showing the land surrendered, its extent, location with dimensions.

12.4 Details of Building permission granted / applied for like use or purpose of building, number of floors permitted, all-round setbacks, floor area permitted and utilized, parking area permitted; etc.

12.5 Whether already benefit of relaxations been utilized for the site? (Self-Affidavit)

12.6 Whether any Court case is pending? (Self-Affidavit)

12.7 Land value of the site where TDR is to be availed (latest copy from Circle Rates to be enclosed)

12.8 Encumbrance Certificate (Notarized Affidavit)

13. Provisions for Issuance of TDR Certificate:

13.1 The Authority may, by notification, make a scheme for acquiring lands by way of granting TDRs as a compensation to those whose land are proposed to be acquired for the purpose of implementation of projects and programmers' mentioned under section 4. Inter'Alia, the owner Suo-moto can approach authority to avail TDR in lieu of his land portion to be surrendered to the Authority as per Master Plan/Zonal Plan.

13.2 The scheme/projects under section (4) shall include, following information, namely:—

13.2.1 Clearly define the area proposed for surrender to the authority under these rules which shall include name of the Area/Locality/Road so required;

13.2.2 Site plan and topography map of the lands so required

13.2.3 The intended purpose for which these lands are required.

13.3 Before issuing such scheme, Authority shall ensure that,—

- 13.3.1 The scheme/project shall also be published in at least two widely circulated local newspapers and from the date of such publication, Authority may start accepting applications for grant of TDRs with respect to identified lands which are proposed to be acquired under TDR Policy.
- 13.3.2 The owner or the lessee of the land shall, along with the application, produce all documents as prescribed in section no 12. (Form-I)
- 13.3.3 The application so received shall be entered into a register, “TDR Applications” to be maintained by Authorized Officer of the Authority. (Form II)
- 13.3.4 A Scrutiny Committee shall be constituted by the Vice Chairman, Development Authority for the purpose of scrutinizing all the applications, which are being considered for grant of TDRs. A technical report before issuance of TDR (except for road widening TDR’s) shall be obtained from the office of Town and Country Planning w.r.t the provisions of the Master Plan and Building Regulation.
- 13.3.5 The Committee shall consider every application filed under the TDR Policy along with report, if asked any, from the District Sub-Registrar or any other department and any objections filed before it and make a recommendation for grant of TDR certificate to the Vice Chairman of the Authority.
- 13.3.6 The Vice Chairman of Development Authority may consider the recommendations of Scrutiny Committee and decide to grant or reject or decide with respect to application for grant of TDRs and whose decisions shall be final and shall not be called in questioned in any Civil Court.
- 13.3.7 If the application for Transferable Development Right is approved by the Competent Authority, then an order shall be issued to the concerned Tahsildar for mutating the land so surrendered in the name of the Development Authority.
- 13.3.8 After issue of Record of Right the Vice Chairman or the officer authorized by him shall issue TDR certificate to the applicant. (Form-III)
- 13.3.9 Every TDR certificate so issued must be entered serially into the “Ledger of TDR certificates” to be maintained by Authorized Officer. The Serial number of each TDR certificate should be unique. (Form-IV)

13.3.10 Any fees or charge to be paid to Tahsil for the purpose of mutation of records or issuance of Record of Rights in favour of Authority shall be borne by the Applicant.

13.3.11 Two original TDR certificates shall be prepared and issued under the seal and signature of the Authorised officer of the Authority, of which, one is required to be kept in official record of the Authority and second shall be issued to the applicant after entry in TDR Ledger and a unique account number shall be assigned to each such case. **(Form-IV)**.

14. Utilization of Transferable Development Rights:-

14.1 A holder of DRC who desires to use FAR credit therein on a particular plot (Receiving zone) of land will attach valid DRCs to the extent required with his application for development permission.

14.2 Proposal for Transferable Development Rights (TDR) utilisation will be submitted along with the documents prescribed in these Rules.

14.3 With an application for development permission, where an owner seeks utilisation of DRC, he will submit the DRC to the Vice Chairman who will approve thereon the quantum of the TDR proposed to be utilized, based upon the technical report received from TCPD before granting development permission.

14.4 Before issuance of permission, the Vice Chairman will approve in writing in figures and words, the quantum of TDR/DCRs actually used and the balance remaining if any in DRC.

14.5 The Transferable Development Rights (TDR) generated from any land use zone shall be utilised on any receiving plot irrespective of the land use zone and anywhere in congested or non- congested area earmarked on Master Plan as receiving zone as per the formula given in section 14, sub-section 14.7.

14.6 The Sale of TDR certificate would be determined by the Market Demand and Market Rate of the land of that area on given time. The TDR owner would be free to trade the TDR certificate based on Market Rate and Market demand of the TDR on that given time.

14.7 The equivalent quantum of Transferable Development Rights (TDR) to be permitted on receiving plot shall be governed by the formula given below:-

i) The calculation of quantum of saleable TDR by DRC holder :-

Formula: $X = (R_g / R_r) \times Y$

Where, X = Permissible Utilisation of TDR in sqm on receiving plot

R_g = Rate for land in Rs. per sq.m. as per circle rate in sending plot in utilizing year. (Say Rs. 2000)

R_r = Rate for land in Rs. per sq.m. as per circle rate on utilizing plot in utilizing year. (Say Rs. 4000)

Y = TDR from DRC in sq.m.

For Example: If the rate of sending plot is Rs 2000 (R_g) and the rate of receiving plot is Rs 4000 (R_r) and the TDR as per Development Right Certificate is 300 sqm, then the Permissible Utilization of TDR in sqm on receiving plot (X) would be 150 sqm. This means the DRC holder can sell only 150 sqm which is equivalent to 300 sqm of DRC. After selling 150 sqm, DRC is left with no balance.

In case of rates of both the areas are same the TDR in sqm on receiving plot (X) would be the same (300 sqm) and in case the rate of the sending plots is high than the receiving plots, then the TDR will be higher on receiving plots.

ii) The calculation of quantum of TDR to be purchased by the receiving plot.

If the required built up area for the receiving plot is 100 sqmt, then the TDR to be purchased shall be governed by the formula.

$$A = \frac{R_r}{R_g} \times B$$
$$= \frac{4000}{2000} \times 100 = 200 \text{ sqm.}$$

A = TDR to be purchased

R_r = Rate for land in Rs. per sq.m. as per circle rate on utilizing plot in utilizing year. (Say Rs. 4000)

R_g = Rate for land in Rs. per sq.m. as per circle rate in sending plot in utilizing year. (Say Rs. 2000)

B = required built up area for receiving plot (100 sqmt)

Developer needs to purchase 200 sqmt from this TDR certificate to translate it to 100 sqmt on his receiving plot.

15. Utilisation of Transferable Development Rights (TDR) and Road Width Relation:-

The total maximum permissible built-up area and utilisation of Transferable Development Rights (TDR) on receiving plot will be, subject to the road width, as prescribed below:-

Sr. No	Plots Fronting on Road Width (existing width in meters)	Maximum permissible TDR loading on Plot area in sqm				Max. FAR (Subject to maximum permissible height)
		Upto 500 sqm	500 to 1000 sqm	1000 to 4000 sqm	4000 sqm and above	
1	2	3	4	5	6	7
1	6.0 mt and above but less than 7.5 mt (only in hills)	0.10	0.20	0.30	0.40	2.25
2	7.5 mt and above but less than 9 mt (only in hills)	0.20	0.30	0.40	0.50	2.5
3	9 mt and above but less than 12 mt	0.30	0.40	0.60	0.70	2.75
4	12 mt and above but less than 18 mt	0.40	0.60	0.80	0.90	3.0
5	18 mt and above but less than 24 mt	0.60	0.80	1.00	1.20	3.5
6	24 mt and above	0.80	1.00	1.20	1.40	4.0

Note-

- 1- Column No.3, 4, 5 and 6 shows the maximum permissible TDR that can be utilised on any plot.
- 2- FAR loading limit on such plot (Maximum Building potential column 7) shall be the Basic FAR + TDR + Additional FAR on payment of premium if any. The basic FAR shall be 1.5 and the max. Permissible FAR shall not exceed 3.5-4.0 as prescribed in the Master Plan for various Zones.
- 3- In case, a building exists on the receiving plot then set backs applicable for the building as per sanctioned plan by the Competent Authority shall deem to be set backs required for new height after utilizing admissible TDR, subject to approval/No Objection Certificate (NOC) from Fire Department and/or Airport Authority, as required.
- 4- The height restriction in hills shall remain as per building byelaws/Master Plan but for roads more than 9.0 mt in width, the height can be 15.0 mt. (but the areas restricted for height in Master Plan shall not be eligible to avail such provisions).

16. Utilization of TDR Certificate on Receiving Plots:

- 16.1 When a TDR certificate holder wants to utilize a part or full value of TDR certificate on any plot, then he should apply for issuance of TDR Certificate Utilization Order (hereinafter referred as TCUO) to the Authorised Officer. (Form-VII)
- 16.2 Every application for TCUO should be entered by Authorized officer nominated by the Vice Chairman in this regard in “Register for Applications received for Utilization of TDR certificates”, which is to be maintained as is prescribed. (Form-VII)
- 16.3 The Authorised Officer nominated by the Vice Chairman in this regard shall examine the proposal in consultation with the office of the Town and Country Planning Department and provide its recommendations to the Vice Chairman.
- 16.4 The Vice Chairman of the Authority may consider such recommendations and decide to approve or otherwise the applications of TDR Certificate Utilization Order (TCUO).
- 16.5 After approval of the Competent Authority, a TDR Certificate Utilization Order in the name of the owner of the receiving plot to the extent for which approval has been made shall be issued. (Form-IX)
- 16.6 The TCUO shall be issued and records of all such TCUO issued shall be maintained in “Register of TDR Certificate Utilization Orders” and on basis of same, Original Certificate shall be cancelled and fresh TDR Certificate should be issued to transferor, to the extent of value left, if any. (Form-VIII)
- 16.7 Before approval of the Building Plan of receiving zone, The Authorized Officer shall cancel the TCUO and enter the details in “Register of Consumed TCUOs”. (Form-XI)
- 16.8 In case, a building exists on the receiving plot then set backs applicable for the building as per sanctioned plan by the Competent Authority shall deem to be set backs required for new height after utilizing admissible TDR, subject to approval/No Objection Certificate (NOC) form Fire Department of Airport Authority of both.

17. Areas Restricted from Utilisation of Transferable Development Rights

Utilization of Transferable Development Rights (TDR) will not be permitted in following areas:-

- 17.1 No development zone / Green zone / Reserve Forest Area /Sanctuary Zone/Land Slide Zone and Bio Diversity Park and area reserved in the Master Plan.

- 17.2 Area within the flood control line/ prohibitive zone by NGT or DCR.
- 17.3 Where the road width is less than 6.0 meters in hills and 9.0 meters in plain.
- 17.4 Area having developmental prohibition or restrictions imposed by any notification or orders issued under the provisions of any Central/State Act/Rules. Or by Hon' Supreme Court /High Court.
- 17.5 Area in the periphery of 100 meters of Heritage Building notified by ASI, FRI, IMA, Survey of India, Uttarakhand Vidhansabha, Uttarakhand Secretariat, Defence Establishment, Industrial Area and prominent Government buildings.

18. Cancellation of Transferable Development Rights Certificate:

- 18.1 Where any owner or lessee of the land acquires TDR certificate by fraudulent means or by means of misrepresenting the information before the Authority then TDR certificate issued under these rules shall be liable for cancellation, and such person shall be liable for prosecution as per law.
- 18.2 If TDR certificate acquired through fraudulent means has been utilized by misrepresenting the facts then the value of such TDR on the date of utilization shall be recovered from the concerned person as "arrear of land revenue" under the Public Demand Recovery Act, 1914.
- 18.3 The DRC shall be valid for a period of 5 years. However, the same will be revalidated for a further period of 5 years. The DRC shall however lapse after expiry of 10 years.

19. Audit of Transferable Development Rights Certificate, etc.:

- 19.1 The TDR certificates, TCUO and all other records in form of applications and registers to be maintained under these rules shall be internally audited by an Officer of Authority or any Agency approved by the Authority.
- 19.2 The audit shall be done at least once in six months to check whether rules and other instructions of the State Government and Authority in this regard are being followed or not and the audit officer shall submit a report to the Authority with a copy to the State Government in Housing Department.

20. Maintenance of Record:

Without prejudice to the foregoing provisions of the policy, the Authority may make efforts to ensure implementation of the policy by developing suitable e-governance platforms, which provides for filling of on-line applications, automation of processes between various officials, issuance of digitally, signed TDR certificates and TCUO and such other action to ensure quick disposal of claims made under the rules.

21. Overriding effect:

Building Bye-laws enforced for the Authorities responsible for planning are deemed to be amended to the extent provided in the Policy. The Master Plan /Zonal Plan Provisions shall supersede the General Building Byelaws of the state. Which in turn shall be in tune with this policy.

22. Power of the State Government:

22.1 Notwithstanding anything contained in the foregoing paragraphs of the Jharkhand Transferable Development Rights Policy 2021 the State Government by issuance of notification in the official gazette may amend or withdraw any of the provisions and/or the scheme mentioned herein above.

22.2 If any difficulty arises in giving effect to provision of the Uttarakhand Transferable Development Rights Policy 2021, and/or if any dispute arises about the interpretation of any provisions of the said rule, the same shall be referred to the Chief Minister through Chief Secretary and thereon the decision taken shall be final.

23. Removal of Difficulties:-

In case of any difficulty in the implementation of the Policy, matter may be placed before the Empowered Committee headed by Minister, Housing Department. Empowered Committee may take a decision in such cases and issue such direction as are deemed necessary for implementation of the Policy.

FORM-I

Application for issue of Transferable Development Rights (TDR) Certificates

From: _____ _____ _____ (Name in Block Letters and full address for correspondence of person furnishing information). Mobile- Email-	For Office use only; Receipt Date Regd. No. Place- Date- Signature of Officer receiving
--	---

To,
The Vice Chairman
_____ Development Authority _____.

Sub: - Application for issue of Transferable Development Rights (TDR) Certificates.

Sir,

In response to area reserved for public uses in the notified Master Plan/ your notification No. _____ dated _____, on following lands, the applicant(s) has/have interest. Details of such lands along with supporting documents pertaining to legal rights, plot area, details of structures/plantation on it are furnished herewith below.

1- Land Details;

Village / Local Body	Khasra No./ Ward No. (with property no.)	Plot Area (sqm)	Area proposed for TDR out of total area.	Road on which the Plot is situated	Circle Rate	Plantation/ Trees if any	Land use as defined in the Master Plan.

(Please attach self-signed photo copies of the Land ownership documents including copy of Registry / Mutation deed, Encumbrance Certificate; Rent receipts, Holding Tax receipts etc. indicating legal right over the land and Google Map with co-ordinates of the site)

2- Type of structures on the proposed land:

A) Construction:

- (i) Plinth area in Sq. Metres.
- (ii) Type of construction (RCC Roof/Tin/Asbestos/others)
- (iii) No : of Floors
- (iv) Sanctioned by the Development Authority or not

B) Plantations:

(i) Species of Tree (Photographs to be enclosed):

(ii) Numbers-

This is to certify that the above information is true and correct to the best of my knowledge and belief and there is no misrepresentation of facts or fraudulent statements with respect to information and documents furnished.

On basis of above, I request that TDR Certificate may be issued to me in lieu of lands being proposed for surrender to Authority as per Rules and Regulations/ Policy. I also undertake to abide by all terms and conditions as given in Rules to Regulations / Policy meant for purpose.

Applicant's

Full Name _____

Full Signature _____

List of documents enclosed:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

FORM-II
REGISTER FOR TDR APPLICATIONS

1. Application Unique Number:	
2. Date of Receipt:	
3. Name of applicant:	
4. Address for correspondence :	
5. Mobile/TelephoneNo.	
6. Email ID.	

7. Land Details:

Village / Local Body	Khasra No./ Ward No. (with property no.)	Plot Area (sqm)	Road on which the Plot is situated	Circle Rate	Plantation/ Trees if any

8. Status of Civil Construction on proposed Land for TDR—

- 1) Plinth Area in Square metres—
- 2) Type of Construction: — (RCC/Asbestos/Tin/Other (specifies):
- 3) Whether Photo submitted —Yes/No

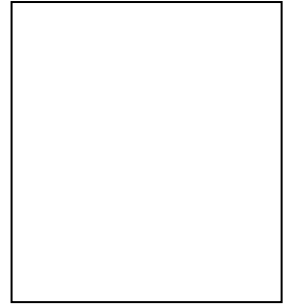
9. Status of Plantation of trees, if any: —

- (i) Species of Tree (Photographs to be enclosed):
- (iii) Numbers-

10. List of documents submitted:—

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)

FORM-III
TRANSFERABLE DEVELOPMENTS RIGHT CERTIFICATE
FOR DEVELOPMENT AERA



TDR Certificate No. _____ Issued by: _____ Development Authority.

Validity is for five years from the Date of Issue

1. This Certificate is issued under the provisions of Uttarakhand Transferable Development Rights Policy, conferring Transferable Development Right measuring _____ Square meter in favour of :-

Mr./Mrs./Ms. _____

2. The TDR Certificate is in lieu of land surrendered to Authority by these Certificate Holders.

3. The Land Schedule of the surrendered land is as follows:

(i) Village /Local Body: _____

(ii) Khasra No./ Ward No.(alongwith property no.) _____

(iii) Area surrendered _____ Square metre (in words)

(iv) Value of the Plot (Rs./sqm)as per prevailing Circle Rate on date of issuance _____ (in Rs)

(v) Landuse of the surrendered land in the Master Plan _____

4. The surrender to Authority was by way of a registered conveyance deed bearing deed No. _____ date _____ in the office of Sub Registrar _____ in favour of _____ Authority having office at _____

5. Further these TDR Certificate can be transferred to anyone by applicant(s) by way of gift or sale.

6. TDRs conferred through this certificate can be transferred to any other persons as per these rules.

7. The TDR can be utilised/consumed at the sending plot or any other receiving plot within _____ development plan area as per provisions of Uttarakhand Transferable Development Policy and subject to provisions of building norms, Master Plan/Zonal plan/TPS/LAP in force applicable for the receiving plot.

8. TDR Certificate can be further revalidated by the Authorized Officer before its expiry as per provisions of Uttarakhand Transferable Development Policy.

Place:
Date:

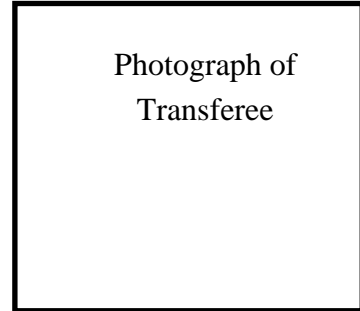
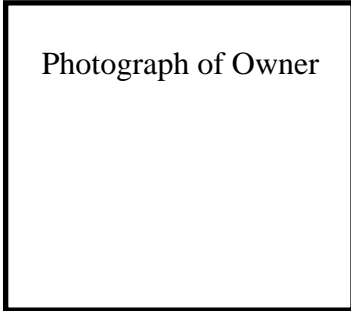
Authorized Officer

FORM-IV
LEDGER OF TRANSFRABLE DEVELOPMENT RIGHTS CERTIFICATE

Sl.	Unique No. of Application	Name of Applicant(s)	Address for correspondence	Village/ Local body	Land Surrendered		
					Khasra No./ Ward No. (property number)	Plot Area	
						In figure	In words
1	2	3	4	5	6	7	8

Certificate issued for Built up area (in sq.mtrs)	TDR Certificate No.	Date of issue	Received by	Date of receipt	Remarks	Signature of Officer
9	10	11	12	13	14	15

FORM-V
APPLICATION FOR TRANSFER OF TRANSFERABLE DEVELOPMENT
RIGHTS CERTIFICATE IN _____ DEVELOPMENT PLAN AREA



From:		For Office use only
Name of Applicant(s)	-----	Regd No.-----
(Correspondence Address in Capital Letter)	-----	Date of receipt-----
Mobile No.	-----	Transfer fee paid Rs.-----
Email ID	-----	Challan No. & details with Date.....

To,
 The Vice Chairm,
 _____Development Authority
 _____.

Sub:- Request for transfer of Transferable Development Rights (TDRs) Certificate.

Sir/Madam,

1- The Transferable Development Right Certificate issued in my/our favour as per particulars given below may kindly be transferred in favour of Mr/Ms _____ as per details furnished below. The photocopy of the TDR Certificate duly self-attested is enclosed along with other requisite documents.

2- Particulars of TDR Certificate

A. Name of Owner(s):-

B. TDR Certificate No:-

C. Date of Issue:-

D. Extent of TDRs (in Sq. Metres):-

(In words) _____

(In figures) _____

E. Land Schedule of surrendered land:-

(i) Village:_____ (ii) Khasra No._____

(ii)(iii)Area:_____ (in Sq.Metres):-

(In words)_____

(In figures _____

3- To be transferred to:

(1) Name of Transferee(s):-

(2) Correspondence Address:-

(3) E-mail ID:-

(4) Mobile No:-

(5) Amount of TDR proposed to be transferred:_____ (Sq. Mtr.)

(6) (in figure _____)

(in words _____)

(which has been calculated as per the formulas given in section 14 of the policy)

All the considerations for such transfer shall be paid and received by the owner and transferee respectively prior to issue of transfer certificate. _____Development Authority and the Authorised Officer are indemnified against all liabilities arising out of such transfer.

The information's furnished in the applications are true to the best of our knowledge and belief.

Yours faithfully,
Signature of Applicant(s)
Name:

Signature of Transferee:

Name:

Address:

List of documents to be attached:

- 1- Application in prescribed form duly filled and signed. 2- Xerox copy of TDR Certificate duly signed.
- 3- Stamp size photograph 3 copies each) of owner applicant and transferee duly signed at the back.
- 4- ID proof copy of transferee duly signed.
- 5- Address proof copy of transferee duly signed.
- 6- Copy of the agreement in original for such transfer.

FORM-VI
(Register of applications received for transfer of TDRs)

Sl. No.	Registration No. of application Received.	Date of issue of TDR	Name of Applicant (s)	Correspondence Address	TDR Certificate No./ Date	Built up area available in TDR in Sq. mtr	Name of Transferee (s).
1	2	3	4	5	6	7	8

Correspondence address of transferor (s)	Built up area to be transferred (In Sq. mtr.)	Fees paid	Built up area for which certificate is issued in favour of transferee	TDR Certificate No. of transferee	Date of issue	Signature of Officer
9	10	11	12	13	14	15

FORM-VII
Application for TDR certificate Utilization Order (TCUO)

From:		For Office use only
Name of Applicant(s) -----		
(Correspondence Address in -----		Regd No.-----
Capital Letter) -----		Date of receipt-----
Mobile No. -----		
Email ID		Signature of Receiving Officer

To,

The Vice Chairman
_____Development Authority

Sub:- Application for issue of TDR Certificate Utilisation Order(TCUO)

Sir,

The details of TDR Certificate(s) issued in my /our favour is/are as follows, the photocopy of which is enclosed.

I. Name: _____

TDR Certificate No. _____

Date of Issue- _____

Built up area granted in Sq.mtr. _____ (In figure _____)

(In words _____)

II. Details of Sending plot

(i) Village / Local body:- _____

(ii) Khasra No/ Ward No.:- _____

(iii) Plot Area (Sq. mtr) _____ (In figure _____)

(In words _____)

(iv) Value of plot (Rs./sqm) as per prevailing circle rate on date of issuance of TDR _____

(v) Value of plot (Rs./sqm) as per prevailing circle rate on date of issuance of utilization of TDR _____

III. TDR Utilisation order for Transferable Development Right (TDRs) to an extent of _____ Sq.mtrs. (In words _____) calculated as per the provision of section 14 of the policy, may be issued in my/our favour for utilisation of the same in receiving plot. The details of the location of receiving plot is furnished herewith.

IV. Details of Receivingplot:

(i) Village / Local body:-_____

(iii) Khasra No/ Ward No:-_____

(iv) Plot Area (Sq. mtr) _____ (In figure _____)
(In words _____)

(v) Existing approach Road width _____ mt.

(vi) Value of plot (Rs./sqm) as per prevailing circle rate on date of utilization of TDR _____

It is requested to kindly issue utilization order as applied for and oblige

Yours faithfully,

Place:

Signature:

Date:

Name:

List of documents Enclosed:

1. TDR Certificate No. _____ in original
2. TDR Certificate No. _____ Xerox copy duly signed
3. Revenue sketch map plan of the receiving plot
4. Google Map and google- co-ordinates of the receiving plot.
5. Ownership document/ROR copy of receiving plot.

FORM-VIII**Register of Applications Received for Utilisation of TDR Certificate.
To be maintained by Development Authority**

Sl. No.	Date of receipt	Regd. No.	Name of Applicant(s)	Correspondence Address	TDR Certificate No	Date of issue of TDR Certificate	Total extent of TDRs. (In Square mtrs.)
1	2	3	4	5	6	7	8

Details of Sending Plots			Details of the original owner of Receiving plot	Correspondence Address
Village / Local body	Khasra No./ Ward no.	Circle Rate		
9	10	11	12	13

Details of Receiving Plots			Utilization order No./date	Extent of TDR (in Sq. mtrs.) permitted for utilization
Village / Local body	Khasra No./ Ward no.	Circle Rate		
14	15	16	17	18

Balance extent of TDR (in square meters)	Building plan File No.	Remarks	Signature of Planning Officer	Counter signature of Authorised Officer by VC
19	20	21	22	23

FORM-IX

Transferable Development Rights Certificate Utilization Order (TCUO) ORDER

Whereas,

Mr./Mrs./M/s. _____

(Address) _____

along with all requisite documents and fees, had made an application vide Application Unique No.:
_____ dated _____ for issue of TDR Certificate Utilization Order/TCUO to the Vice Chairman.

2. After, scrutiny of all relevant documents, the applicant Mr/Mrs/Ms is hereby permitted to utilise TDR Certificate No. _____ to a tune of _____ sq. mtr (In words _____) on the receiving plot as per schedule given below:

TDR certificate No. _____, Date of issue _____

Details of Sending Plot	Details of Receiving Plot
i) Village / Local body:- (ii) Khasra No/ Ward No.:- (iii) Area Sq.mtr. (In figure _____) (In words _____)	i) Village / Local body:- (ii) Khasra No/ Ward No.:- (iii) Area Sq.mtr. (In figure _____) (In words _____)

3. The TDR Certificate No. _____ of Mr./Mrs./Ms. _____ be cancelled and Fresh TDRs Certificate be issued for balance TDRs available and requisite entries shall be made by the officials concerned in respective registers and documents forthwith.
4. Further this TCUO is to be processed/allowed/cancelled as per the provisions of Uttarakhand TDR Policy only.

By order of Vice-Chairman

Letter No. _____, Dt _____

Copy to:

1- Mr/Mrs/M/s _____ Address _____
in reference to his/her/their application dated _____ for information and necessary action.

Authorized Officer

FORM –X
REGISTERS OF TDR CERTIFICATE UTILISATION ORDER

Sl. No.	Order No.	Date	Name of The Applicant	Address for correspondence	TDR Certificate No./Date against which TCUO issued.	Total extent of TDR in the TDR Certificate (Sq. Mtr.)
1	2	3	4	5	6	7

Receiving plot details			Extent of TDR allowed For utilization Under TCUO (In Sq. Mtr.)	Name of Original TDR s Certificate holder, if any	Balance TDRs left in TDR (In Sq.mtr.)	Signature of Authorised Officer	Remarks
Village /local body	Khasra No. /Ward No.	Area (in sqm) received as TDR	11	12	13	14	15

FORM-XI
Registers of Consumed TCUOs

SI. No	Details of TCUO			Sending plot details			Receiving Plot details		
	No	Date	Extent of TDRs (Sqm)	Village	Khasra No	Plot Area (In sqm)	Village	Khasra No.	Plot Area (In sqm)
1	2	3	4	5	6	7	8	9	10

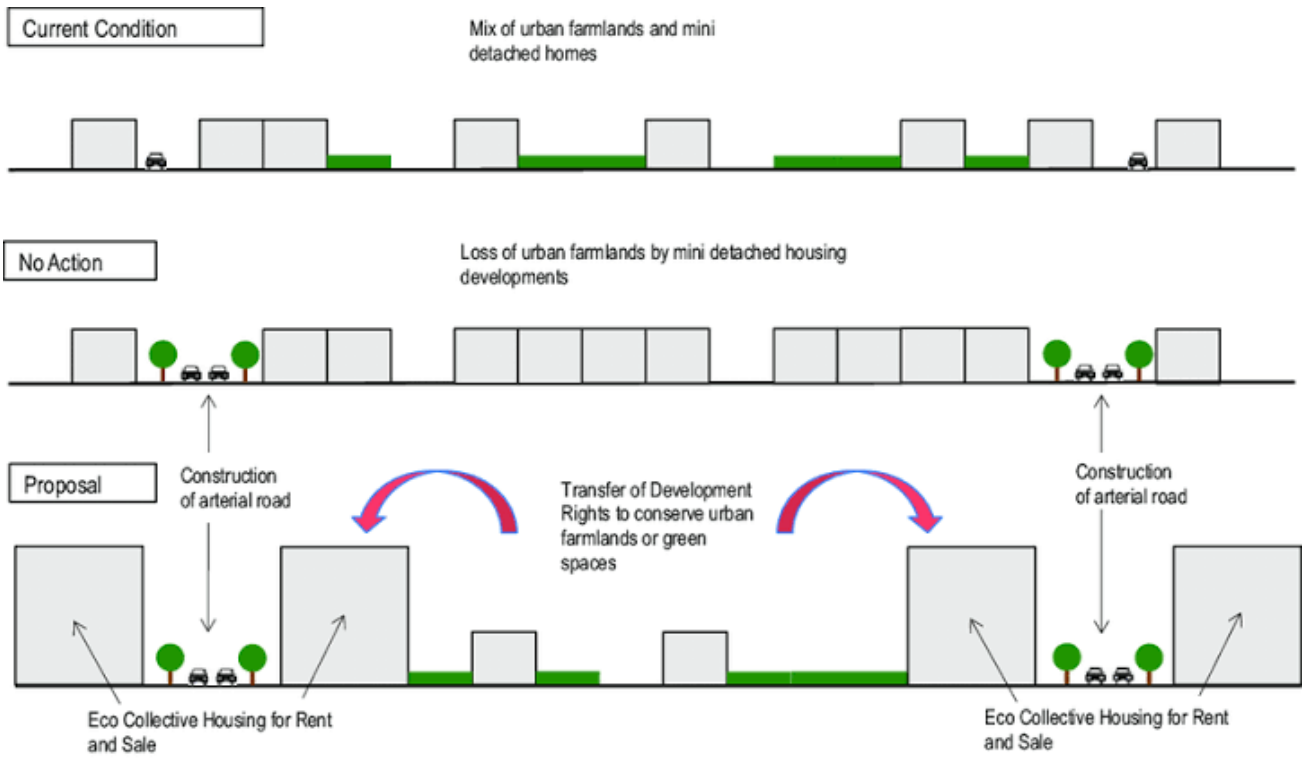
TDRs consumed in square meter	Details of Building plan approved		Name of Applicants in whose favour Building Permission was issued		Remarks	Signature of Planning Officer	Signature of Authorised Officer
	File No.	Date	Letter No.	Date			
11	12	13	14	15	16	17	18

FORM-XII
Processing Fee Details

Processing Fee for Submission of Application for TDR	Rs 1000.00
Processing Fee for Submission of Application for TDR Utilization Order	Rs 2000.00
Processing Fee for Submission of Application for Transfer of TDR	Rs 3000.00

ILLUSTRATION -I

Transferable Development Rights (TDR) Concept



TDR Concept Diagram

ILLUSTRATION –II

TDR for Historic Building

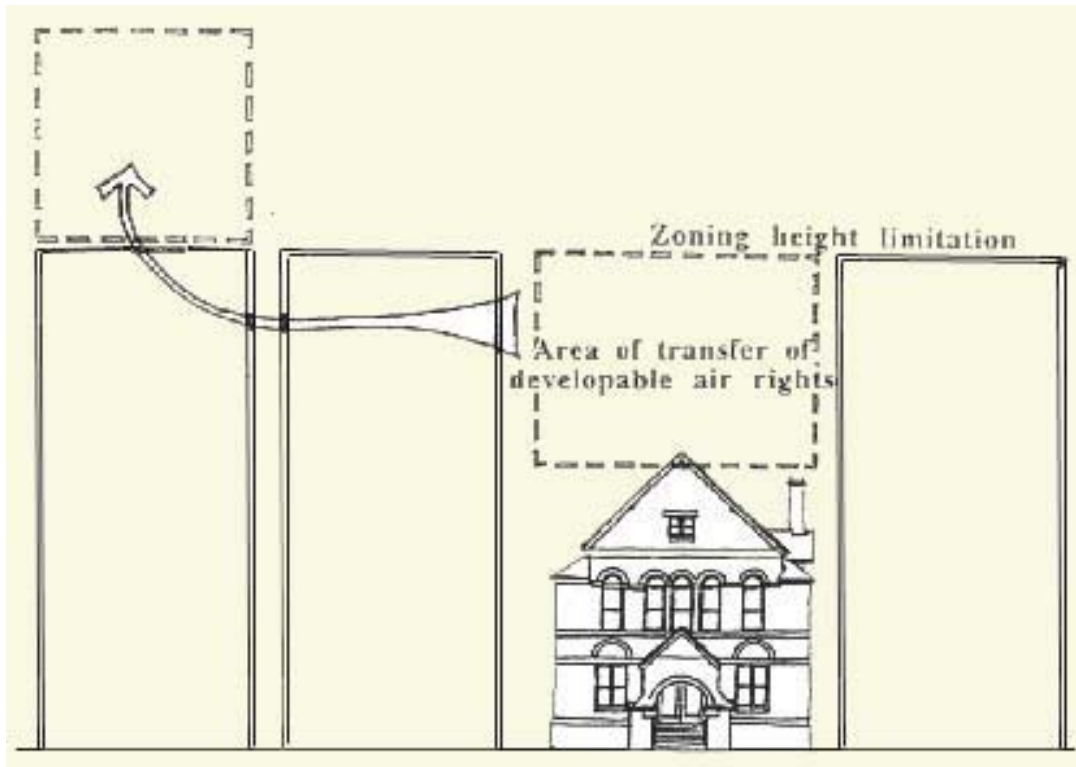
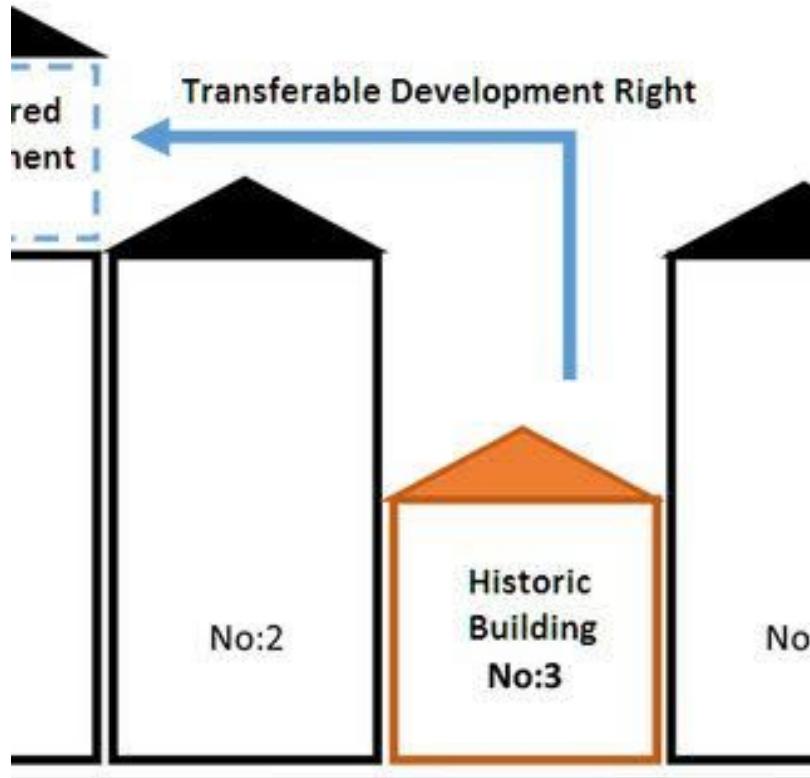
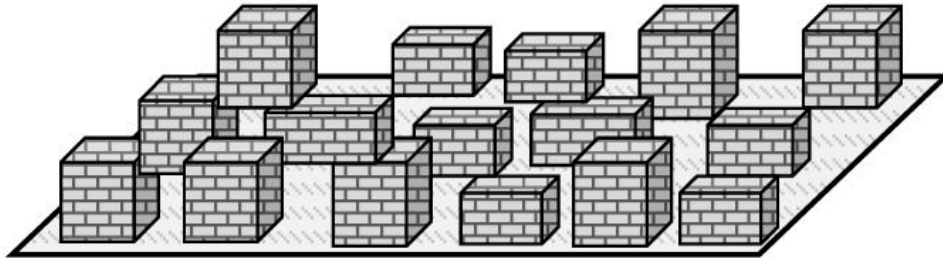
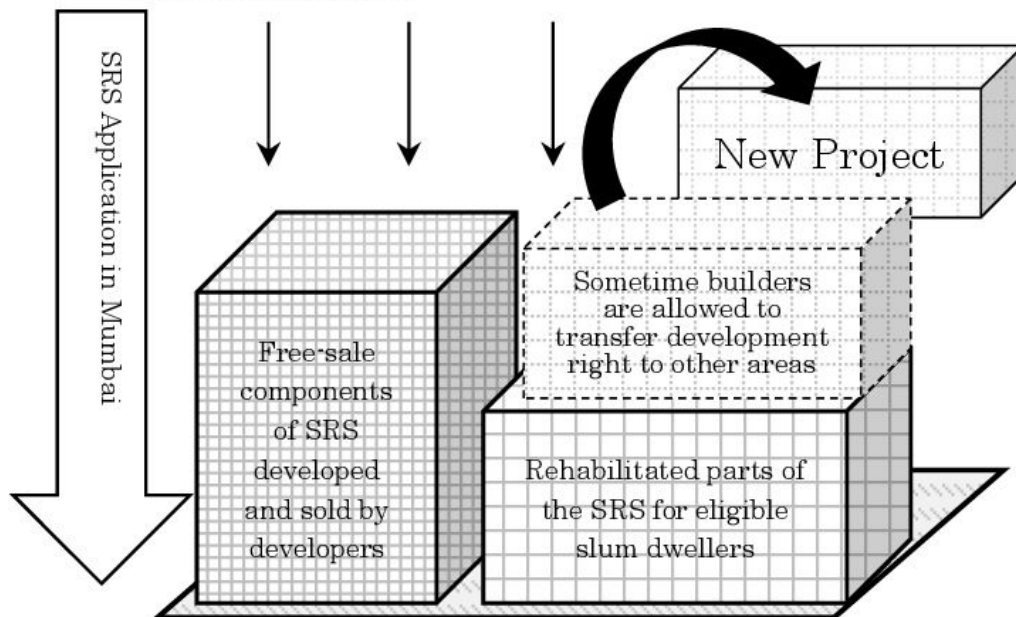


ILLUSTRATION –III

Slum Rehabilitation Scheme (SRS)



Slums cover the area before the application of Slum Rehabilitation Scheme



Developers rehabilitate the slum and create tenements for the eligible slum-dwellers and free-sale tenements for the open market. In some cases, they transfer their development rights to other areas to recover construction costs and generate a profit (Slum Rehabilitation Authority; SRA)