

	Department of Panchayats & Rural Development Govt. of West Bengal		<u>Controlled Copy</u>
DOCUMENT NO:	SOP 1/ P&RD		
SECTION TITLE:	PROCEDURE FOR SEEKING PERMISSION FOR ERECTION OF A NEW STRUCTURE OR BUILDING OR TO MAKE ANY ADDITION TO THE EXISTING STRUCTURE OR BUILDING IN RURAL AREAS AND GRANT OF PERMISSION THEREOF		
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1.Purpose: Seeking permission for erection of a new structure or building or to make any addition to the existing structure or building in rural areas and grant of permission thereof.

2.Scope : Erection of a new structure or building or to make any addition to the existing structure or building in rural areas

3. Responsibility and Authority :

- i) Special Secretary, P&RD Department(looking after vetting cell)
- ii) Executive Officer of Zilla Parishad concerned
- iii) Joint Secretary, P&RD Department(looking after vetting cell)
- iv) Sub-Divisional Officer of Sub-Division concerned
- v) Executive Officer of Panchayat Samiti concerned
- vi) Joint Executive Officer of Panchayat Samiti concerned
- vii) Pradhan of Gram Panchayat concerned

4. References :

- i) West Bengal Panchayat Act, 1973
- ii) West Bengal Panchayat(Gram Panchayat Administration) Rules, 2004
- iii) West Bengal Panchayat(Panchayat Samiti Administration) Rules, 2008

5.Abbreviation:

- P&RD : Panchayats & Rural Development.
- E.O. : Executive Officer
- GP : Gram Panchayat
- PS : Panchayat Samiti
- ZP : Zilla Parishad
- MSME : Micro, Small and Medium Enterprises

Procedure:

6.1 Any person or agency intending to erect a new structure or a new building or to make any addition to any existing structure or building in any rural areas shall make an

application before the appropriate authority. The office to which the application is to be submitted and the authority to grant necessary permission are given below :

TABLE-1

Sl No.	Purpose	Application to be submitted to	Permission will be given by
1	For erection or alteration etc. of structure or building for residential, institutional purpose within the jurisdiction of GP	GP office	Pradhan of GP
2	For erection or alteration etc. of structure or building for setting up of an industry other than in industrial estate or industrial park within the jurisdiction of GP	Designated office of the Department of MSME & Textile	Pradhan of GP
3	For erection or alteration etc. of structure or building for residential, institutional purpose within the planning area of a Development Authority under the jurisdiction of PS	PS office	EO of PS
4	For erection or alteration etc. of structure or building for setting up of an industry other than in industrial estate or industrial park within the planning area of a Development Authority under the jurisdiction of PS	Designated office of the Department of MSME & Textile	EO of PS
5	For erection or alteration etc. of structure or building for setting up of an industry in industrial estate or industrial park within the jurisdiction of GP or within the planning area of a Development Authority under the jurisdiction of PS	Office of the Industrial Development Authority or Corporation	Office of the Industrial Development Authority or Corporation

6.2 The intending persons shall submit the application to the office concerned in the following manner :

- a) Application in Form-4- in triplicate (if the proposed building or structure is under the jurisdiction of GP)
Application in Form 4A- in triplicate (if the proposed building or structure is under the planning area of a Development Authority within the jurisdiction of PS)
- b) Plan of the proposed building or structure in triplicate, signed by the applicant or the agency as the case may be and authenticated by a competent technical person as mentioned below:

TABLE-2

Nature of building	Qualification
1. Residential building up to the height of 4 (four) metres.	Draftsman (Civil)

2. Residential building up to the height of 11 (Eleven) meters	Licensed building surveyor having diploma in Civil Engineering.
3. Residential building up to the height of 15 (Fifteen) meters	Degree holder in Civil Engineering.
4. All buildings (Residential, Commercial or Institutional)	Architect

- c) Soil stability report issued or authenticated by LBS, Structural Engineer, Geo-technical Engineer.
- d) Site plan of the proposed building or structure in triplicate, signed by the applicant or the agency as the case may be and authenticated by a competent technical person.
- e) Copy of Records of Right of the concerned land for construction, addition of the proposed building.
- f) Copy of the document showing title and interest of the applicant.

6.3 Permission fees for erection of new structure or building or to make any addition etc. for residential or institutional purpose shall be deposited in cash along with the application.

In the case of setting up of an industry other than in industrial estate or industrial park, the fees shall be deposited at the time of collection of the approved plan from the office of GP or PS.

In the case of setting up of an industry in industrial estate or industrial Park, the fees shall be deposited to the office of GP or PS after sanction of the plan by the Industrial Development Authority. Industrial Development Authority shall hand over the approved plan and the permission letter to the applicant on production of the receipt for deposition of fees at the office or GP or PS.

TABLE-3

Category of Gram Panchayat Area	Type of construction (New/Addition/Alteration)	Thatched Tine, Tile, or Asbestos shed without brick wall covering area more than 18 sq. meters(kutcha house)	Thatched, Tin, Tile, or asbestos shed with brick wall (Semi-Pucca House)		Pucca Building (Rates on the basis of per sq. ft of total floor area of the proposed structure / building)	
			Construction for Residential purpose	Construction for Commercial purposes	Construction for Residential purpose	Construction for Commercial purpose
Gram Panchayats outside the jurisdiction of KMDA & other Development	New Construction	Rs. 60	Rs. 150	Rs. 300	50 paisa	Rs. 1.00
	Additional Construction /Remodelling	Nil	Rs.100	Rs. 200	50 paisa	Rs. 1.00

Authority	/Alteration					
Gram Panchayats under the jurisdiction of KMDA & other Development Authority	New Construction	Rs. 80	Rs.250	Rs. 500	Rs. 1.50	Rs. 2.50
	Additional Construction/ Remodelling /Alteration	Nil	Rs.150	Rs. 250	Rs.1.50	Rs. 2.50

6.4 On receipt of the application, the Gram Panchayat or Panchayat Samiti or designated office of the MSME & Textile Department shall check the completeness of the application and issue an acknowledgement to the applicant in Form I of the WB Right to Public Services Rules, 2013 by noting down the date within which the service shall be provided and defect in the application, if any, that needs to be rectified.

6.5 The Gram Panchayat or the Panchayat Samiti thereafter shall start processing of the application in the manner as enunciated in rule 17 to 38 of the West Bengal Panchayat(Gram Panchayat Administration) Rules, 2004 or rule 64 to 83 of the West Bengal Panchayat(Panchayat Samiti Administration) Rules, 2008 and shall make necessary field visit for the purpose. If all the documents are found genuine and are in conformity with the requirement of the said Rules, the Gram Panchayat or the Panchayat Samiti shall either approve the building plan and the site plan and issue permission letter directly or to send the building and site plan to the appropriate authority for vetting in the following cases :

TABLE-4

Sl No.	Specification of building or structure	Plan to be vetted by
i)	Plinth area upto 150 sq. meters and height upto 6.5 meters	Gram Panchayat
ii)	Plinth area upto 300 sq.meters and height upto 6.5 meters	Panchayat Samiti
iii)	Plinth area upto more than 300 sq.meters and height upto 15 meters	Zilla parishad
iv)	Height more than 15 meters	P & RD Department

Otherwise, Gram Panchayat or Panchayat Samiti, as the case may be, will withhold or refuse to grant such permission and communicate the decision of the Gram Panchayat or Panchayat Samiti to the applicant stating reasons for doing so.

The designated office of the MSME & Textile Department shall only forward the application along with documents received at its designated offices to the authority mentioned in Table 4 depending upon the specification of the building and the Gram Panchayat or Panchayat Samiti, as the case may be, shall ultimately issue necessary permission.

6.6 On receipt of the vetted plan from the appropriate authority, Gram Panchayat or Panchayat Samiti, as the case may be, shall retain a copy of the vetted plan in its office and hand over the permission letter along with copies of the vetted building and site plan to the applicant.

7. Stipulated time period for providing service under West Bengal Right to Public Service Act, 2013:

The Pradhan of GP or the Executive Officer of PS concerned, as the case may be, shall accord permission for erection of new structure or building or making addition to an existing structure or building within the specific time period from the date of receipt of the application at the office of GP or PS .The time period is given in the Table below :

TABLE-5

Sl No.	Purpose	Area	Within the period if the GP or PS accord permission directly	Within the period if the building and site plan require vetting of PS or ZP	Within the period if the building and site plan require vetting of P&RD Department
1	For residential or institutional purpose	In the area within the jurisdiction of GP	60 days	60 days	60 days
2	For residential or institutional purpose	In the area under the planning area of a Development Authority under the jurisdiction of PS	90 days	90 days	90 days
3	For the purpose of setting up of an industry other than in an industrial Estate or Industrial Park	In the area within the jurisdiction of GP	15 days	30 days	60 days
4	For the purpose of setting up of an industry other than in an industrial Estate or Industrial Park	In the area under the planning area of a Development Authority under the jurisdiction of PS	30 days	30 days	60 days

If the permission is not accorded within the stipulated time period mentioned above, the applicant may prefer an appeal before Appellate Authority as notified in Notification

No.722/SS/PN/O/I/4P-3/2013 dated 30.09.2015 of P&RD Department in Form II of the WB Right to Public Services Rules, 2013.

If the Appellate Authority fails to dispose the appeal within the time period as notified in Notification No.722/SS/PN/O/I/4P-3/2013 dated 30.09.2015 of P&RD Department, the applicant may also appeal before the reviewing officer in Form III of the WB Right to Public Services Rules, 2013 as notified in the said Notification No.
