



GOVERNMENT OF TELANGANA
ABSTRACT

Greater Hyderabad Municipal Corporation (Levy of property tax with penalty on unauthorized constructions) Rules, 2016 - Notification - Orders- Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (A) DEPARTMENT

Dated: 20.12.2016

Read the following:

- 1) Act No. 15 of 2013 namely A.P. Municipal Laws (Amendment) Act, 2013
- 2) G.O. Ms. No. 381 MA & UD Deptt Dated: 02.08.2013
- 3) G.O Ms. No.134 MA&UD (F2) Deptt. Dated: 13.10.2015.
- 4) From Commissioner & Director of Municipal Administration, Hyderabad
Lr.Roc.No.3654/2016-M1, Dated: 06.09.2016.

ORDER:-

The following notification will be published in an Extraordinary Issue of Telangana Gazette Dated: 22.12.2016.

NOTIFICATION

In exercise of the powers conferred under section 585 of Greater Hyderabad Municipal Corporation Act, 1955 read with section 220 of Greater Hyderabad Municipal Corporation Act, 1955; the Governor of Telangana hereby make the following Rules relating to levy of property tax with penalty on unauthorized constructions in Municipal Corporations in the State of Telangana.

RULES

1. Short title and Commencement:-

- (i) These Rules may be called Greater Hyderabad Municipal Corporation (Levy of property tax with penalty on unauthorized constructions) Rules, 2016.
- (ii) They shall come into force from the date of publication in the Telangana Gazette.

2. Definitions:-

(1) In these Rule, unless the context otherwise requires:

- a) "Act" means the Greater Hyderabad Municipal Corporation Act, 1955.
- b) "Government" means the Government of Telangana;
- c) "Municipal Corporation" means the Municipal Corporation constituted under the relevant Acts;
- d) "Sanctioned plan" means permission granted by the Commissioner for construction or re-construction of a building under Section 437 of the GHMC Act.

(2) Words and expression used herein but not defined shall carry the same meaning as is assigned there in the Greater Hyderabad Municipal Corporation Act, 1955.

3. The Hyderabad Municipal Corporations (Assessment of Property Tax) Rules, 1990 already framed as per the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 shall equally apply to the Property Tax levied on the Buildings constructed un-authorisedly except specifically mentioned in these Rules

Priority

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4. Levy of property tax with penalty on unauthorized construction:-

The Commissioner is competent to levy property tax on a building which is constructed or re-constructed; and on construction which is raised unauthorizedly with penalty as specified hereunder till such unauthorized construction is demolished or regularized without prejudice to any proceedings which may be instituted in respect of such unauthorized construction and the levy of property tax shall be as follows:-

S.No	Nature of violation	% of property tax as penalty
i	Upto ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan	Twenty five percent of property tax as penalty
ii	More than ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan	Fifty percent of property tax as penalty
iii	Unauthorized floors over the permitted floors in a sanctioned plan	As applicable to the floor / floors which are constructed unauthorisedly, hundred percent of property tax as penalty.
iv	Total unauthorized construction	Hundred percent of property tax as penalty"

5. Monthly reports on unauthorized constructions:-

(1) Town Planning Building Overseers, Town Planning Supervisors or other outdoor officers of Town Planning Section shall submit for their respective wards monthly reports in Form-I appended to this order which shall contain particulars of all buildings constructed / occupied unauthorizedly during the preceding month as specified hereunder:

- The construction, reconstruction or improvement of a building which is completed during the month with the date of completion and name of the owner/holder of the premises;
- Buildings newly occupied during the month together with the names of the owners / holder of the premises and the dates of occupation;
- Information whether building has been completed as per sanctioned plan;
- Nature of unauthorized construction if any, with the categorization mentioned in Rule-4.

(2) The head of the Town Planning Section shall ensure that the monthly reports submitted by the town planning outdoor officers are verified by him and sent to the Commissioner by 10th of every month.

6. The Commissioner shall forward the monthly reports furnished by the head of the Town Planning Section to the Revenue Officer or head of Revenue Section for submission of monthly revision lists duly accompanied by monthly report submitted by the Town Planning Section for levy of property tax or property tax with a penalty as mentioned at Rule-4.

7. Based on the report of the head of the Town Planning Section, the Commissioner shall determine the penalty leviable on violation of the sanctioned plan or unauthorized construction at a percentage of property tax as specified in Rule-4.

8. Demand Register:-

A separate demand register shall be maintained for the penalty levied on unauthorized constructions in Form - II appended to this order.

9. Preparation of Notice:-

As soon as the penalty leviable with property tax is determined by the Commissioner, a notice for levy of penalty shall be prepared in the format prescribed in Form-III appended to this order. The notice for levy of penalty shall provide complete information to the owner of the building / holder of the premises as the case may be to enable him to understand the nature of unauthorized construction, the amount of penalty levied and the amount of the property tax. Intimation shall be provided in the notice to the effect that the owner / holder of the premises may prefer, if required a revision petition to the Commissioner against the penalty levied within 15 days from the date of service of notice.

10. Service of Notice:-

A notice in Form-III appended to this order under rule 9 relating to levying penalty on unauthorized construction shall be served on the owner of the building / holder of the premises along with special notice for levy of property tax as provided in Section 220 (2) of GHMC Act, 1955. In this notice, it shall be mentioned that, this levy & collection of penalty shall not be constructed as regularization of such unauthorized construction or reconstruction.

11. Filing of revision petitions:-

The owner of the building / holder of the premises is at liberty to file revision petition to the Commissioner within 15 days from the date of service of notice levying penalty.

12. Register of revision petitions:-

As soon as a revision petition is received in municipal office from an owner of the building / holder of the premises against the penalty levied by the Commissioner, the revision petition shall be entered in a register of revision petitions in Form - IV. A serial number shall be given to each revision petition and all columns in the register shall be filled up.

13. Disposal of the revision petitions:-

The Commissioner shall dispose off the revision petition for levy of penalty. The procedure prescribed for the disposal of revision petition for levy of property tax shall be followed in the case of disposal of revision petition filed for levy of penalty.

14. The penalty levied on unauthorized construction shall be deemed to be the property tax due and it shall be collected along with property tax. A person liable for payment of property tax shall be liable for payment of penalty levied on unauthorized construction.

15. A demand notice shall be served on the owner of the building / holder of the premises for payment of penalty along with demand notice for payment of property tax. Format of demand notice is given in Form - V appended to this order.

16. The penalty levied on unauthorized construction shall be collected along with property tax on the building. A separate receipt for the penalty levied shall be issued as prescribed in Form - VI appended to this order.

17. Levy of Property Tax with 100% penalty on buildings constructed unauthorisedly on lands without title on private land or patta / possession certificate on Government land, land under urban land ceiling, Endowment land, Wakf land or any other category of land as mentioned hereunder:

- (i) **Monthly revision lists:-** To be prepared in PINK COLOUR in the existing format that is being used in Greater Hyderabad Municipal Corporation and other Municipal Corporations.

Bill Collector / Tax Inspector or other outdoor staff of Tax Section shall submit their respective ward monthly revision list separately in the existing form which shall contain the particulars of all buildings (super structure) constructed un-authorisedly on the private land, Government land, land under Urban land ceiling, Endowment land, Wakf land or any other category of land, where the holder of the premises does not possess registered documents in respect of private lands or patta / possession certificate from Revenue Department in respect of other lands specified above, without clubbing to the normal monthly revision lists now being used in the Municipal Corporations. Valuation Officer / Assistant Municipal Commissioner or Superintendent, Tax Section, (where Valuation Officer / Assistant Municipal Commissioner is not available) shall take a full size photograph of the building and affix the same to the monthly lists carefully duly certifying the existence of the building and specifying dimensions of the building.

- (ii) The monthly list of the preceding month shall be submitted by 10th of every month in respect of all buildings constructed un-authorisedly on the lands mentioned in this Rule shall liable for levy of property tax with 100% penalty.
- (iii) The Assessing Authority shall assess the buildings constructed un-authorisedly on the lands mentioned in this Rule for property tax with 100% penalty.
- (iv) Property Tax Assessment lists of the buildings constructed un-authorisedly on the lands mentioned in this Rule shall be maintained in PINK COLOUR in Form-II. Against the column of the name, it shall be mentioned as "*the holder of the premises*" without noting the name of the person / occupier.
- (v) Special Notice of property tax with 100% penalty in PINK COLOUR shall be issued in Form-III in respect of the buildings constructed un-authorisedly on the lands mentioned in this Rule. In the Special Notice to be issued, the following words shall be specifically mentioned on the top of the notice:-
- (a) Property tax with 100% penalty is levied on the buildings constructed un-authorisedly on private land, Government land, land under Urban land ceiling, Endowment land, Wakf land or any other category of land.
 - (b) Levy of property tax with 100% penalty shall not confer any ownership on the land to the assessee (holder of the premises) where the building constructed un-authorizedly.
- (vi) Register of revision petitions in PINK COLOUR shall be maintained in Form-IV.
- (vii) A separate Demand Register in PINK COLOUR for the buildings constructed un-authorisedly on the lands mentioned in this Rule shall be maintained for the property tax levied with 100% penalty under these Rules in the existing Format already available in the Municipal Corporations.

- (viii) A separate Arrear Demand Register for the buildings constructed un-authorisedly on the lands mentioned in this Rule shall also be maintained in PINK COLOUR in the Format already available in the Municipal Corporations.
- (ix) Demand Notice shall be served in PINK COLOUR on the holder of the premises in Form-V. At the top of the Demand Notice, it shall be mentioned as follows:-
- (a) This Demand Notice is served for payment of property tax levied with 100% penalty on the buildings constructed un-authorisedly on private land, Government land, land under Urban land ceiling, Endowment land, Wakf land or any other category of land.
- (b) Service of this Demand Notice does not confer ownership of the land to the holder of the buildings constructed un-authorisedly on private land, Government land, land under Urban land ceiling, Endowment land, Wakf land or any other category of land.
- (x) A Receipt in Form-VI shall be issued in PINK COLOUR on the holder of the premises after payment of property tax with 100% penalty. At the top of the Receipt, it shall be specifically mentioned as follows:-
- The Receipt now issued for payment of property tax with 100% penalty on the buildings constructed un-authorisedly on private land, Government land, land under urban land ceiling Endowment land, Wakf land or any other category of land does not confer ownership of the land to the holder of the buildings constructed un-authorisedly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

NAVIN MITTAL
SECRETARY TO GOVERNMENT

To,
The Commissioner of Printing, Stationary & Stores Purchase, Hyderabad. (with a request for Publication of the notification in the Telangana Gazette and to furnish 150 copies of same)

The Director of Municipal Administration Hyderabad
The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad

Copy to:

The Director of Town and Country Planning, Hyderabad.
The P.S to Principal Secretary to Chief Minister.
The OSD to Minister for MA&UD
The P.S to Secretary, MA&UD Department.
Sc/Sf

//FORWARDED BY ORDER//


SECTION OFFICER

MUNICIPAL ADMINISTRATION DEPARTMENT

O/o Director of Municipal
Administration, 640, A.C. Guards,
Hyderabad - 500004

Dt.29.12.2016

Endt.Roc.No. 3654/2016/M1-2,

Communicated "The Greater Hyderabad Municipal Corporation (Levy of Property Tax with Penalty on Unauthorized Constructions) Rules, 2016" issued in G.O.Ms.No. 299 MA & UD (A) Dept, dt. 20.12.2016

Sd/- Dr.T.K.Sreedevi
Director of Municipal Administration

To
The Municipal Commissioners of all Municipalities/ Nagar Panchayats in the State (through RDMAs)
The Chairpersons/ Special Officers of all Municipalities/ Nagar Panchayats in the State
The Regional Director-cum-Appellate Commissioners of Municipal Administration of Warangal and Hyderabad
Copy to the Director of Town & Country Planning, Hyderabad
Copy submitted to the Secretary to Government, MA & UD Department, Telangana Secretariat, Hyderabad

//t.c.f.b.o//


SUPERINTENDENT

Form - I
(See Rule - 5)

**Monthly report on the construction, reconstruction or Improvement or occupation of
buildings for the month of _____, 20____**

Name of the Municipal Corporation:

Sl. No.	Ward No.	Name of the locality	Door No.	Plot No.	Name and address of the owner	Building Permit Order / Proceeding No.	Month & year of completion of construction	Month & year of occupation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Whether construction, reconstruction or improvement of the building is completed as per sanctioned plan	Date of submission of building completion notice	Date of issue of occupancy certificate	Nature of violation of sanctioned plan or unauthorized construction if any
(10)	(11)	(12)	(13)

Categorization of unauthorized construction (<input checked="" type="checkbox"/> Tick in the relevant column)			
Upto ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan	More than ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan	Unauthorized floors over the permitted floors in a sanctioned plan	Total unauthorized construction
(14)	(15)	(16)	(17)

Certified that all buildings whose construction, reconstruction or improvement is completed or all buildings occupied during the month of _____, 20____ have been included in this report and there are no omissions in this regard.

Note : In respect of buildings constructed unauthorizedly on Govt. land / Wakf land / endowments land or any other category of land, in col no.6, only holder of the premises shall be mentioned and the name of the holder should not be written.

TPBO / TPS / Section Officer
Date:

Assistant City Planner
Date:

Form - II

(See Rule - 8)

Demand Register of Penalty on Unauthorized Constructions

Name of the Municipal Corporation:

Sl. No.	Ward No.	Name of the locality	Assessment no.	Door No	Name of the owner	Nature of violation of sanctioned plan or unauthorized construction
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Categorization of unauthorized construction (✓ Tick in the relevant column)			
Upto ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan	More than ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan	Unauthorized floors over the permitted floors in a sanctioned plan	Total unauthorized construction
(8)	(9)	(10)	(11)

Property tax per annum	Penalty per annum	Penalty per first half-year	Date of payment	Penalty per the second half-year	Date of payment	Balance of Penalty
(12)	(13)	(14)	(15)	(16)	(17)	(18)

Note: In respect of buildings constructed unauthorizedly on Govt. land / Wakf land / endowments land or any other category of land, in Col no.6, only holder of the premises shall be mentioned and the name of the holder should not be written.

Form - III
(See Rule 9)

**Notice for Levy of Penalty with Property Tax under Section 220-A (1) of
GHMC Act, 1955 (in duplicate)**

No. _____ Date _____ _____ Municipal Corporation

To,
Sri / Smt. _____
Address _____

By virtue of the power vested with Commissioner as per Section 220-A (1) of GHMC Act 1955 read with Section 14 (1) of Telangana Municipal Corporations Act, 1994 it is noticed that the following violation of sanctioned plan / unauthorized construction is made in _____ Municipal Corporation. (Boundaries to be specified when the door number has not been allotted).

- i. Upto ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan
- ii. More than ten percent violation of permissible setbacks only in respect of floors permitted in a sanctioned plan
- iii. Unauthorized floors over the permitted floors in a sanctioned plan
- iv. Total unauthorized construction.

(☒ Tick the appropriate category)

2. Property tax has been levied on the above property at Rs. _____ per annum with effect from _____. Take notice by virtue of the power vested with Municipal Commissioner as per Section 220-A (1) of GHMC Act, 1955 read with Section 14 (1) of Telangana Municipal Corporations Act, 1994 penalty is levied at 25% / 50% / 100% of property tax on unauthorized construction made by you amounting to Rs. _____ per annum with effect from _____. In case you are dissatisfied with the penalty now fixed, you can present a complaint petition to the Municipal Commissioner within 15 days from the date of service of this notice. If no complaint petition against / objections to the penalty levied is presented within above mentioned period of 15 days, the penalty will be deemed as final.
3. This levy and collection of penalty shall not be construed as regularization of such unauthorized construction or reconstruction.

Date of service of notice:
Commissioner

Bill Collector

Signature of the owner/ holder of the premises

Form - IV

(See Rule - 12)

Register of Revision petitions on penalty

Name of the Municipal Corporation:

Sl. No	Name of the owner	Door No.	Assessment No.	Date of Service of Notice	Date of receipt of revision petition	Whether revision is received within the stipulated time	Amount of penalty objected to	Amount of penalty reduced if any	Net amount of penalty	Initials of the Commissioner In token of a note on demand register
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Note: In respect of buildings constructed unauthorizedly on Govt. land / Wakf land / endowments land or any other category of land, in col no.2, only holder of the premises shall be mentioned and the name of the holder should not be written.

Form – V

(See Rule 15)

Demand notice for payment of penalty (In duplicate)

Name of the Municipal Corporation : _____
Demand Notice No. & Date : _____
Assessment No. : _____
Door No. : _____
Name of the Owner : _____

Penalty payable for the : Rs. _____
First / second half-year of _____

The penalty shall be payable along with property tax.

Received the Demand notice:

Signature of the owner
Date of Service of notice

Commissioner
_____ Municipal Corporation

Note : i. This levy and collection of penalty shall not be construed as regularization of such unauthorized construction or reconstruction.

ii. For the buildings constructed unauthorizedly on Govt. land / Wakf land / endowments land or any other category of land, in respect of name of owner, only holder of the premises shall be mentioned and the name of the holder should not be written.

Form - VI
(See Rule 16)
Receipt for payment of penalty

Name of the Municipal Corporation :
Assessment No. :
Door No. :
Name of the owner :
Amount of penalty due for : Rs.

first/second half-year of _____
Amount of penalty paid : Rs.

Date of payment :

Received an amount of Rs. _____ (Rs. in
words) _____ towards penalty.

Signature of the Bill Collector
in token of receiving penalty

Commissioner
_____ Municipal Corporation

Note : i. This levy and collection of penalty shall not be construed as regularization of such unauthorized construction or reconstruction.

ii. For the buildings constructed unauthorizedly on Govt. land / Wakf land / endowments land or any other category of land, in respect of name of owner, only holder of the premises shall be mentioned and the name of the holder should not be written.