

No. HPSEBL/ CE (Comm.)/S-4/ Vol - IV/2020-21 - 9673-10009 Dated: 25-09-2020

To

- Sub: - Release of electricity connections to the consumers in Rural Areas.**

It has come to the notice of higher authorities of HPSEBL that the field units are insisting on NOC from TCP Departments for release of electrical connections from the resident and original inhabitants who owns land in rural areas, falling within planning area or Special Areas and are exempted from taking permission for some development activities up to prescribed limits as per provisions of TCP Act.

In this context, reference is invited to Town & Country Planning letter No.DTP(D)T-9(Act &Rules) Vol-III/2009-1709-18 dated 4/9/2013 and HIM/TP/PJT/D/General/2012/Vol-XXVI/-20901-99 dated 18.03.2017 vide which it has been clarified that as per TCP Rules,2014, the benefit of exemptions under Section 30-A shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act in that Area (i.e. from the date of constitution of Planning Area or Special Area) and their natural heirs only and not to the person who purchased land in rural areas.

In such cases, any person intending to carry out development activities so exempted, shall give information on simple paper along-with requisite documents to the concerned Panchayat who after verifying the documents shall grant No Objection Certificate (NOC) to the applicant under Section 83-A of HP TCP Act, 1977 for obtaining service connections. In case the person(s) is (are) not exempted from taking development permission including those who have purchased land in rural areas, the connection(s) shall be released after NOC from TCP Department

In view of above, it is requested that electricity connection(s) in Rural areas be released strictly in accordance with the provisions of TCP Act 1977 amended from time to time and other guidelines. The list of exempted areas shall be obtained from the concerned area office of Town and Country Planning Department please.

IT CAN HPBERL V.B. Shitole-4

4-2819 ✓
 THE DISTRICT ATTORNEY (11-14)
 AT 3/3/80

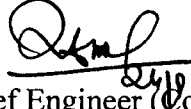
Yours sincerely,

Chief Engineer (Comm.),
HPSEBL, Vidyut Bhawan,
Shimla-4

Copy forwarded to the following for information and necessary action:-

Department letter No. HIM/TP/PJT/DP General/2012/Vol-XXVI/-20901-99 dated 18.03.2017.

3. The Secretary, HPERC, Aayog Bhawan, Block No. 37, SDA Complex, Kasumpti, Shimla-9.
4. The Chief Electrical Inspector, H.P. Govt., Block No. 29, SDA Complex, Shimla-171009.
5. The Executive Director (Personnel), HPSEBL, Vidyut Bhawan, Shimla-4.
6. The Secretary, H.P. Electricity Ombudsman, Sharma Sadan, Behind Keonthal Commercial Complex, Khalini, Shimla-2.
7. The Secretary, Consumer Grievances Redressal Forum, Kasumpti, Shimla-9.
8. The Chief Accounts Officer, F&A Wing, HPSEBL, Vidyut Bhawan, Shimla-4.
9. The Chief Audit Officer, F&A Wing, HPSEBL, Vidyut Bhawan, Shimla-4.
10. The Superintending Engineer (Enf. & EA)/ Superintending Engineer (Tariff & SERC) in this office.
11. The Superintending Engineer (IT) in this office to upload the same on the HPSEBL official website.
12. The Resident Audit Officer, HPSEBL, Shimla-4.
13. The Dy. Secretary (Law), HPSEBL, Shimla-3.
14. The Addl. Secretary-cum-PS/ Sr. PS to MD/ Directors for kind information of MD/ Directors.
15. Guard file.


Chief Engineer (Comm.),
HPSEBL, Vidyut Bhawan,
Shimla-4

Annexure - "D"

298

28/12/17
2017-18-176015

TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH

No. HIM/TP/PJT/DP General/2012/Vol-XXVII
To

Shimla, Dated 18.12.17

1. The Secretary,
Himachal Pradesh State Electricity Board Limited,
Kumar House, Shimla-171004
2. The Engineer-in-Chief,
Irrigation and Public Health Department,
Himachal Pradesh, Shimla-171009

Subject: Regarding release of service connections in Rural Areas.

Sir,
The State Government vide Himachal Pradesh Town and Country Planning (Amendment) Act, 2009 (Act No. 8 of 2009) has carried out amendment by inserting Section 30-A in the principal Act. Through this amendment any person who owns land in rural areas, falling within Planning Areas or Special Areas are exempted from taking permission for some development activities upto prescribed limits.

The Regulations of prescribed limits have been defined in Appendix-8 of the Himachal Pradesh Town and Country Planning Rules, 2014. As per Regulations the benefit of said exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act (i.e. from the date of constitution of Planning Area or Special Area) and their natural heirs only and not to the persons who purchased land in rural areas.

It has further been prescribed in the said Regulations that any person intending to carry out development activities so exempted shall give information on simple paper alongwith a copy of original Jamabandi and original Tatima to the concerned Panchayat who after verifying the documents shall grant No Objection Certificate (NOC) to the applicant under Section 83-A of the Himachal Pradesh Town and Country Planning Act, 1977 for obtaining service connections.

The copy of Act and Rules as referred to above are available on this Department's website www.tcphp.in which can be downloaded or referred for ready reference.

In view of above, you are requested to issue instructions to all the Chief Engineers/ Superintending Engineers/ Executive Engineers/Assistant Engineers and concerned field functionaries under your control to release service connections including water supply, sewerage and electricity to the applicants on production of NOCs by the applicants, please.

Yours faithfully,

(Sandeep Kumar)

Director

Town and Country Planning Dept.,
Himachal Pradesh, Shimla - 171009,
Phone No. 0177-2622494.

24. Supervision

The registered Architect from the Council of Architecture and Structural Engineer, Graduate in Civil Engineering with 3 years experience in Structural Engineering and the Town Planner shall be competent for supervision of development of land as per provisions of Annexure-A of Part II of the National Building Code of India, 2005.

***25. Preservation of the Natural Hill Profile:**

Promoter shall endeavor to develop the colony along the slopes of hill without much disturbance to the natural hill profile. In no case hill cut at any level shall not exceed 3.50Metres.”

26. Preservation of local Heritage and Hill Architecture

As far as possible local Heritage and Hill Architecture imperatives shall have to be ensured and incorporated in the designs in terms of facades, sloping roof, windows, doors etc. in hilly areas.

***27. Urban and Regional Development Plans Formulation and Implementation (URDPFI) Guidelines.**

In case of any clarification with reference to any proviso or if there is no any specific provision, the provisions as envisaged in the Urban and Regional Development Plans Formulation and Implementation (URDPFI) Guidelines, 2014 of the Government of India or the National Building Code, 2005 of India shall have to be adhered to.

APPENDIX 8

(See rules 13, 14 and 18)

**REGULATIONS OF PRESCRIBED LIMITS FOR DEVELOPMENT ACTIVITIES
EXEMPTED UNDER SECTION 30-A OF THE HIMACHAL PRADESH TOWN AND
COUNTRY PLANNING ACT, 1977 (ACT NO. 12 OF 1977)**

1. Residential Buildings and Farm Houses

- (i) Maximum floor area = 600.00 M²
- (ii) Maximum number of storeys = 3 Nos +1 Parking floor wherever feasible.

Note:- The applicant may have a maximum floor area of 600.00 M² distributed over not more than three storeys.

2. Commercial Use

- (i) Maximum floor area = 100.00 M²
- (ii) Maximum number of storeys = 2 Nos.
- (iii) Minimum access = 3.00 M
- (iv) Parking = For loading, un-loading and parking purpose suitable community parking space has to be arranged by the Shop owners.

Note:- The applicant may have a maximum floor area of 100.00 M² distributed over not more than two storeys.

3. Service Industries

- | | | | |
|-------|--------------------|---|--|
| (i) | Maximum floor area | = | 100.00 M ² |
| (ii) | Number of storeys | = | 1 No. |
| (iii) | Minimum access | = | 3.00 M |
| (iv) | Parking | = | For loading, un-loading and parking purpose suitable community parking space shall have to be ensured by the Industrialists. |

4. Public Amenities

- | | | | |
|-------|---|---|--|
| (i) | Maximum floor area | = | As per requirement of the particular amenity. |
| (ii) | Maximum Number of storeys | = | 3 Nos. |
| (iii) | Minimum access | = | 3.00 M |
| (iv) | Parking | = | @ 0.50 to 1.50 equivalent car space per 100 M ² of floor area. |
| (v) | Play fields in case of Educational buildings. | = | 0.20 Hectare to 1.60 Hectare is Desirable, however, as per availability of land. |

5. Other Imperatives

- (i) Structural safety and seismic proofing including soil investigation should be ensured.
- (ii) Attic and basement shall be counted as a storey.
- (iii) Sloping roof shall have to be ensured.
- *(iv) No construction shall be raised within a distance of 3.00 Metre from the edge of the roads in respect of village roads.
- (v) No construction shall be raised within the controlled width of major District roads.
- *(vi) Minimum Set Back of 3.00 M from the controlled width of National Highways, State Highways and Scheduled Roads under the Himachal Pradesh Road Side Land Control Act, 1968 shall be kept.
- (vii) Minimum Set Back of 2.00 M in front and 1.50 M in sides and rear side and from the adjoining property, Government land and 5.00 M from Forest land shall have to be maintained.
- (viii) Adequate distance from the electric lines as per the requirement of Himachal Pradesh State Electricity Board Limited (HPSEB Ltd) Rules shall have to be maintained. The No Objection Certificate (NOC) of the competent authority shall also be required, if HT/LT line is crossing through the Scheme.

- *(ix) The applicant shall endeavor to develop the colony along the slopes of hill without much disturbance to the natural hill profile. In no case hill cut at any level shall not exceed 3.50 Metres.
- (x) Provision of Rain Water Harvesting structure (at 20 Liters per M² of roof area should be made.
- (xi) Septic Tank and Soak Pit should be constructed.
- (xii) Preference shall be given for Solar Passive Building Design.
- (xiii) Locational attributes, aesthetics, local building material, heritage and environmental aspects should also be taken into account.

6. Remarks :

- (i) The benefit of above exemptions shall only be available to the residents and original inhabitants of the areas, who owned the property at the time of commencement of the Act and their natural heirs only and not to the persons who purchased land in rural areas.
- (ii) Any person intending to carry out development activities exempted under section 30-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) shall give information on simple paper alongwith a copy of original jamabandi and original tatima to the concerned Panchayat before carrying out development activities. The concerned Panchayat after verifying the documents, shall grant No Objection Certificate (NOC) to the applicant under section 83-A of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977) for obtaining service connections.
- *(iii) In case of any constraints as per the site conditions in maintaining set backs, or any other regulations the Director or the concerned officer vested with the powers of the Director may relax the same. In case of any clarification with reference to any proviso or if there is no any specific provision, the provisions as envisaged in the Urban and Regional Development Plans Formulation and Implementation (URDPFI) Guidelines, 2014 of the Government of India or the National Building Code of India shall have to be adhered to.

*APPENDIX 9 (See rules 13 and 14)

REGULATIONS FOR INSTALLATION OF COMMUNICATION TOWERS.

The Policy communicated by the Department of Information Technology, Govt. of Himachal Pradesh Shimla shall be applicable in toto in all the Planning Areas and Special Areas in the State of Himachal Pradesh subject to the condition that minimum set backs as applicable for residential buildings in that Planning Area or Special Area shall be applicable, in case tower is installed on ground. A Structural Stability Certificate of the building shall be mandatory for roof top towers and towers erected on ground.

* As amended vide Himachal Pradesh Town and Country Planning (Amendment), Rules 2016