



The Amritsar Walled City (Recognition of Usage) Act, 2016

Act 13 of 2016

Keyword(s):

Building Violation, Commercial Establishment, Usage, Walled City

Amendment appended: 23 of 2017, 5 of 2019

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

PART I

GOVERNMENT OF PUNJAB

**DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB**

NOTIFICATION

The 29th April, 2016

No. 16-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 25th day of April, 2016, is hereby published for general information:-

**THE AMRITSAR WALLED CITY (RECOGNITION OF USAGE)
ACT, 2016.**

(Punjab Act No. 13 of 2016)

AN

ACT

to provide for one-time recognition of usage in respect of building violations made in commercial establishments within the walled city of Amritsar and for regulated development by providing for public safety, convenience and well being.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows :-

- 1.** (1) This Act may be called the Amritsar Walled City (Recognition of Usage) Act, 2016. Short title, application and commencement.
- (2) It shall be applicable to the walled city.
- (3) It shall come into force on and with effect from the date of its publication in the Official Gazette.
- 2.** (1) In this Act, unless the context otherwise requires,- Definitions.
- (a) "appointed date" means such date, as may be notified by the State Government;
- (b) "building by-laws" means the Municipal Corporation (Erection and Re-erection of Building) Bye-laws, 1997;
- (c) "building violation" means construction of a building made in violation of its sanctioned plan or without getting the plan sanctioned from

the Competent Authority, whole or part of which is non-compoundable as per clause 3.15 of the building bye-laws made under the Punjab Municipal Corporation Act, 1976;

- (d) "commercial establishment" means a building, other than an industrial building, used or constructed or adopted to be used wholly or partially for shops, private offices, banks, hotels, restaurants, beauty parlors, boutiques, video parlors, cinemas and auditoriums, or any other such building, being used for similar purpose engaged in trade and commerce, but shall not include nursing homes, hospitals, marriage palaces and multiplexes;
 - (e) "Competent Authority" mean the Commissioner, Municipal Corporation, Amritsar;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - (g) "State Government" means the Government of the State of Punjab in the Department of Local Government;
 - (h) "usage" means the existing use of the commercial establishment as per the municipal record on the appointed date; and
 - (i) "walled city" means the area of Amritsar city bounded by outer circular road within the boundaries of fascile wall and old gates i.e. Hall Gate, Ram Bagh Gate, Mahan Singh Gate, Sheran Wala Gate, Ghee Mandi Gate, Sultanwind Gate, Chatiwind Gate, Gilwali Gate, Bhagtan Wala Gate, Hakiman Gate, Khazana Gate, Lahori Gate, B.K. Dutt Gate, Lohgarh Gate, Hathi Gate and Sikandri Gate as shown in the Schedule appended to this Act.
- (2) All other expressions used, but not defined, in this Act shall have their respective meanings as assigned to them in the Punjab Municipal Corporation Act, 1976 and the building bye-laws.

Mode of
application.

3. (1) Within a period of thirty days from the date of coming into force of this Act, any owner of a commercial establishment, within the walled city, may voluntarily disclose about any building violation and apply to the Competent Authority for recognition of its usage as on the appointed date. Such an application shall be submitted as per Form 'A' along with photographs of such establishment, duly signed by its owner.

(2) Thereafter, within a period of ninety days, the applicant shall submit the required information in Form 'B' alongwith all the requisite documents/plans and such application fee, as may be prescribed.

4. (1) The building violations and usages as they exist on the appointed date and disclosed voluntarily shall be settled by the Competent Authority, as a one-time measure, on as-is-where-is basis, subject to adherence to such norms and upon payment of such composition fee, as may be prescribed by the State Government in view of the peculiar situation of the walled city.

One-time recognition of usage in commercial establishment.

(2) The applicant shall have to make structural changes in the building if required to bring it in conformity with prescribed norms within a period of ninety days from the date of submission of details in Form 'B' and shall also submit mandatory clearances from other departments/authorities, if required.

(3) In case such owner/applicant does not comply with the prescribed norms, then the water supply/sewerage connections to the whole commercial establishment shall be disconnected after giving a notice of thirty days, which shall be followed by sealing.

5. The Competent Authority shall pass the final order and finalize the matter under this Act within a period of one year after coming into force of this Act.

Time limit for finalizing action under the Act.

6. (1) No usage, in case of a building violation, shall be recognized if it involves encroachment on any public or private land.

Restrictions on recognition of usage.

(2) The one-time recognition shall be without prejudice to the disciplinary action, as may be taken against the concerned officer or official of the Municipal Corporation, Amritsar, who is found responsible for aiding or abetting such usage and building violations.

7. Notwithstanding anything inconsistent contained in the Punjab Municipal Corporation Act, 1976 and the rules, regulations and the building bye-laws made thereunder, the provisions of this Act shall have an over-riding effect.

Overriding effect.

FORM 'A'

[see section 3(I)]

Application form for recognition of building violations and usage

To

The Commissioner,
Municipal Corporation, Amritsar.

- I/We have constructed a commercial/hotel building or carried out alteration/addition to an existing building before _____ without obtaining sanction from the Competent Authority.
- I/We have obtained sanction *vide* permit No. _____ more dated _____ more for the construction or reconstruction or addition or alteration to an existing building and have carried out the construction in deviation to sanctioned plans.

The particulars of the said building are as under:-

(a) Name of owner(s) of the Building		
(b) Address of property in question	Property No.	
	Block No./Street	
	Ward No./Locality	
(c) Description of Building	Use of building	
	Plot area	
	No. of storeys	
(d) Date/Year of construction		

1. I/We realize that the construction so carried out is in violation of the provisions of the Punjab Municipal Corporation Act, 1976 and/or the Building Bye-laws framed thereunder.
2. I/We hereby request that the said building may be considered for recognition of usage in terms of the provisions of the Amritsar Walled City (Recognition of Usage) Act, 2016.
3. I/We declare that the building does not encroach on any public/private land or on public space by virtue of any Scheme.
4. I/We declare that neither any dispute regarding ownership or construction thereof is

pending with any Court, Authority/Department or with any person nor any adverse orders have been passed by any Court or Authority/Department pertaining to or with reference to the land/plot or building therein.

5. I/We also undertake to *abide* by and comply with all the conditions, which may be imposed while recognizing the usages in the aforesaid building.
6. I/We solemnly affirm and declare that the above information is true/correct to the best of my/our knowledge/belief.
7. The photographs showing the elevation of the building from all sides are enclosed.

Yours faithfully,

(Signature/Thumb impression of applicant
with date of submission and address)

FORM 'B'

[see section 3(2)]

Application form for recognition of building violations and usage

To

The Commissioner,
Municipal Corporation,
Amritsar.

Sir,

In continuation of my Application for recognition of building violations and usage in Form A, submitted *vide* number _____ dated _____, I hereby submit the following details/documents/Plans as required under sub-section (2) of section 3 of The Amritsar Walled City (Recognition of Usage) Act, 2016.

(a) Name of owner(s) of the
commercial establishment

(b) Address of property in question	Property No.	
	Block No./Street	
	Ward No./Locality	

(c) Description of the commercial establishment

(a)	Plot area			
(b)	Number of storeys			
(c)	Floor wise area	Use	Total Area	Non-compoundable area
	(i) Basement			
	(ii) Ground Floor			
	(iii) First Floor			
	(iv) Second Floor			
	(v) Third Floor			
	(vi) Fourth floor			
	Total Area			

		Permissible/Required	As per site	Non compoundable
(d)	FAR			
(e)	Height			
(f)	Setbacks			
	Front			
	Side-I			
	Side-II			
	Rear			
(g)	Parking			

2. Checklist of enclosures to be furnished by the owner:-

- (a) Copy of ownership document;
- (b) Copy of approved building plan, if any;
- (c) Structural Safety Certificate given by the Structural Engineer;
- (d) Fire Safety Certificate, if applicable;
- (e) Four copies each of the Location Plan, Site Plan, Floor plans, Elevations and Sections of the commercial establishment, Service Plans and specifications as provided in the building byelaws, duly signed and certified in the prescribed format, by the owner and Architect/building designer.

(Note:- In the drawings/Plans the non-compoundable violations shall be outlined in red colour and All the drawings/Plans shall be duly signed and certified by the Owner and the Architect/Building designer that the constructions have been raised on or before the appointed date and all the details/measurements are as per construction existing at site.)

Yours faithfully,

(Signature/Thumb impression of
applicant with date of submission)

SCHEDULE
[See section 2(1)(i)]



VIVEK PURI,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART III

GOVERNMENT OF PUNJAB

OFFICE OF THE EXCISE AND TAXATION COMMISSIONER,
PUNJAB, PATIALA

NOTIFICATION

The 26th April, 2016

No.S.O. 41/CST (P) R/1957/R.7/2016 .- In pursuance of the provisions of sub-rule (10) of rule 7 of the Central Sales Tax (Punjab) Rules, 1957 appointed *vide* the Government of Punjab Department of Excise and Taxation Notification No. S.O. 11/P.A.8/2005/S.3/2013, dated the 31st January, 2013 and all other powers enabling him in this behalf I, Rajat Aggarwal, IAS, Commissioner, Punjab, hereby declare the declaration in Form 'F' Nos. 619678, 619680, 619681, 619682, 619684, 619685, 619688, 619691, 619693, 619696, 619699 and 619702 of PB/AF, series,) as obsolete and invalid, with immediate effect.

RAJAT AGGARWAL,
Commissioner, Punjab.

PART III

GOVERNMENT OF PUNJAB

OFFICE OF THE EXCISE AND TAXATION COMMISSIONER,
PUNJAB, PATIALA

NOTIFICATION

The 26th April, 2016

No.S.O. 42/CST (P) R/1957/R.7/2016 .- In pursuance of the provisions of sub-rule (10) of rule 7 of the Central Sales Tax (Punjab) Rules, 1957 read with the Government of Punjab, Department of Excise and Taxation Notification No. S.O. 11/P.A.8/2005/S.3/2013, dated the 31st January, 2013, I, Rajat Aggarwal , IAS, Commissioner, Punjab, hereby declare the declaration in Form 'F' Nos. 0599207, 0599215, 0620043 to 0620052 of PB/AF, series, as obsolete and invalid, with immediate effect.

RAJAT AGGARWAL,
Commissioner, Punjab.

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 29th December, 2017

No. 33-Leg./2017.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 12th day of December, 2017, is hereby published for general information:-

**THE AMRITSAR WALLED CITY (RECOGNITION OF USAGE)
AMENDMENT ACT, 2017
(Punjab Act No. 23 of 2017)**

AN
ACT

further to amend the Amritsar Walled City (Recognition of Usage) Act, 2016.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Amritsar Walled City (Recognition of Usage) Amendment Act, 2017. Short title and commencement.
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Amritsar Walled City (Recognition of Usage) Act, 2016 (hereinafter referred to as the principal Act), in section 3, for sub-section (2), the following sub-section shall be substituted, namely:- Amendment in section 3 of Punjab Act 13 of 2016.
“(2) Thereafter, the applicant shall, by the 31st day of January, 2018, submit the required information in Form-B alongwith all the requisite documents/plans and such application fee as may be prescribed.”.
3. In the principal Act, for section 5, the following section shall be substituted, namely:- Substitution of section 5 of Punjab Act 13 of 2016.
“5. The competent authority shall pass the final order and finalize the matter under this Act by the 31st day of July, 2018.”.
Time limit for finalizing action.

4. (1) The Amritsar Walled City (Recognition of Usage) Amendment Ordinance, 2017 (Punjab Ordinance No. 10 of 2017), is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in subsection (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

VIVEK PURI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 5th March, 2019

No.6-Leg./2019.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 2nd day of March, 2019, is hereby published for general information:-

**THE AMRITSAR WALLED CITY (RECOGNITION OF USAGE)
AMENDMENT ACT, 2019
(Punjab Act No. 5 of 2019)**

AN

ACT

further to amend the Amritsar Walled City (Recognition of Usage) Act, 2016.

BE it enacted by the Legislature of the State of Punjab in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Amritsar Walled City (Recognition of Usage) Amendment Act, 2019. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Amritsar Walled City (Recognition of Usage) Act, 2016 (hereinafter referred to as the principal Act), for section 3, the following section shall be substituted, namely:- Substitution of section 3 of Punjab Act 13 of 2016.

"3. (1) Within a period of thirty days from the date of coming into force of the Amritsar Walled City (Recognition of Usage) Amendment Act, 2019, any owner of the commercial establishment, within the walled city, may voluntarily disclose about any building violation and apply to the Competent Authority for recognition of its usage as on the appointed date. Such an application shall be submitted as per Form 'A' along with photographs of such establishment, duly signed by its owner.

(2) Thereafter, within a period of sixty days, the applicant shall submit the required information in Form-B alongwith all the requisite documents/plans and such application fee, as may be prescribed."

3. In the principal Act, for section 5, the following section shall be substituted, namely:-

Substitution of
section 5 of
Punjab Act 13 of
2016.

"5. The competent authority shall pass the final order and finalize the
Time limit for matter under this Act within a period of one year
finalizing action from the date of coming into force of the Amritsar
Walled City (Recognition of Usage) Amendment Act, 2019."

S.K. AGGARWAL

Legal Remembrancer and Secretary to
Government of Punjab, Department of
Legal and Legislative Affairs.