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**La Gazette de L'État de Poudouchéry**  
**The Gazette of Puducherry**

**PART - II**

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**GOVERNMENT OF PUDUCHERRY**  
**CHIEF SECRETARIAT (HOUSING)**

(G.O. Ms. No. 5/2015-Hg., dated 26th February 2015)

**NOTIFICATION**

In exercise of the powers conferred by section 47 of the Puducherry Town and Country Planning Act, 1969 (No. 13 of 1970), the Lieutenant-Governor, Puducherry in consultation with the Town and Country Planning Department, hereby makes the following amendment to the Puducherry Building Bye-laws and Zoning Regulations, 2012 issued in the notification in G.O. Ms. No. 5/2012-Hg., dated 5-3-2012 of the Chief Secretariat (Housing) and published in the Extraordinary Official Gazette Part-I, No. 21, dated 8th March 2012, namely :—

1. (1) These bye-laws and regulations may be called the Puducherry Building Bye-laws and Zoning Regulations (Amendment), 2014.

(2) The provisions of these bye-laws and zoning regulations shall apply to the planning area declared *vide* :—

(i) G.O. Ms. No. 79/84/F6, dated 17th August 1984, notified in the Gazette No. 34, dated 28th August 1984;

(ii) G.O. Ms. No. 93/85/F6, dated 8th July 1985, notified in the Gazette No. 35, dated 30th July 1985; and

(iii) G.O. Ms. No. 68/89/F6, dated 26th July 1989, notified in the Gazette No. 83, dated 31st July 1989 of Housing Secretariat, Puducherry and such other areas in the Union territory of Puducherry notified from time to time.

(3) They shall come into force on and from the date of their publication in the official gazette.

2. **Amendment of Part-II-Zoning Regulations.**— In the Puducherry Bye-laws and Zoning Regulations, 2012 (hereinafter referred to as the said bye-laws and regulations) in Part-II - Zoning Regulations, in clause 9 relating to (A) Primary Residential for the existing Note (1) (b) the following shall be substituted, namely:—

“(b) For the areas situated within the French precinct *i.e.*, on the eastern side of the Grand Canal in the Boulevard town, the maximum permissible coverage and F.A.R. of the buildings shall be 50% and 120 respectively and the maximum height of the building on the front façade shall be 10.50 metres, including the stilt floor if provided. Provided an additional floor shall be permitted with a height of 3.0 metres over and above the height of 10.50 metres, subject to the condition that this additional floor shall be setback from the front façade by at least 5.0 metres, so that the sightline extension from the opposite side of the street-side pavement clears the parapet line of the third floor, and in any case, the above building parameters shall not exceed the one stipulated in the CRZ notification, notified by the Government of India from time to time.”.

3. **Amendment of Annexure-II.**— In the said bye-laws and zoning regulations, in Annexure-II Regulation for Lay-out and Sub-divisions of land, after the sub-clause 6 (a), the following shall be inserted, namely :—

“6 (b) In cases, where the extent of the residential layout exceeds 3,000 square metres, ten per cent (10%) of layout area (excluding roads) shall be developed as economically weaker section/lower income group plots. The plot area for these groups shall not be less than 35 square metres and shall not exceed 60 square metres with a minimum plot width of 3.0 metres. The owner or developer or promoter shall sell these plots only for this purpose, no conversion or amalgamation is permissible in these cases of economically weaker section plots.”.

4. **Amendment of Annexure-XI.**— In the said bye-laws and zoning regulations in Annexure-XI, Special Buildings and Group Developments under Category (A) Special Buildings, for the entries in item (2), the following shall be substituted, namely :—

“(2) The minimum width of road on which the site abuts shall be 9.0 metres, however a building for residential use may be permitted on a site abutting or gaining access from a 6.0 metres wide road, except in Mahe region.

In Mahe region, the minimum width of the road on which the site abuts shall be 4.0 metres for all uses and a minimum front setback of 3.0 metres, shall be provided.

*Note :* Kalyana mandapam/Reception hall, cinema theatres and multiplex complexes shall be permitted only along roads of width of minimum 12.0 metres.

*Explanation :* The road width means average road width in front of the plot in question and for a few metres on either side for purposes of measurements to be taken in conjunction with the average width of that road in general.”.

5. **Amendment of Annexure-XV.**— In the said bye-laws and zoning regulations, in Annexure-XV Special rules for multi-storeyed buildings,

(i) after the sub-clause (1)(c), the following shall be inserted, namely :—

“In Mahe region, the width of access to a multi-storeyed building and plot as well as the width of the street giving access to the plot from the main street shall be 5.0 metres.”.

(ii) after the sub-clause (3)(d), the following shall be inserted, namely :—

“(e) In Mahe region,

(i) A clear motorable open space of minimum 5.0 metres width shall be provided for the building at the front side as well as at any one of its sides contiguous to the road abutting it, so as to facilitate fire fighting, which shall be kept free of vehicle parking or any other erections or projections thereon other than projections of roof or sunshade or cornices of not more than 75 cm. width.

(ii) The minimum width of open space between plot boundary and a high rise building shall be 5.0 metres.

(iii) In case of group of buildings are to be constructed within any plot belonging to the same owner or by different owners of adjoining lands jointly, the area of land remaining after accounting for the mandatory front, rear and side setbacks from the boundary of the plot shall be considered as buildable area of the plot, where the buildings may be constructed subject to the conditions regarding floor area ratio, coverage, access, light and ventilation etc. for the whole plot, distance between the various blocks within this area shall be a minimum of 5.0 metres.

(iv) Adequate passageway and clearances required for fire fighting vehicles to enter the premises shall be provided at the main entrance; the width of such entrance shall be not less than 5.0 metres. If an arch or covered gate is constructed, it shall have a clear head room of not less than 5.0 metres.”.

6. **Amendment of Annexure XIX.**— In the said bye-laws and zoning regulations, for the existing Annexure-XIX - Regulations for the erection of High Mobile Telecommunication Towers, the following shall be substituted :

“ANNEXURE – XIX

**Regulations for installation of Mobile Telecommunication Towers**

In case of erection of non-Governmental mobile telecommunication tower/radio paging and cellular telecommunication towers, the local Authority/Planning Authority shall grant permission for execution of the works and the person who intends to execute the above work shall apply in the prescribed form and such application supported by plans and specifications in quadruplicate shall be in accordance with the guidelines prescribed below:

1. *Definition.*— Telecommunication Infrastructure Tower (TIT) – shall include ground based tower (GBT)/roof top tower (RTT)/roof top poles (RTP)/cell phone tower (CPT), antenna fixtures, fabricated antenna, tower to install the telephone lines and transmission towers. This will not include the antennas installed for domestic purpose, namely television antennas or dish antennas.

2. *Applicability.*— These provisions shall be applicable to all non-Governmental telecommunication constructions in the Union Territory and applicable to all such constructions whether completed or not as in the case of new constructions proposed at the time of commencement of these regulations.

3. *Essentiality of permission.*— No person shall erect or re-erect any non-Governmental telecommunication tower or telecommunication pole structures or accessory rooms or make alteration or cause the same to be done without first obtaining a separate permit for each such tower from the Planning Authority.

4. *Site approval.*— (1) No site approval shall be necessary for the construction of telecommunication towers, telecommunication pole structures or accessory rooms essential for such service.

(2) Telecommunication towers or pole structures or accessory rooms shall be permitted in any zone or over any approved building roof tops irrespective of its occupancy or on the ground or open space within the premises subject to the other regulations.

5. *Application and permit.*— Application shall be submitted in the prescribed form. (Form-I of the Puducherry Building Bye-Laws and Zoning Regulations, 2012).

Documents to be submitted by the Telecom Service Provider (TSP) along with the application :

(i) Attested copy of the ownership documents, as the case may be, of the property or building. In the case of applications other than owners, legally valid written consent of the owner. Plans, elevations, site plans, clearly showing the area of plot, details of existing structures on the site, coverage, height, materials of construction etc. as per the provisions of Building Bye-laws and Zoning Regulations, 2012.

(ii) Copy of relevant licence/infrastructure provider registration certificate from Department of Telecommunications.

(iii) Data sheet.

(a) Name of Service/Infrastructure provider;

(b) Location; and

(c) Tower reference :

(i) Height

(ii) Weight

(iii) Ground/Roof-top

(iv) Pole/Wall mounted

(v) Number of antennae.

(iv) Copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgment along with undertaking that in case of any objection/rejection, TSPs/IPs will take corrective actions/remove the tower.

(v) Copy of structural stability certificate for ground based tower. In case of roof-top BTS towers, structural stability certificate for the building and tower based on written approvals of any registered Structural Engineer of the Planning Authority or any other agency authorised by the Planning Authority. The fresh structural stability certificate shall be insisted after every 5 years after approval at the time of renewal of proposal in case of building more than 30 years old.

(vi) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) sets.

(vii) Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory.

(viii) Acknowledgment receipt issued by TERM (Telecommunication Enforcement Resources and Monitoring) Cell of DoT of the self- certificate submitted by telecom service provider/infrastructure provider in respect of mobile tower/BTS (ground based/roof-top/pole/wall mounted) in the format as prescribed by DoT, establishing/certifying that all general public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.

(ix) Copy of the approved plan of the building and occupancy certificate issued by the Planning Authority.

(x) No objection certificate from the Airport Authority of India, Puducherry, Coastal Zone Management Authority and Archeological Survey of India wherever required.

(xi) Indemnity bond (original) to take care of any loss or injury due to accident caused by the tower (including a declaration to the effect that the applicant shall take special precaution for fire safety and lightening and he shall be solely responsible for paying all kinds of compensation and damages and would be responsible for any civil or criminal case arising, therefrom).

6. *Renewal of permit.*— The permit issued by the Planning Authority for the installation of mobile towers shall be valid for a period of three years from the date of issue of permit and the same shall be got renewed for every three years.

7. *Persons competent to issue structural stability certificate.*— The structural stability certificate shall be obtained from a registered Structural Engineer Grade-I registered with the Planning Authority, or from recognized institute like IITs, NITs and CBRI, Roorkee or from the Engineering Colleges recognised by AICTE of a Structural Engineer employed in Central or State Government service or Quasi-Government organisation.

8. *Fees.*— (a) Fee for application shall be ₹ 1,000.

(b) The permit fee for the installation of mobile towers in the Union territory of Puducherry shall be ₹ 1,00,000 per tower and a renewal fee of ₹ 35,000 per tower. This is applicable to all the existing towers and for new towers.

(c) An additional amount for permit fee at the rate of ₹ 50,000 and a renewal fee of ₹ 15,000 shall be levied for every additional antenna which shares the same tower.

(d) An amount of ₹ 25,000 shall be levied for unauthorised erection of mobile towers.

9. *Scrutiny and disposal of application.*— (i) The Planning Authority shall issue or refuse the permit, not later than 30 days from the date of receipt of application along with the plans and documents. In case of refusal, the reasons for the same shall be clearly mentioned. And if no permission or refusal is accorded within 30 days, the permit is deemed to have been accorded, provided that, the said installation shall comply all of these guidelines.

(ii) The permit issued shall be a work permit and the construction or erection of telecommunication tower or telecommunication pole structures or accessory rooms essential for the use of such tower or pole structures shall be completed within one year from the date of issue of such permit.

(iii) The period of the permit shall be extended for a further period of one year if an application for the same is submitted to the Planning Authority, within the valid period of then permit duly paying 25% of the prescribed fee and charges and in the prescribed application form duly attaching the original permit.

10. *Setback.*— Minimum setback from the plot boundary abutting the road to the base of the tower shall be 3.00 metres, irrespective of the setback of the existing building if any from the plot boundary and other setbacks from the boundaries of the plots to the base of the telecommunication tower or pole structure or accessory room shall be 1.2 metres.

*Note :* No telecom tower shall project beyond the existing building line of the building on which it is erected in any direction.



11. *Sharing of sites.*— The telecom operators may share the towers for fixing their respective antennas. The same are however, required to adhere to the prescribed technical requirements, so as to curtail multiplicity of towers as well as to optimize the use of the existing ones.

12. *F.A.R. and height.*— Provisions regarding coverage, F.A.R. and height contained in the Puducherry Building Bye-Laws and Zoning Regulations are not applicable in the case of telecommunication towers and ancillary cabins whether constructed on the ground or on an existing building or structure. An ancillary cabin constructed over a building shall not be reckoned as a floor or reckoned for the height of the building. Ancillary cabin for this purpose shall mean the minimum protection of whatever material constructed for the equipments necessary for the telecommunication tower not exceeding 15 sq.m. in area.

13. *Protective wall.*— (i) Any tower erected on earth or to which electric power is transmitted shall be provided with a protective wall or grill at a distance of one metre from any point of the base.

(ii) The wall or grill shall have a minimum of 1.20 metres height and if provided with door which shall be kept under lock and key, if provided with door.

14. *Protection against lightning.*— Any telecommunication tower shall be provided with sufficient lightning protection and it shall conform to Indian Standard I.S. 2303-1969 Code of Practice as amended from time to time for protection of buildings and other structures against lightning.

15. *Other restrictions.*— (i) Erection of TIT shall not be allowed within a radius of 100 metres, from the boundary of the premises of school and hospital buildings or any other prescribed buildings by the government from time to time. The existing mobile antenna approved earlier on school and hospital buildings shall not be renewed further after expiry of period of approval and the same shall be removed immediately.

(ii) The distance of tower from the electric line of pole or tower thereof shall not be less than height of tower plus requisite safety distance from respective high tension or low tension line *i.e.* a minimum safety distance (both vertical and horizontal) of 3 metres shall be maintained between the building/TIT and the high tension electricity lines and 1.5 metres shall be maintained between the building/TIT and the low tension electricity lines or as prescribed by the Electricity Department, Puducherry from time to time.

(iii) In case of sites located within the distance up to 100 metres from the protected monuments as notified under the Archeological Monuments and Ancient Sites and Remains Act, 1955 and as amended no building/TIT is allowed. For the sites located within distance of above 100 metres and up to 200 metres from the protected monuments, the construction/TIT is allowed only after obtaining prior permission from the Archeological Survey of India.

(iv) The base station antennas should be avoided in narrow lanes than or equal to 5.0 metres.

(v) There will be only one tower allowed on one building/wing of the building.

(vi) In case of both ground based towers and roof-top covers, there shall be no building right in front of the antenna(e), of equivalent height taking into account, the tilt of the lowest antenna on tower as per details in the Table below. Further, the antennae at the same height only are to be counted, as the beam width of the mobile antenna in the vertical direction is very narrow.

TABLE

Number of antenna(e) pointed in the same direction	Building/Structure safe distance from the antenna(e) at the same height (in metres)
1	20
2	35
4	45
6	55

(vii) Wherever the antennae are mounted on the wall of building or pole on /along the road, their height should be at least 5.0 metres above ground/road level. However, such installations will have to comply with the radiation limits.

(viii) As far as safe distance of building from antenna is concerned, regulations as given above will apply.

(ix) The operator shall display on board at conspicuous space of the building at ground floor, the followings :

- (a) Operator's name and address.
- (b) Contact person, name, address and telephone number.
- (c) Address of complaint redressing authorities with telephone number.
- (d) Other important information, if any.
- (e) Details of the insurance policy.
- (f) Police control room : 100
- (g) Fire control room : 101
- (h) Ambulance : 102

(x) The "warning sign" should discourage linger stay in the zone, even for the maintenance personnel. The sign board may contain the following text:

- (i) Danger ! RF radiation, Do not enter.
- (ii) Restricted area.

(xi) Access to base station antenna sites should be prohibited for general public by suitable means such as wire fencing, locking of the door to the roof etc. access to tower sites, even for the maintenance personnel, should be for minimum period as far as possible.

16. *Redressal of public grievances.*— In order to effectively address the public grievances relating to installation of towers and issues related to telecom infrastructure, Government may set up,—

(1) State level telecom committee (STC) consisting of officers from TERM cells, State Administration, representative(s) of concerned telecom service provider(s) and eminent public persons, etc.

(2) District level telecom committee (DTC) consisting of officers from district administration, representative(s) of concerned telecom service provider(s) and eminent public persons etc.

17. *Damage and liability.*— The applicant and the Structural Engineer concerned, shall be responsible for the structural stability of the structure and building and they shall be jointly and severally liable for any damage caused to life and property on account of structural failure of the tower and building, shall also be liable for any damage caused due to inadequate safety measures.

18. If the land, where the tower is proposed to be constructed on the ground, is included in any published Town Planning Scheme in which the existing road is envisaged to be widened, the proposed tower shall have adequate setback for road widening and further minimum setback of 3.0 metres.

19. Towers shall be permitted only over authorised structures/buildings and if the existing building was permitted with certain conditions, the same stipulated conditions shall also be applicable to the towers constructed over those buildings.

20. If the tower is proposed over an existing building permitted in relaxation of regulations, the proposed construction of tower and ancillary structures shall not further violate building regulations for the existing building, such constructions shall also not obstruct or block the existing entry and exit openings of the existing building.

21. The applicant shall also undertake that the provision of mobile tower antennas shall be incompatible with the guidelines from the DoT, if at any stage, it has been brought to the notice of the Government/Planning Authority, by Telecommunication Enforcement Resources and Monitoring (TERM) Cell of Department of Telecommunication regarding any incompatibility in the same, the mobile tower/ antenna will liable to be removed. It shall be obligatory on part of the service provider that they shall follow the guidelines from DoT or amendment thereof in future.

22. *Penalty.*— Operator/Service provider/Infrastructure provider who violates any provisions of these rules shall be liable to be punished with fine up to ₹ 25,000 (Rupees twenty-five thousand) and his communication tower shall be sealed, seized and operator/providers may also be asked to remove the tower/antenna within a time frame of one month.

(a) However, the planning authorities may pass such order of fine, sealing, seizure or removal shall give notice to the operator/service provider/infrastructure provider to this intention and provide reasonable opportunity to the operator to be heard.

(b) After hearing the operator/service provider/infrastructure provider the Member-Secretary shall pass necessary orders regarding fine, sealing, seizure and removal.

(c) In the eventuality of the operators not removing the tower/ antenna the Planning Authority will get the tower/antenna removed and the cost of such removal will be realised from the operator, by way of taxes.

The above guidelines shall be applicable for all new installations after these rules come into effect. For regularisation of existing towers, same conditions/procedure for the application and documentation shall be required, as those are required for permission of new mobile towers. However, approval to such existing towers shall be granted by the competent authority, only subject to the conditions of fulfillment of all norms of the policy and applicable fees and all other technical matters relating the erection of mobile towers will be governed by the guidelines of DoT published from time to time.”.

7. **Amendment of Annexure-XX.**— In the said bye-laws and zoning regulations, in Annexure XX, Penal action for violation of provisions of Development Code of Master Plan, Building Bye-Laws and Zoning Regulations for the existing sub-clause (AA) (i) and (iii), the following shall be substituted, namely :—

“(A.A) Compounding Excess Coverage/FAR :

(i) Deviations in the coverage/FAR to the extent of 10% of the permissible coverage/FAR in building(s) use premises, other than building(s) use where 100% ground coverage and fixed height is allowed as per architectural control forming part of comprehensive schemes like District Centre, Community Centres, Cluster Court Housing, etc., may be compounded after levying penalty at the following rates :

Rates of excess coverage/Floor area :

Up to 10% of excess coverage/FAR a one time compounding fee equivalent to 12% of the land rated in the concerned locality applicable at the time of application for compounding.

## (iii) Compounding at setback infringements:-

The infringements of the front setbacks maximum to the extent of 30 cm. (1 feet) may be compounded by way of levying compounding fee at the following rates :

Infringements	Residential buildings	Non-residential buildings
Up to 15 cms. (6 inch)	₹ 1,000 per sq.m. of area infringing the setback.	₹ 2,500 per sq.m. of area infringing the setback.
Above 15 cms. (6 inch)	₹ 2,000 per sq.m. of area infringing the setback	₹ 5,000 per sq.m. of area infringing the setback.

The infringements of the rear and side setbacks may be compounded by way of levying compounding fee at the above rates.”.

**E. RAJESWARI,**

Under Secretary to Government (Housing).

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