

**&K Lakes & Waterways Development Authority,
Office Complex, Miskeen Bagh, Srinagar - 190003**

-:O:-

Subject: - Minutes of the 112th meeting of Building Permission Authority of J&K-LDA dated 04.02.2021.

The approved minutes of the 112th meeting of Building Permission Authority, LDA held on 04.02.2021 under the Chairmanship of Vice Chairman, LDA (Chairman, BPA, LDA) in his office chambers at Miskeen Bagh, Khanyar, are enclosed herewith.


Secretary, 26/2/21

J&K Lakes & Waterways Development Authority,
Srinagar.

No: LDA - 117/ 6675-00

Dated: 26/2/2021

Copy to the:


1. Chief Town Planner, Town Planning Organization, Kashmir
2. Joint Commissioner (P), Srinagar Municipal Corporation, Srinagar
3. Collector, Land Acquisitions, LDA,
4. Executive Engineer, Lake Division No. 1st, LDA,
5. Executive Engineer, PHE Division, Srinagar,
6. Executive Engineer, Electric Inspection Division, Srinagar,
7. Executive Engineer, S&D Division, UEE Department, Srinagar
8. Tehsildar, Nazool, Srinagar;
9. Tehsildar, North, Srinagar;
10. Tehsildar, Khanyar, Srinagar;
11. Enforcement Officer, LDA Srinagar
12. Law officer, LDA for information and compliance.
13. Computer Programmer LDA for information and further necessary action.
14. PA to Vice Chairman, LDA for kind information of the worthy Vice Chairman.

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Minutes of the 112th meeting of Building Permission Authority, LDA dated 04.02.2021


1. Effective Implementation of Jammu Master Plan-2032 and J&K Metropolitan Region Development Authorities Act-2018 and circular instructions issued by the Administrative Department under No. 03-JK9HUD) of 2020 dated 24.08.2020:

- Constructions raised within the jurisdictional area of Master Plan by encroachers without seeking permission from the Competent Authority;
- Raising of loans from Financial Institutions after getting NOCs from the Block Development Officers (BDOs) in violation of land use of Master Plan. Whereas, BDO is not competent to issue NOC for raising of any construction within the jurisdictional limits of Master Plan;
- After raising illegal constructions violators manage to obtain Electricity/water supply connections, which necessitates linking of building permissions with grant of electricity & water connections (Temporary/Permanent);
- The Government of J&K has enacted J&K Metropolitan Development Authorities Act, 2018 wherein the following instructions have been issued for strict compliance by all Authorities, entities & persons under Govt. Order No. 44-JK(HUD) of 2020 dated 04.03.2020.
 - ✓ No development activity involving a quantum of land more than 10kanals or which shall have significant impact on the urban environment, traffic and mobility in their surroundings, shall be undertaken by any Authority or person which these regions, without the prior written permission of the respective metropolitan Regions Development Authority;
 - ✓ Before transferring any land to any Authority, Entity, a Persons for any activity within these regions, the competent authority shall ensure that the indenting Department has included these in the prior written permission from the respective MRDA;
 - ✓ No permission for construction or any other developmental activity, or for commencement of work on any project of the nature and description given at (i)above shall be granted by any authority, including any municipal or local authority, or project implementing agency, without the prior written permission of the respective MRDA, as stipulated above;
 - ✓ To ensure expeditious disposal of these cases, the cases for the permission of the MRDA shall be submitted alongwith a self-contained note giving all the details of the project, the permitted land use in the area as per the extant norms endorsed by the respective Development Authority or the Chief Town Planner, as the case may be, the details of how the project shall conduce to the coordinated and orderly development of the regions, the justification for quantum of land requisitioned keeping in view the relevant norms and considerations of efficiency of land use, and other information that may be required to enable the MRDAs to decide of the request without further recourse;


Secretary,
J&K LWDA
(Member Secretary)


Enforcement
Officer,
J&K-LDA


Tehsildar,
North
Srinagar.


Tehsildar
Nazool
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Tehsildar
Khanwar,
Srinagar


Law Officer
J&K LDA


Executive Engineer
PDD


Executive Engineer
S&D Din-Ist, UEED



Executive Engineer,
Water Works Division
Srinagar.


Executive Engineer,
Lake Division Ist, LWDA


Collector,
Land Acquisition, LDA


Joint Commissioner(P)
Srinagar.


Chief Town Planner,
Town Planning
Organization, Kashmir


Vice Chairman,
J&K, LWDA
(Chairman, BPA) 2021.

Now, therefore, for effective enforcement of Jammu Master Plan and J&K Metropolitan Region Development Authorities Act, 2018, it is impressed upon all the Administrative Secretaries to direct the concerned field functionaries not to grant any kind of NOCs till asked by the Competent Authority and making it mandatory to have a copy of sanctioned building permission granted under J&K Control of Building Operations Act & J&K Metropolitan Region Development Authorities Act, 2018, as a pre-requisite before sanctioning any temporary / permanent electricity / water connection in favour of the individual in the entire union territory of J&K including Municipalities and notified area under J&K Metropolitan Region Development Authorities Act, 2018;

Building Permission Authority may deliberate on the issue for deciding future course of action in compliance of the instructions;

Decision	The BPA discussed the issue and it was noted that the Building Permission issued by the LDA does carry conditions that Sewerage connectivity/Electricity Connection/Water Supply Connection are installed subject to completion certificate from LDA that the structure has been constructed in conformity with the provisions of the approved building plans. This should be done prior to putting the structure to use.
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2. Fire incidents in Hospitals / Nursing Homes; instructions conveyed by the Administrative Department under No. HUD-ADM/1/2020 dated 17.12.2020:


The communication has been issued on the D.O. dated 30.11.2020 of Home Secretary, Government of India and communication dated 28.11.2020 from the Ministry of Home Affairs, GOI and the J&K Home Department letter dated 02.12.2020; The J&K Home Department letter dated 02.12.2020 communication provides for as under: -

- ✓ The Director, Fire & Emergency Services (F&ES) shall be nodal point for ensuring time bound implementation of the directions contained in the enclosures, as also for coordinated and regular reporting;
- ✓ The Director, F&ES, shall take necessary action to ensure time bound action on each of the issues indicated in the enclosures;
- ✓ The Director, F&ES shall submit the requisite information regarding the progress on implementation, to the Home department on progress of implementation on a weekly basis, starting from the 7th December, 2020 (Monday). Suitable performed which giving district-wise information, total quantum of work and achievements against the same, may be devised by the Director, F&ES;
- ✓ The director, F&ES shall circulate the referred documents and guidelines, in both hard and soft format, to the District Magistrates and District offices of Fire & Emergency Services;

The above communication has been issued to take further necessary action in coordination with Director General Fire & Emergency Services


Building Permission Authority may deliberate on the issue for deciding future course of action in compliance of the instructions;


Decision	The BPA decided that in future condition for fire safety measures should form part of the building permission for all commercial structures.
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(Member Secretary)



Enforcement
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Srinagar.



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Nazool
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Tehsildar
Khanyar,
Srinagar


Law Officer
J&K LDA



Executive Engineer
PDD



Executive Engineer
S&D Din-Ist, UEED


Executive Engineer,
Power Works Division
Srinagar.



Executive Engineer,
Lake Division Ist, LWDA


Collector,
Land Acquisition, LDA


Joint Commissioner(P)
SMC, Srinagar.

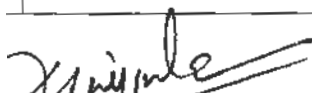

Chief Town Planner,
Town Planning
Organization, Kashmir



Vice Chairman,
J&K, LWDA

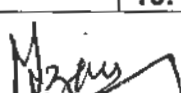

Vice Chairman,
J&K, LWDA
(Chairman, BPA)


List of cases to be reviewed:

Particulars	Building permission applied for	Previous decision	Follow-up	Decision
Imtiyaz Rahim Shah, S/o Abdul Rahim Shah, R/o Munawarabad, Srinagar, Site at Gupt Ganga, Srinagar.	Construction of double storey residential house on revised plans together with change of use from residential to Guest House.	The applicant was granted permission for construction of two storey residential house with garage and compound walling vide order No. 09-Bldg/LDA of 2014 dated 22.04.2014 for a plinth area of 2310.00Sft/168Sft respectively and walling for length of 530Rft. The permission was subsequently revised vide order No. 15-Bldg/LDA of 2017 dated 18.03.2017 for double storey residential house only with plinth area of 3402.00Sft and compound walling 596Rft. In view of enhancement in overall land holdings. Pertinent to mention here that as per Master Plan-2021 the land use of site was Residential Use, Zone-A-10.	The applicant as on 07.01.2020 submitted latest status of title issued by the Tehsildar-North alongwith revised plans enhancing the plinth area by 762.00Sfts over the already permitted plinth area. The case was referred to the CTP-Kashmir and Xen-II, LDA. The CTP-Kashmir returned the case with the observations that the site falls in Parks & Gardens Use and partly under Proposed Roads in (Traffic & Transportation use) LDR-Zone-XII as per Master Plan-2035: Xen-II in his report dated 12.02.2020 had observed that applicant has constructed only 1760.00Sft plinth area height 21.00feet against 28.00 permitted and no major violation was reported in respect of approved setbacks. The applicant subsequently, applied for extension in the validity of the BP order No. 15-Bldg/LDA of 2017 dated 18.03.2017 and the case was again sent for opinion of CTP-K whether extension can be granted on the permission issued as per Master Plan-2021. The opinion dated 29.12.2020 from the CTP-Kashmir is in detail, comparing permitted provisions with existing position of constructed structure and provisions of Master Plan-2035 thereof. The case is accordingly put up before the BPA	Rejected as the applicant has deviated the building permission issued by this office. A committee comprising of Representation from the TPO-Kashmir, and Collector, LDA, Executive Engineer, LD-I/II, Law Officer LDA to look into the matter and submit a factual report within Seven days and recommendations thereof enabling the Chairman, BPA to take a call for further course of action.


Secretary,
J&K LWDA
(Member Secretary)

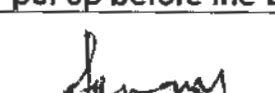

Enforcement
Officer,
J&K-LDA

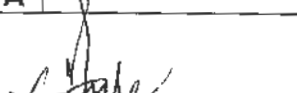

Tehsildar,
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Executive Engineer,
Lake Division Ist, LWDA

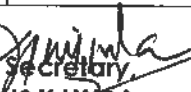

Collector,
Land Acquisition, LDA


Joint Commissioner(P)
S&D, Srinagar.

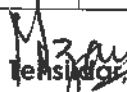

Chief Town Planner,
Town Planning
Organization, Kashmir



Vice Chairman,
J&K, LWDA
(Chairman, BPA) 26/2.


Particulars	Building permission applied for	Previous decision	Follow-up	Decision
Mst. Masooda Akhtar, W/o Nazir Ahmad Lane, R/o Nowpora, Site at Tailbal, Srinagar.	Construction of two storey residential house.	The case was deferred in the 111th meeting of BPA dated 24.12.2020 vide decision No. (34) for obtaining fresh NOC from Tehsildar-Nazool, Exen-1st, LDA and Exen-Electric Inspection Division, Srinagar	After taking up with the required offices the reports / fresh NOCs have been received and the same are on file. The case is accordingly put up before the BPA for review.	Approved subject to specific clearance from Exen-1st
Mst. Hajra, W/o Late Akbar Dar, R/o Nowpora, Chashmashahi.	Development of Private Public Park with open air café at Nowpora Chashmashahi.	The Deputy Director, Tourism Planning vide letter No. PLN/DTK/699/4113-14 dated 25.03.2019 had forwarded the application wherein the owner of land intended to convert her land into Private Public Parking on the analogy of Maize (Makai) Park situated along Boulevard. The same was respaned vide this office letter Na.LDA-BP-117/566 dated 27.04.2019 asking the Deputy director Tourism Planning to provide detailed site/location Plan of land alongwith title verification of issued by the concerned Revenue Organization, enabling spot inspection by this office and comments thereof. After a gap of more than one year the Deputy Director vide letter No. PLN/699/DTK/5050 dated 17.03.2020 received as on 10.06.2020 submitted photocopy of letter from Tehsildar-Khanyar along with Khaka-i-Dasti to this office for information. However, a detailed site plan enabling spot inspection of land has not been submitted.	After receipt of the site plan the case was sent for examination and opinion /NOC thereof and the reports so received reveal as under:- Exen-II, LDA: report states that the site is located within 200meters from the center of Boulevard. Collector, LDA: report reveals that the Khasra Nas. 600/212Min, 215Min, 590/214Min, 588/212Min, 255/216Min, 587/212Min, 592/214Min, 598/217/221Min and 311/225Min of Estate Nawpora does not stand notified in this Collectarate. CTP-Kashmir: The site falls in Parks & Gardens Use, Zone-XII and as per Master Plan-2035. As per the provision of Master Plan areas falling within the buffer can also be used for Open Air Café & Development of Private Park subject to the Conditions that no temporary/permanent structure is erected. It is further stated that site falls within 200meters buffer prescribed for Dal/Nigeen Lake as per directions of Hon'ble High Court. The case has put up before the BPA to deliberate and decide.	Rejected as BPA cannot consider the case in view of site falling within 200meters from center of Boulevard. Applicant may approach Hon'ble High Court for permission.


Secretary,
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(Member Secretary)

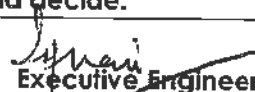

Enforcement
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Naith
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Tehsildar
Khanyar,
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Law Officer
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Water Works Division
Srinagar.


Executive Engineer,
Lake Division, LWDA


Collector,
Land Acquisition, LDA








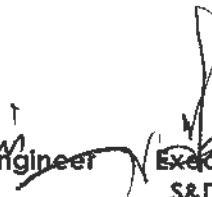


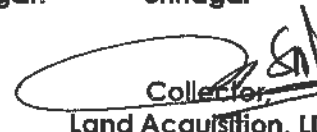




Joint Commissioner(P)
S&D Srinagar.


Chief Town Planner,
Town Planning
Organization, Kashmir



Vice Chairman,
J&K LWDA
(Chairman, BPA) 26/2.

List of fresh cases of 112th meeting

Name of the Applicant	Site At	Nature of Construction	Decision
Mr. Abdul Hamid Bhat S/O Mohammad Sultan Bhat R/O Batapora Srinagar	Bataporo	Construction of two storey residential house (revalidation as per revised drawings).	Approved. Stage-wise permission to be issued in view of initial intent of the applicant for construction of commercial structure.
Mrs. Tasleema Banu D/O Ali Mir W/O Ghulam Jeelani Matoo R/O Harwan	Harwan	Construction of two storey residential house.	Approved subject to NOC from the Concerned Deptt.
Sahil Zahid & Abeeha Zainab (D/o Rahil Zahid) S/O Zahid Hussain R/O Chandpora Harwan	Arabal Chandpora	Construction of two number double storey residential house with attic.	Deferred for getting fresh NOCs. as maximum of the NOCS are back dated
Mr. Nisar Ahmad Mir S/O Ghulam Nabi Mir R/O Vakil Colony Braine	Lane-2, Zabarwan Enclave, vakil colony Braine	Construction of two storey residential house.	Deferred, Exen-1/I&FC Division to give specific clearance in view of the Nallah running outside the plot of land and an outlet channel running through the plot of land.
Mr. Atta Mohammad Najar S/O Late Wali Mohamad Najar R/O Manzgam Braine Srinagar	Manzgam Braine Srinagar	Construction of two storey residential house after dismantling the existing single storey Cow Shed.	Approved after dismantling the existing cow shed.

 Secretary, J&K LWDA (Member Secretary)
 Enforcement Officer, J&K-LDA
 Tehsildar, North Srinagar.
 Tehsildar Nazool Srinagar
 Tehsildar, Rhanwar, Srinagar
 Law Officer J&K LDA
 Executive Engineer PDD
 Executive Engineer S&D Din-Ist, UEED
 Executive Engineer, Water Works Division Srinagar.
 Executive Engineer, Lake Division Ist, LWDA
 Collector Land Acquisition, LDA
 Joint Commissioner(P), Srinagar.
 Chief Town Planner, Town Planning Organization, Kashmir
 Vice Chairman, J&K, LWDA (Chairman, BPA) 26/2

Name of the Applicant	Site At	Nature of Construction	Decision
Mr. Tariq Ahmad Khan S/O Mohammad Amin Khan R/O Syed Colony Naseem Abad Saderbal	Syed Colony Naseem Abad Saderbal	Construction of two storey residential house.	Approved
Mr. Ghulam Nabi Bhat S/O Late Mohamad Ramzan Bhat R/O Baghi Chandpora Harwan Srinagar	Baghi Chandpora Harwan Srinagar	Construction of two storey residential house with attic after dismantling the existing plinth.	Approved subject to dismantling of existing plinth.
Mr. Shabir Ahmad Kanna & Showkat Ahmad Kanna Ss/O Late Khazer Mad Kanna R/O New Colony baba demb Gousia Hospital Khanyar Srinagar	Tailbal	Construction of two number double storey residential house.	Deferred for fresh NOCs.
Mr. Niyaz Ahmad Baba S/O Mohammad Yousuf Baba R/O Pazwalplora Shalimar	Pazwalpora Shalimar	Construction of two number double storey residential house.	Approved
Mr. Sajad Ahmad S/O Mohammad Amin Khan R/O Syed Colony, Naseem Abad, Saderbal Srinagar	Syed Colony, Naseem Abad, Saderbal Srinagar	Construction of double storey residential house.	Approved
Mr. Nisar Ahmad Baba S/O Jalal-Ud-Din Baba R/O Saida Kadol Srinagar	Saida Kadal Srinagar	Construction of two number three storey residential houses after dismantling all the existing structures.	Deferred for fresh title verification and NOC from S&D UEED.


Secretary,
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(Member Secretary)


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Water Works Division
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Lake Division Ist, LWDA



Collector,
Land Acquisition, LDA


Joint Commissioner (P),
Srinagar.


Chief Town Planner,
Town Planning
Organization, Kashmir


Vice Chairman
J&K, LWDA
(Chairman, BPA)

Name of the Applicant	Site At	Nature of Construction	Decision
Mr. Ghulam Jeelani Wani S/O Ghulam Mohammad Wani and Salma Shaheen D/O Kh. Mohammad Yousuf Madoo W/O Ghulam Joelani Wani R/O Baramulla	Banigam Shalimar, Zeal lane	Construction of double storey residential house.	Approved
Mst. Shameema W/O Ghulam Rasaol Zargar (Kanji) R/O Gurgari Mohalla Srinagar	Braine Batgoo	Construction of double storey residential house.	Deferred for original title documents from AC-Revenue.
Mr. Shabir Ahmad Kak S/O Ali Mohammad Kak R/O Kak Mohalla Nawhatta, Srinagar	Abi Nowpora Srinagar	Construction of boundary wall.	Deferred for fresh NOC from Revenue Org. and submission of revised drawings for Chain Link fencing with 5.50feet height
Mr. Tariq Ahmad Bhat & Arshid Hussain Bhat S/O Late Ghulam Nabi Bhat R/O Braine New Colony Sheikh Mohalla near SMC Srinagar	Braine New Colony Sheikh Mohalla near SMC Srinagar	Construction of two storey residential house with attic after dismantling the existing double storey house & bathroom.	Approved subject to dismantling of existing house and bath room
Mr. Ghulam Mohammad Khan S/O Mohammad Ramzan Khan & Mohammad Lateef S/O Ali Mohammad R/O Nawabazar	Nowpora Srinagar	Construction of three storey residential house after dismantling the existing tin Shed.	Approved subject to fresh NOC from Revenue Org. and dismantling of existing Tin Shed.
Mst. Padshah Yousuf W/O Qazi Mohammad Yousuf Naqash R/O Braine	Braine	Construction of double storey residential house.	Approved


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SMC, Srinagar.


Chief Town Planner,
Town Planning
Organization, Kashmir



Vice Chairman
J&K, LWDA
(Chairman, BPA)


Commercial Cases


Name of the Applicant	Site At	Nature of Construction	Decision
Mr. Farooq Ahmad Mir S/O Mohammad Sidiq R/O Nigeen Srinagar	Saderbal, Hazratbal, Srinagar	Construction of four storey Commercial Building with stile car parking after dismantling the existing structures.	Deferred for fresh NOCs.
Mr. Manzoor Ahmad, Altaf Ahmad Ss/o Saifudin Guna, Mst. Nusrat Jan W/O Manzoor Ahmad Guna & Neelofar Jan W/O Altaf Ahmad, Mst Mumtaza Bana W/O Ghulam Nabi Kapra D/O Saifudin R/O Batwara	Braine	Construction of two number double storey Hotel blocks plus attic floor with basement far car parking.	Approved. Applicant to abide by the conditions forming part of the EIA obtained at the time of original permission: Plinth area of each structure to be maintained as 4702.00Sft.
Mohammad Khalil S/O Noor-U-Din Guna Mst. Saleema W/O Mohammad Khalil, Manzoor Ahmad Altaf Ss/O Saifudin Guna, Mst Nusrat W/O Manzoor Ahmad Guna R/O Batwara	Braine	Construction of two number double storey Hotel blocks plus attic floor with basement for car parking.	Approved. Applicant to abide by the conditions forming part of the EIA obtained at the time of original permission: Plinth area of 2585.00Sft for Block-A and 8826.00Sft for Block-B.


arding case No. (24 & 25)


the applicants were granted permission vide order No. 68-Bldg/LDA of 2017 for construction of two double storey hotel blocks and five double storey huts on the same land since the validity of the permission has expired applicants have revised the case in view of Master Plan-2035 and same are accordingly put up as fresh cases.



 Secretary,
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 Enforcement
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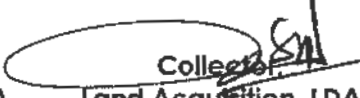

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 Srinagar.


 Chief Town Planner,
 Town Planning
 Organization, Kashmir



 Vice Chairman,
 J&K, LWDA
 (Chairman, BPA)


Name of the Applicant	Site At	Nature of Construction	Decision
Mr. Abdul Majid Matoo S/O Qadir Shah Matoo R/O Naibal Nowshara Srinagar	Naibal Nowshara Srinagar	Construction of three storey Industrial Building with basement floor for parking after dismantling the existing old single storey factory Shed.	***


*** The Vice Chairman, LDA (Chairman BPA-LDA) Chairman, BPA vide letter No. LDA-117/5843-44 dated 03.02.2021 had requested the Administrative Department that applicant in this case happens to be his Father-in Law as such a representation from SDA be deputed in the Building Permission Authority meeting scheduled on 04.02.2021. Since no person from SDA was deputed during the meeting the Chairman-BPA left the meeting and appointed Chief Town planner, Kashmir to chair the meeting in his absence. As such the BPA deliberated and approved the case subject to dismantling of old existing factory shed and NOC from UEED


In addition to the above decisions it was also decided as under:


- (27). The Building permission Authority was informed that the NOCs issued by the Executive Engineer, Lake Division Ist, clearing the cases for distance and sewerage point of view only and the instructions conveyed by the Member Secretary on the subject are being sent to trash. The BPA took strong note of the issue and expressed its displeasure with stern directions to the Executive Engineer, to dispose of NOCs in accordance with the requirements of Building Permission Authority in a holistic manner as conveyed by the Member Secretary earlier under reference letter No. LDA-684/5362-63 dated 14.01.2021, No. LDA-BP-05/111/5427-28 dated 15.01.2021, No. LDA-BP-117/5797-98 dated 28.01.2021 and No.LDA-117/5867 dated 03.02.2021.
- (28). In one of the cases it was brought to the notice of the BPA that applicant has been provided with scanned copies of the revenue title documents of land which formed part of the case. The BPA issued instruction that scanned copies of the documents /NOCs should not be entertained and instructed the Members that forwarding of scanned copies should strictly avoided in future.



 Secretary,
 J&K LWDA
 Member Secretary)

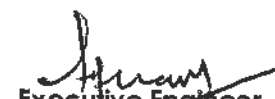

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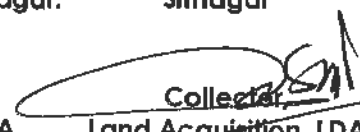

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 Chief Town Planner,
 Town Planning
 Organization, Kashmir


 Vice Chairman,
 J&K, LWDA
 (Chairman, BPA)