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Disability self-help unit exempted from Infrastructure and Amenities fee in Tamil Nadu

CMDA told to approve building plan permit for construction



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By Express News Service

CHENNAI: The Madras High Court has granted a self-help institution an exemption from paying Infrastructure & Amenities (I&A) charges and has asked the CMDA to approve the building plan permission for construction.





The petitioner, Nethrodaya, had sought to quash a letter from the CMDA that denied them an exemption from payment of Infrastructure & Amenities (I&A) charges. Nethrodaya is a self-help institution that works for the betterment of the differently-abled community.

 They approached the High Court to seek approval for building plan permission for the second floor construction to the petitioner without having to pay infrastructure, amenities, regularisations fee and security deposit.

The CMDA in its letter had said that Nethrodaya would not be exempted from paying the charges as no institution has been exempted from paying the I&A charges. Further, the CMDA mentioned that if such a relaxation was given, it would set a precedent for others to claim.

The judge, M Sathyaranayanan, cited Section 113 of the Tamil Nadu Town and Country Planning Act, 1971 that specifies that the government may, subject to certain conditions, by notification, exempt any land or building or class of lands or building from all or any of the provisions of this Act or rules or regulations.

“In the light of the welfare acts being performed by the writ petitioner as pointed out, it is entitled to apply for the exemption of payment of the I&A charges under the above said provision,” said Justice Sathyaranayanan.

The court said that the CMDA, being the statutory authority, shall also bear in mind the objects of the Disabilities Act, 2016. The government of TN shall also take into consideration this act and amend the Section 63 (8) of the Tamil Nadu Town and Country Planning Act, 1971 in respect of similar institutions.

“The plea is partly allowed and the impugned letter of the CMDA is set aside and the petitioner is at liberty to submit a representation seeking exemption for payment of I&A charges, within a period of two weeks from the date of receipt of the copy of this order to the Housing and Urban Development Department.” The court provided the Housing and Urban Development Department 12 weeks to issue appropriate orders regarding the same.

In light of welfare acts

Justice Sathyaranayanan said “In the light of welfare acts being performed by the petitioner as pointed out, it is entitled to apply for the exemption of payment of I&A charges under the above said provision. As and when any representation is received in that regard from the petitioner, the Housing & Urban Development Dept shall positively consider it within a stipulated time.”

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