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# सरकारी राजपत्र OFFICIAL GAZETTE



भारत सरकार  
Government of India

## संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकारण द्वारा प्रकाशित  
PUBLISHED BY AUTHORITY

No. COL/DMN/MUN-Bye-Laws/Amend/2001/39  
Administration of Daman & Diu,  
Office of the Secretary Education,  
Secretariat, Daman.

Dated : 09/05/2001.

### NOTIFICATION

In exercise of the powers conferred by Sub-section (4) of section 307 read with Section 184, 143 and 323 of the Daman and Diu Municipalities (Amended) Regulation, 1994 and all others powers enabling in this behalf and after consultation with Daman Municipal Council, the Administrator of Daman and Diu hereby makes the following Amendment to the Goa, Daman and Diu Municipalities, Building Model Bye-laws and Zoning Regulation, 1971 published in the Official Gazette Series-1 No.19, dated 05.08.1971 and adopted by the Daman Municipal Council on 26.08.1972.

**Municipalities Building Model Bye-laws and Zoning Regulation (2<sup>nd</sup> Amendment), 2001.**

#### Short Title and Commencement :

1) Title

These Bye-laws and Regulations shall be called "The Daman Municipality Building Model Bye-laws and Zoning Regulation (2<sup>nd</sup> amendment) 2001.

2) Application

- (I) The provision of these Bye-laws shall apply to entire municipal area within the district of Daman.
- (II) These Bye-laws and Regulation shall **amend the** Goa, Daman & Diu Municipalities Building Model Bye-laws and Zoning Regulation 1971 published in the Official Gazette Series-I No.19, dated 05.08.1971 as applicable to Daman Municipal Council and adopted by it on 26.08.1972. The Amendment done, (1<sup>st</sup> Amendment of Daman Municipal Council, 1999) published under Official Gazette Series-I No.05, dated 16.07.1999, stand cancelled.
- (III) These Bye-laws and Regulations shall come into force from the date of publication in the Official Gazette.

3) Amendment of Bye-law 3 - The Bye-law 3 is being substituted as under:

**3. Definitions** - In these Bye-laws and Regulation unless the context otherwise requires, the terms and expression shall have the meaning indicated against each of them :

- (a) **Act** - means the Daman and Diu Municipalities Amended) Regulation, 1994
- (b) **Addition and/or Alteration** - means change from one occupancy to another or a structural change such as addition to the area or height or the removal of the part of the building or a change to the structure, such as the construction or cutting into or removal of any wall or part of a wall, partition, column, beam, joint floor including a mezzanine floor or other support or a change to or closing of an required means of ingress or egress or a change to mixture or equipment as provided in these Bye-laws.
- (c) **Amenity** - means roads, street, open spaces, parks, recreational grounds, playgrounds, gardens, sports complex, Parade ground, markets primary school, secondary school, colleges, polytechnic, clinics, dispensaries, hospitals, parking lots, water supply, electric supply, street lighting, sewerage, drainage, public works and includes other utilities services and conveniences
- (d) **Architect** - means an architect who is an associate or corporate member of the Indian Institute of Architect or who holds a degree or diploma which makes him eligible for such membership for such qualification as listed in schedule XIV of the Architect Act, 1972 and being duly registered with the Council of Architecture under that Act. The architect should be duly registered with the municipal council concerned.
- (e) **Balcony** - means a horizontal projection including a parapet, handrail and balustrade to serve as a passage or a seating out place.
- (f) **Basement or cellar** - means the lower storey of a building below the ground level.
- (g) **Building** - means a structure constructed with any materials whatsoever for any purpose whether used for human habitations or not and includes excavation except for the purpose of digging for bore-well and or for compound

Foundation plinth, wall, floor, roofs, chimneys, plumbing and building services, fixed platforms, veranda, balconies, cornices, projections part of a building or anything affixed thereto any wall enclosing or intended to enclose land or space science and outdoor display structure, tanks constructed for storage of chemicals or chemicals in liquid forms and all type of buildings defined below except tents, shamiyanas and tarpaulin shelters erected for temporary purposes for ceremonial occasions with the permission of the Chief Officer or any other competent authority empowered in this behalf.

- I. **Assembly Building** - means a building or part thereof where groups of people congregate or gather for amusement, recreation, social religious patriotic, civil, travel and similar purposes and includes building for drama and cinema theaters, drive-in-theaters, assembly halls city halls, town halls, auditor, exhibition hall, museums, mangal-karyalayas, skating rings, gymnasias, stadia, restaurant, eating or boarding houses places of worship, dance halls, clubs, gymkhanas, road, air sea or other public transportation station and recreation areas.
- II. **Business/Commercial Building** - means any building or part thereof used as shops, store or market for display and sale of wholesale or retail goods or merchandises, for transaction of business and or keeping of accounts and record thereof, offices, banks, professional establishment, court houses being classified as business building if their principal function is transaction of business and or keeping of books and records.
- III. **Detached Building** - means a building with walls and roofs independent of any other building and with open spaces on all sides.
- IV. **Education Building** - means a building exclusively used for school or colleges or educational institution recognized by the appropriate Board or University or any other competent authority involving assembly for instructions education, or recreation incidental to educational use and including a building for such other uses incidental thereto such as a library or research institution. It shall also include Quarters for essential staff required to resides in the premises and a building used as a hostel captive to an educational institution whether situated in its campus or not.
- V. **Hazardous Building** - means a building or part thereof used for storage, handling, manufacture or processing of radioactive substances or highly combustible or explosive materials or products which are liable to burn with extreme rapidity and /or producing poisonous fumes or explosive emanations and a building or part thereof used for storage handling manufacture or processing of which involves highly corrosive toxic or noxious alkalis acid or other liquids gases or chemicals producing flames, fumes and explosive mixtures or which result in division of metals into fine particles capable of spontaneous ignition.
- VI. **Industrial Building** - means a building or part thereof wherein in products or materials are manufactured and/or fabricated, assembled or processed, such as assembly plants, laboratories, power plants, refineries, gas plants, mills, dairies, and factories.

- VII. **Institutional Building** - means a building constructed by Govt., Semi Govt. Organization or Registered Trust and used for medical or other treatment or hostel for working women or for an auditorium or complexes for cultural and allied activities or for an hospital, care of person suffering from physical or mental illness, handicapped, diseases or infirmity care of orphans, abandoned women, children and infants convalescents destitute or aged person for penal or correctional detention with restricted liberty of the inmates ordinarily provided sleeping accommodation, and includes dharmashalas, hospitals, sanatoriums, custodial and penal institutions such as jails, prisons, mental hospitals, houses of correction, detention and reformatories.
- VIII. **High-rise building** - means a building of a height of 15 mts. or more above the average surrounding ground level. While measuring height, stair case cabin overhead water tank, lift machine room, parapet wall, if any, would be excluded.
- IX. **Office Building (Premises)** - means a building or premises or part thereof whose main or principal use is for an office or for office purpose or clerical works "offices purpose" includes the purposes of administration includes clerical work, handling money, telephone, telegraphs and computer operation and "clerical purposes" includes writing book, keeping, sorting papers, typing, filing, duplicating, punching cards or taps machine, calculation, drawing for matter of public publication and editorial preparation of matter for publication.
- X. **Residential Building** - means a building in which sleeping accommodation is provided for normal residential purposes with or without cooking or dining facilities and includes one or more family dwelling lodging or rooming houses hostels dormitories apartments houses, flats, and privates garages of such buildings.
- XI. **Special Buildings** - means a building solely used for the purposes of a drama or cinema theatre, a drive-in-theatre, an assembly hall or auditorium, an exhibition hall, theatres, museum, a stadium a mangalkaryalaya or where the built up area of such a user exceeds 600 sq.mts. in the case of mixed occupancy or and industrial buildings, a hazardous building, a building of whole sale establishment, residential hotel building or centrally air conditioned building which exceeds 25 Mts. in height and/or a total built-up area of 600 sq.mts.
- XII. **Storage Building** - means a building or part thereof used primarily for storage or shelter or goods wares merchandise and includes a building used as a ware house, cold storage, freight depot transits shed store house public garage, hanger, truck terminal, grain elevator, barns and stable.
- XIII. **Unsafe Building** - means a building which is structurally unsafe, is unsanitary, is not provided with adequate means of egress, constitute a fire hazards, is dangerous to human life in relation to existing use, constitute a hazards to safety, or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.
- XIV. **Wholesale establishment** - means an establishment wholly or partly engaged in wholesale trade and manufacture of wholesale outlets including related

storage facilities ware houses and establishment engaged in truck transport including truck transport agencies.

- (h) **Building Line** - means the line upon which the plinth of building adjoining the street or an extension of a street or on a future street may lawfully extend and includes the lines prescribed if any.
- (i) **Building height** - means the vertical distance measured in the case of the flat roof from the average level of the center line of the adjoining street to the highest point of the building adjacent to the street and in the case of the pitched roof upto the point where the external surface of the outer wall intersects the finished surface of the sloping roof and in the case gables facing the roads, the mid point between the eaves level and ridge. Architectural feature serving on other functions except that of the decorations shall be excluded for the purpose of taking heights. If the building does not abut a street the height shall be measured above the average level of the ground around and contiguous to the building
- (j) **Cabin** - means a non-residential enclosure constructed of non-load bearing partitions.
- (k) **Canopy** - means cantilevered projection at lintel level over any entrance.
- (l) **Carpet Area** - means the net usable floor area within a building excluding that covered by the walls or any other areas specifically exempted from floor space index/floor area ratio computation in these Bye-laws.
- (m) **Chimney** - means a construction by means of which a flue is formed for the purpose of carrying products of combustion to the open air and includes a chimney-stack and the flue pipe.
- (n) **Chajja** - means a structural over hang provided over the opening on external walls for protection from the weather
- (o) **Chowk** - means a fully or partially enclosed space permanently open to the sky within a building at any level; "an inner chowk" being enclosed on all sides and "outer chowk" having one unclosed side.
- (p) **Corridor** - means a common passage or circulation space including a common entrance hall.
- (q) **Courtyard** - means a space permanently open to the sky within the side around the structure.
- (r) **Covered area** - means ground area covered by the building immediately above plinth level but does not includes the space covered by:
  - I. Garden, rockery, well-structures, plants, nursery, water pool, swimming pool, (if not covered), platform round the tree, tank, fountain, bench and the light.
  - II. Drainage, culvert, conduit, catch pit, chamber gutter and the light; and

III. Compound wall, gate and storage porch and portico, side area covered by chajja and the light;

IV. Balcony projection upto 1.2 Mt. depth and not more than half the length of each side of the facades.

✓ (s) **Coverage** - means the percentage obtained by dividing the covered area at the ground floor in the projections on the upper floors by the plot area multiplied by 100.

$$\text{Coverage} = \frac{100 \times \text{Built - up area}}{\text{Plot area}}$$

(t) **Damp Proof** - course consisting of some appropriate water proofing material provided to prevent penetration of dampness or moisture.

(u) **Drain** - means a system or a line of pipes, with their fittings and accessories such as manholes, inspection chambers, traps, gullies, floor traps used for drainage of buildings or yards appurtenant to the buildings within the same curtilage. A drain includes an open channel or conveying surface water or system for the removal of any liquids.

(v) **Developers** - means person (s) who developed agriculture land for the purpose of establishing an Industrial/Residential/Commercial complex.

(w) **Development** - The word development with its grammatical variation means the carrying out of buildings, engineering, mining or other operations in, on, over or under land or making of any material change in any building or land or in the use of any building or land and includes subdivision of any land.

(x) **Dwelling** - means a building or portion thereof which is designed or used wholly or principally for residential purpose.

**Dwelling single family** - means a building designed for occupation by one family.

**Dwelling two families** - means a building designed for occupation by two families.

**Dwelling multiple** - means a building designed for occupation by three or more families.

(y) **Enclosed staircase** - means a staircase separated by fire resistant walls and doors from the rest of the building.

(z) **Escape route** - means any well-ventilated corridor, staircase or other circulation space, or any combination of the same, by means of which a safe place in the open air at ground level can be reached.

(aa) **Existing building** - means building or a structure existing authorisably before the commencement of these Bye-laws.

- (bb) **Existing use** - means use of a building or structure existing authorisedly before the commencement of these rules.
- (cc) **Exit** - means a passage, channel or means of egress from any building, storey or floor to a street or other open space of safety; horizontal out side and vertical having meanings (i), (ii) and (iii) respectively as under:
- I. **Horizontal exit** - means an exit which is a protected opening through or around a fire or a bridge connecting two or more buildings.
  - II. **Outside exit** - means an exit from a building to a public way to an open area leading to a public way or to an enclosed fire resistant passage leading to a public way.
  - III. **Vertical exit** - means an exit used for ascending or descending between two or more levels, including stairways, smoke-proof towers, ramps escalators and fire escapes.
- (dd) **External wall** - means an outer wall of a building not being a partition wall, even open space though adjoining a wall of another building and also means a wall ablation or an interior open space of any building.
- (ee) **Fire and/or emergency alarm system** - means an arrangement of call points or detectors, sounders and other equipment for the transmission and indication of alarm signals. Working automatically or manually in the case of fire or other emergency.
- (ff) **Fire lift** - means a special lift designed for the use of fire services personnel in the event of fire or other emergency.
- (gg) **Fireproof door** - means a door or shutter fitted to a wall opening, and constructed and erected with the requirement to check the transmission of heat and fire for a specified period.
- (hh) **Fire Pump** - means a machine, driven by external power for transmitting varying outputs/capacity but shall be capable of having a pressure of 3.2 kg./cm<sup>2</sup> at the topmost level of a multi-storied or high-rise building.
- (ii) **Booster fire pump** - means a mechanical/electrical device which boosts up the water pressure at the top level of a multistoried/high rise building and which is capable of a pressure of 3.2 kg./mc<sup>2</sup> at the nearest point.
- (jj) **Fire resistance** - means the time during which fire resistant materials i.e. material of having a certain degree of fire resistance, fulfills its function of contributing to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint. The fire resistance test of structure shall be done in accordance with IS : 3809 -1966 Fire Resistance Test of Structure.
- (kk) **Fire separation** - means the distance in meter measured from any other building on the site from another site, or from the opposite side of a street or other public space to the building.

(ll) **Fire service inlet** - means a connection provided at the base of a building for up pumping water through built fire-fighting arrangements by fire service pumps in accordance with the recommendations of the Chief Fire Officer.

(mm) **Floor** - means the lower surface in a storey on which one normally walks in a building and does not include mezzanine floor. The floor at ground level with a direct access to a street or open space shall be called the ground floor, the floor above it shall be termed as floor 1, with the next higher floor being as floor 2, and so on upwards.

✓ (nn) **Floor Area Ratio or FAR** - means the quotient obtained by dividing the multiple of the total covered area on all floors and 100, by the area of the plot

$$\text{FAR} = \frac{\text{Total Covered Area on all Floors} \times 100}{\text{Plot area}}$$

Common lift area, common stair case and common passage would be excluded from the calculation of FAR.

(oo) **Family** - means a group of individuals normally related in blood or connected by marriage living together as a single house keeping unit and having common kitchen arrangements.

(pp) **Footing** - means a foundation unit constructed in bricks work stone masonry or large concrete under the base of a wall or columns for the purpose of distributing the load over the area.

(qq) **Foundation** - means that part of the structure which is in direct contact with and transmitting loads to the ground

(rr) **Front** - means the space between the boundary line of a plot abutting the means of access/road/street and the building line. Plots facing two or means of accesses/road/street shall be deemed to front on all such means of access/roads/street.

(ss) **Gallery** - means an intermediate floor or platform projecting from all wall of an auditorium or a hall providing extra floor area, and/or additional seating accommodations. It also includes the structure provided for seating in Stadium.

(tt) **Garage Private** - means a building or a portion thereof designed and used for the parking of vehicles.

(uu) **Garage Public** - means a building or portion thereof designed other than as private or garage operated for gain designed and/or used for repairing servicing, hiring, selling or storing parking motor driven or other vehicles.

(vv) **Government** - means the administrator of Daman and Diu

(ww) **Habitable Room** - means a room occupied or designed for occupancy for human habitation and uses incidental there to, including a kitchen if used as a living room but excluding bathroom, water closets compartment, laundry, serving and storing pantry corridor, cellar attic, store room, Poona room and space not frequently used.



- (xx) **Height of Room** - means the vertical distance measured from the finished floors surface to the finished ceiling slab surface. The height of the room with a pitch roof means the average height between the finished floor surface and the bottom of the eaves and the bottom of the ridge.
- (yy) **Licensed Surveyor/Engineer/Structural Engineer/Supervisor** - means a qualified surveyor or engineer or supervisor registered with the municipal council concerned. The structural engineer should have a degree in B.E. Civil or A.M.I.E. registered with the institution of engineers.
- (zz) **Lift** - means a mechanically guided car platform or transport for person and materials between two or more levels in a vertical or substantially vertical direction.
- (aaa) **Loft** - means an intermediate floor between two floors or a residual space in a Pitch roof above normal level constructed for storage.
- (bbb) **Masonry** - means an assemblage of masonry units properly bound together by mortar.
- (ccc) **Mezzanine Floor** - means an intermediate floor not being a loft, between the floor and ceiling of any storey.
- (ddd) **Occupancy or Use** - means the principal occupancy or use for which a building or a part of it is used or intended to be used, including contingent subsidiary occupancies.
- (eee) **Open Space** - means an area forming an integral part of a land left permanently open to sky.
- (fff) **Owner**- includes any person for the time being receiving or entitled to receive, whether on his own accounts or as agent trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rent or profits of the property in connection with which it is used.
- (ggg) **Parapet** - means a low wall or a railing built along with hedge of roof or of floor
- (hhh) **Parking Space** - means an enclosed or unenclosed covered or open area sufficient in size to park vehicles. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.
- (iii) **Partition** - means an interior non-load bearing divider one storey or part storey in height.
- (jjj) **Permission** - means a valid permission or authorisation in writing by the Chief Officer of the Municipality concerned to carry out development work regulated by the Bye-laws or the Regulation.
- (kkk) **Plinth Area** - means the built up covered area measured at the floor level of the basement or of any storey which ever is larger.

- (lll) **Plot** - means a contiguous parcel or piece of land enclosed by definite boundaries.
- (mmm) **Plot Corner**- means a plot at the junction of and fronting on two or more roads or street
- (nnn) **Plot Depth** - means the mean horizontal distance between the front and rear plot boundaries.
- (ooo) **Plot with double frontage** - means a plot having a frontage on two streets other than a corner floor
- (ppp) **Road/street** - means any highway, street, and, pathway, alley, stairway, passageway, carriageway, outway, square, place or bridge over which the public have a right of passage, whether existing or proposed and includes all bunds, channels, ditches, storm water drain, service corridor for sewerage line/electric line/culverts, side walks, traffic island, road side trees and hedges, retaining walls, fences, barriers and railings.
- (qqq) **Road/Street light** - means the line defining the side limits of a road/street.
- (rrr) **Road width** - means the whole extent of space within the boundaries of a road measured at right angle to the course or intended course of direction of such road.
- (sss) **Row Housing** - means a row of houses with only front rear and interior open spaces.
- (ttt) **Storey** - means the portion of a building included between the surface of any of the floors and surface of the floor next above it or if there be no floor above it the space between any floor and the ceiling next above it.
- (uuu) **Tower like Structure** - means a structure in which the height of the tower like portion is at least twice that of the broader base.
- (vvv) **Travel Distance** - means the distance from the remotest points on a floor of building to a place of safety be it a vertical exit or a horizontal exit and outside exit measured along the line of travel.
- (www) **Water closets** - means privy with an arrangement for flushing the pan with water but does not include a bathroom.
- (xxx) **Watercourse** - means a nature channel or an artificial channel formed by training or diversion of a natural channel mean for carrying storm and wastewater.

**NOTE**

Wherever there is conflict between the definition given in these Bye-laws above and the definition given by National Building Code, the definition given in the National Building Code shall prevail.

4) Amendment of Byelaw 7 -

After the existing clause 7 (e), the following clause 7 (f) and 7 (g) are added-

(f) Certificate in annexure 'A' from a registered structural Engineer or any other authority notified by the administration of Daman and Diu, that the proposed building structure is structurally safe to be furnished in all buildings having height of more than 12. Undertaking by a registered architect as per annexure 'B' to be furnished in all cases. The structural engineer and the architect should be duly registered with the municipal council concerned.

(g) The various fee will be charged as follows-

**SCHEDULE OF FEE**

Table 1

| S.No. | Description   |  |                             | Fees   |
|-------|---|--|-----------------------------|--|
| 1.    | Registration of architect/structural engineer/surveyor  |  |                             | Rs. 1500/- per annum   |
|       | Approval of plans   |  |                             |  |
|       |   | a) Residential                                 |                             |  |
|       |   |  | i) Other than RCC structure | 0.5% of the estimated cost of construction subject to a minimum of Rs. 1000/-  |
|       |   |  | ii) RCC structure           | 0.3% of the estimated cost of construction subject to a minimum of Rs. 750/-   |
|       |   | b) Other than residential e.g. commercial etc. | i) Other than RCC structure | 1.00% of the estimated cost of construction subject to a minimum of Rs. 1000/- |
|       |   |  | ii) RCC structure           | 0.5% of the estimated cost of construction subject to a minimum of Rs. 1250/-  |
| 3.    | or the approval of plans for introduction of internal changes or minor construction, repairs, fencing wall. |  |                             | 0.5% of the estimated cost of construction subject to a minimum of Rs. 250/-   |
| 4.    | Renewal of original licence if renewed within time  |  |                             | 25% of the original amount of licence fees                                     |

|     |  |  |  |   |
|-----|--|--|--|---|
| 5.  | Revalidation of licence after expiry                       |  |  | 100% of the original amount of licence fees                         |
| 6.  | Extraction of copies of plan                               |  |  | Rs. 100 per set of plan   |
| 7.  | Authentication of copies of approved plan                  |  |  | Rs. 25 per copy of plan/drawing                                     |
| 8.  | Issue of additional copy of construction licence           |  |  | Rs. 25 per copy   |
| 9.  | Issue of valuation certificate                             |  |  | 0.5% of the total cost of building subject to a minimum of Rs.500/- |
| 10. | For reinstalment of dug up roads for any approved purposes |  |  | Rs. 100 per running lane metre                                      |

5) **Amendment of Bye-law 10 - Notification Stages-**

For the existing Bye-law 10 the following Bye-law is being substituted-

10. **Notification Stages** - As work progresses under a building permit the holder thereof shall cause the Chief Officer of the Municipality concerned to be notified at the following stage of construction.

- (a) Upon commencement of the work as per Annexure-C;
- (b) Upon completion of footing and before erection of the foundation as per Annexure-D (only for high rise and special buildings).
- (c) Upon completion up to plinth level as per Annexure-E.
- (d) Upon total completion of the work authorised by the building permit and before occupancy as per Annexure F.

Inspections as required under c) shall be made within seven days following the receipt of notification after which period the owner will be free to continue the construction according to the sanctioned plan. If any violation is found, the work would be immediately ordered to be stopped. At the first inspection, the municipality concerned shall determine that the building has been located in accordance with the site plans and covered area complying with the requirements of these Bye-laws. The final inspection indicated under d) shall be made within 21 days following the receipt of notification for the grant of an occupancy certificate.

6) **Amendment of Bye-law 12 - Occupancy Certificate**

For the existing Bye-law 12 the following Bye-law 12 is being substituted-

**Bye-law 12 - Occupancy Certificate**

No building hereafter erected/re-erected or altered materially shall be occupied in whole or part until the issue of an Occupancy Certificate/Part Occupancy Certificate by the Chief Officer in annexure G affirming that such a building confirms in all respects to the requirements of these Bye-laws and fit for occupation.

**Explanation for Part Occupancy Certificate:**

**Part Occupancy Certificate :** The application for Part Occupancy Certificate should enclose along with an Indemnity Bond in a Stamp Paper not less than Rs. 20/- indemnifying the Municipality as per Annexure H. Upon the request of the owner/applicant of the building the Chief Officer may issue Part Occupancy Certificate for a building before completion of the entire work as per building permit provided sufficient precautionary measures are taken by the owner/applicant of the building permit to ensure public safety and health safety. Part Occupancy Certificate may be issued to a building which is complete wholly but not completed as part within the building. Chief Officer shall not grant part occupancy if there is violation of Building Bye-laws in the rest of the Building unless the violation is removed to the satisfaction of Chief Officer. Part occupancy shall be given only for complete floors and not part of floors.

To clarify further, under no circumstances, the Part Occupancy Certificate or Full Occupancy Certificate should be granted if the following deviations are found -

- (a) Temporary structures erected for the purpose of construction have not been removed as yet (particularly for Full Occupancy Certificate).
- (b) If at any time deviation from the approved building plan is noticed in the part under consideration or other parts of the same building.
- (c) If the debris etc. is within the compound wall and/or thrown in the public street thereby creating general nuisance.
- (d) If drainage outlet is adequately not provided.
- (e) If anywhere it is found that there is an overflow of the Sewerage Water & Silage and thereby creating public nuisance and unsanitary condition.
- (f) If the parapet wall for the above floor has not been constructed.

**7) Amendment of BYE-LAW 22 - Lofts, mezzanines and basements** For the existing BYE-LAW 22 (c) the following clause is substituted

22(c) Basement floor; No basement shall be allowed within the prescribed set back areas. The entire basement area shall be taken into consideration for the purposes of working out coverage but need not be considered for the purposes of calculating F.A.R. The purpose/use of basement floor as per the approved plan will not be changed later at any time including at the time of submission of revised plan, if required.

**8) Amendment of BYE-LAW 25 - Dimensions for stair case, steps, corridor, passages and balcony** -The following BYE-LAW 25 (A) is being inserted-

**25 (A) Parking Spaces**

For building of different occupancy, off street parking or space for motor vehicles shall be provided as stipulated in the table below.

- a. Each off street parking space provided for motor vehicles shall not be less than 5.5 Mts x 2.5 Mts. i.e. 13.75 Sq.Mts. area, and for Motor cycles/Scooters the parking spaces provided shall not be less than 2.5 Mts. x 0.5 Mt. i.e. 1.25 sq. Mts.
- b. Off street parking space shall be provided with adequate vehicular access to a street, and the area of drives aisles and such other provision required for adequate maneuvering of vehicles shall be exclusive of the parking space stipulated in the table. The car parking space shall have two independent accesses leading to street if its capacity exceeds 15 cars and 60 scooters. / Provided that one such access may be permitted if its minimum width shall be 5 meters.
- c. If the parking space is not provided at street level the gradient or ramps leading to parking space shall not be more than 14.3 per cent i.e. the vertical rise shall not be more than 1.0 meter over a horizontal distance of 7.0 Mts. If the capacity of such car parking space and/or scooter parking space exceeds 15 cars and 60 scooters respectively, one more independent ramp shall be provided leading to such space from ground level.
- d. In addition to the parking spaces provided in the table herein, for buildings of industrial and storage, godown, parking space @ one such space of 3.5 x 7.5 mts. for loading and un-loading activities for each 1000 sq. Mts. of floor area or fraction thereof may be provided.
- e. For composite building consisting of various types of uses, the relevant parking space shall be provided proportionately for each use separately as prescribed in the table for the corresponding occupancy/use and the total of such spaces shall be required parking space.
- f. In case of violation of parking provisions prescribed herein, no regularization of the violation shall be permissible by the Municipality unless adequate parking provisions is made for the building under erection or re-erection and approved by the Chief Officer.
- g. Every building erected or re-erected shall provide off street parking space for vehicles as per specification mentioned in the table 2 as under: -

TABLE REFERRED TO ABOVE:

Table 2

| Sr. No. | Occupancy/Use   | One Motor Vehicle Parking Space of 5.5 Mts. X 2.5 Mts. i.e. 13.75 Sq. Mts. For Every | Parking Space For One Motor Cycle/ Scooter 2.5 Mts. X 0.5 Mt. i.e. 1.25 sq.m.                      |
|---------|---|--|--|
| 1       | 2   | 3  | 4  |
| 1       | Residential Multi Dwelling Units having more than one dwelling unit       | Covered area of 200 sq.m. or part thereof or 2 dwelling unit                         | 1 such parking space for 1 dwelling unit or 100 sq.m of covered area or part thereof               |
| 2       | Lodging establishment and hotels, restaurants, with lodging accommodation | Covered area of 50 Sq.m. or part thereof or 5 guest rooms or part thereof            | 2 such parking space for covered area of 50 Sq.m. or part thereof or 5 guest rooms or part thereof |

12/10

|   |  |   |  |
|---|--|---|--|
| 3 | Educational institutions, Schools and Colleges   | Covered area of 100 Sq.m. or part thereof excluding class rooms or for 100 students or part thereof | 4 such parking spaces for 100 sq.m. covered area of part thereof excluding class rooms or for 100 students or part thereof |
| 4 | Hospitals/Nursing Homes  | Covered area of 100 Sq.m. or part thereof or 10 beds or part thereof                                | 2 such parking spaces for covered area of 50 sq.m or part thereof or 3 shops/offices or part thereof                       |
| 5 | Commercial buildings, shops and establishments other than single unit establishment having covered area less than 50 Sq.m. | Covered Area of 100 Sq.m. or part thereof or 4 shops/offices or part thereof                        | 2 such parking spaces for covered area of 100 sq.m or part thereof or 4 shops/offices or part thereof                      |
| 6 | Industrial   | Covered area of 200 Sq.m. or part thereof   | 4 such parking spaces for 200 Sq.m. covered area or part thereof   |
| 7 | Storage and Godown   | Covered area of 200 Sq.m. or part thereof   | 1 such parking space for 200 Sq.m. covered area or part thereof  |
| 8 | Cinema, theaters, restaurants without lodging accommodation and other assembly buildings                                   | Covered area of 50 Sq.m. or part thereof or 25 seats or part thereof                                | 2 such parking spaces for covered area of 50 sq.m. or part thereof or 225 seats or part thereof                            |

**NOTES -**

Wherever more than one criteria for parking space, such as covered area, seats, beds guest rooms etc. are prescribed in the above table for calculation of requirement of parking space, the criteria which necessitates a higher or greater requirement will be applicable to calculate the parking space.

The minimum width of access to street if exclusively provided for scooter parking space shall be 1.8 Mt.

Hospitals/Nursing home having bed of 20 or more shall provide additional parking space for one Ambulance, measuring 10 Mt. x 4. Mts.

The general arrangements of parking lay out shall be in conformity with the general instructions as may be issued by the local authority/administration from time to time.

Stilt parking, if made, would not be included for the calculation of FAR provided the height of the stilts is less than 2.2 metres and a specific structural stability certificate similar to annexure 'A' be submitted.

**9) Amendment of BYE-LAW 31 Building under Dangerous Conditions.**

The following BYE-LAW 31 (b) is being inserted

***Bye-law 31(b) Special requirements for building plan for High-rise Building/special Building***

For high-rise buildings and for special buildings like assembly, institutional, industrial storage and hazardous and mixed occupancies with any one of the aforesaid occupancies having area more than 500 Sq. meters, following additional requirements are to be fulfilled.

**I. Additional details to be furnished in the plans;**

- b. Size/width of main and alternative staircases along with balcony approach, corridor ventilated lobby approach.
- c. Location and details of lift enclosures;
- d. Location and size of lift.
- e. Smoke stop lobby/door, wherever provided; (only for commercial buildings like shopping complexes, etc.)
- f. Refuse chutes (OTS), refuse chamber, service duct etc.
- g. Vehicular parking spaces;
- h. Refuse area, if any;
- i. Details of Building Services such as Air conditioning system with position of fire damp mechanical ventilation system, electrical services and boilers gas pipes etc. (if central air-conditioned building)
- j. Details of exits including provision of ramps etc. for hospitals etc.
- k. Location of generator, transformer and switchgear room; compulsorily for buildings having ground + five floors and above.
- l. Smoke exhaustor system, if any, (For commercial buildings)
- m. Details of fire alarm system net work; (For commercial buildings)
- n. Location of centralized control, connecting all fire alarm system built in fire protection arrangements and public address system etc; (For commercial buildings)
- o. Location and dimensions of static water storage tank and pump room along with service inlet or wet-riser and water storage tank.
- p. Location and details of fixed fire protection installations such as sprinklers, wet-hose reels, drenchers, Carbon-dioxide (CO<sub>2</sub>) installation etc. and (For commercial buildings)
- q. Location and details of first aid fire fighting equipments / installations.



**Further requirements;**

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- a. Every high-rise building shall provide as a fire escape an independent external staircase directly accessible from every dwelling unit in case of residential buildings and every habitable room in case of other buildings. The construction of fire-escape shall be as prescribed for the fire-escape staircase in the National building code of India and of approved fire resistant materials;
- corric
- b. In every high-rise building for multi-family dwelling and all places of assembly, exit shall comply with the minimum requirements of these bye-laws, except those not accessible for general public use.
1. All exits shall be free of obstructions.
  2. No building shall be altered so as to reduce the No. and size of exits to less than that required.
  3. Exit shall be clearly visible and the routes to reach the exits shall be clearly marked and sign posted to guide the population living in that floor.
  4. Where necessary, adequate and reliable illumination shall be provided for exit.
  5. Fire fighting equipment shall be suitably located and clearly marked.
  6. Alarm devices shall be installed to ensure prompt evacuation of the population concerned.
  7. All exits shall be provided continuous means of egress to the exterior of building or to an exterior open space leading to a street.
  8. Exit shall be so arranged that they may be reached without passing through another occupied unit.
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- c. At least one lift shall be compulsorily provided in each high-rise building. Further lift with a capacity of carrying minimum 6 passengers shall be provided at the rate of one lift for every 25 tenements or part thereof for a residential building and at the rate of one lift for every 1000 sq.m. of floor area of part thereof for non-residential building.
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- d. All high-rise buildings shall be provided with under ground or surface water storage tank of capacity not less than 20,000 liters.
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- e. The minimum set back all around for any high rise building shall be 4.00 mtrs. and no projection of any kind including Chajja, balconies and/or any other kind of architectural features shall be permitted upto ground floor roof level. There shall be enforced irrespective of minimum set backs prescribed and any other provisions under these regulations
- ote
- f. Buildings with height of more than 30 meters are to be provided with internal fire hydrants and at least one additional lift designed as lift as per the National Building Code.
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10) Amendment of BYE-LAW 38. Regulations applicable to each land use zone - In the following existing BYE-LAW 38, the following BYE-LAW 38(A) is being inserted. 38(I)(e to h), 38(II)(e to h), 38(IV)(e to g along with the note), 38(V)(e to j), 38(VI)(e to j), 38(VII)(e to j), 38(VIII)(e to j), 38(IX)(e to h) and 38(X)(e to h) are deleted.

**Bye-law 38(A)- Regulation applicable to each land use zone**

The following general regulations shall apply to each of the land used zones specified in section 38 (i) to 38 (xi). In addition, height restrictions as imposed by the competent authority, because of airport being in vicinity are to be followed.

The Permissible set backs, coverage, floor area ratio height of building in each land use zone are as under:

The Permissible set backs, coverage, floor area ratio height of building :

(TABLE 3)

| Sr. No | Description of Zone.            | Minimum Plot area (Sq.mtrs). | Min. Setback (in Mt.) |      |      | Maximum Permission Coverage | Maximum Permissible F.A.R. | Min. Width of plot frontage (in Mtrs). |
|--------|---------------------------------|------------------------------|-----------------------|------|------|-----------------------------|----------------------------|--|
|        |                                 |                              | Front                 | Rear | Side |                             |                            |  |
| 1      | 2                               | 3                            | 4                     | 5    | 6    | 7                           | 8                          | 11                                     |
| 1.     | Residential Zone (All types)    | Up to 50                     | 1.00                  | 1.50 | NIL  | 70%                         | 150                        | 3.00                                   |
|        |                                 | 51 to 100                    | 1.25                  | 2.25 | NIL  | 65%                         | 150                        | 5.00                                   |
|        |                                 | 101 to 200                   | 2.50                  | 3.00 | 1.50 | 60%                         | 150                        | 7.00                                   |
|        |                                 | 201 to 400                   | 3.00                  | 3.00 | 3.00 | 45%                         | 150                        | 10.00                                  |
|        |                                 | 401 to 600                   | 3.00                  | 3.00 | 3.00 | 40%                         | 150                        | 12.00                                  |
|        |                                 | above 601                    | 3.00                  | 3.00 | 3.00 | 33%                         | 150                        | 15.00                                  |
| 2.     | Local Commercial Zone.          | Up to 200                    | 4.00                  | 3.00 | 2.25 | 50%                         | 250                        | 8.00                                   |
|        |                                 | 201 and above.               | 4.00                  | 3.00 | 3.00 | 50%                         | 250                        | 12.00                                  |
| 3.     | Central Commercial Zone.        | Up to 200                    | 4.00                  | 3.00 | 2.25 | 50%                         | 250                        | 8.00                                   |
|        |                                 | Above 201                    | 4.00                  | 3.00 | 3.00 | 50%                         | 250                        | 12.00                                  |
| 4.     | Whole sale Commercial Zone      | Up to 200                    | 4.00                  | 3.00 | 2.25 | 40%                         | 250                        | 8.00                                   |
|        |                                 | Above 201                    | 4.00                  | 3.00 | 3.00 | 40%                         | 250                        | 12.00                                  |
| 5.     | Educational Institutional Zone. | Up to 9000                   | 6.00                  | 5.00 | 5.00 | 33.3%                       | 150                        | 20.00                                  |
|        |                                 | Above 9001.                  | 9.00                  | 9.00 | 9.00 | 33.3%                       | 150                        | 20.00                                  |
| 6.     | Light and Service Industries.   | Up to 500                    | 6.00                  | 3.00 | 3.00 | 50%                         | 100                        | 15.00                                  |
|        |                                 | 501 and above.               | 6.00                  | 4.00 | 3.00 | 50%                         | 100                        | 20.00                                  |
| 7.     | General Industrial Zone.        | Up to 1000                   | 6.00                  | 3.00 | 3.00 | 33.3%                       | 66.6                       | 20.00                                  |

11) **Amendment of BYE-LAW 41** - for the existing Bye-law 41 the following Bye-law is being substituted-

**41. Control of building activities along Highways** - In order to regulate and control buildings activities along National Highways, State highways, West Coast Highways, Major District roads and major Urban roads as notified by the public Works Department of the Govt, in consultation with the senior Town Planner from time to time, persons responsible for carrying out excavation, earthwork, construction, demolition or repairs to all sites within 100 mts. from these roads shall apply to the Municipality or Panchayat concern for permission to carry out such works in accordance with setback mentioned here below. The setbacks are to be calculated from beyond the right of way notified in the Highways Act and any other rules/guidelines

Table 4

MDR

| Type building activities                                       | National Highway or State Highway or West Coast Highway | Major District Road | Major Urban Arteries |
|--|---|---------------------|----------------------|
| Theaters, Industrial Units etc. major commercial establishment | 8 Mt. front setback                                     | 5 Mt. front setback | 8. Mt.               |
| Commercial Building  | 8 Mt. front setback                                     | 5 Mt. front setback | 8 Mt.                |
| Residential Building   | 8 Mt. front setback                                     | 3 Mt. front setback | 3 Mt.                |
| Institutional Building   | 8 Mt. front setback                                     | 5 Mt. front setback | 5 Mt.                |

12) **Amendment in the BYE-LAW 42 Penal Provisions** - The following BYE-LAW is being substituted in place of existing bye-law 42.

**42. Penal Provisions-**

- a. No illegal construction i.e. construction beyond the scope of / in violation of the building bye-laws can be regularized.
- b. The Chief Officer shall be competent to ask the owner/occupier to demolish any construction in contravention to the Bye-laws by serving a notice. In case the owners fails to demolish the construction illegally put up, within the stipulated time, Chief Officer shall demolish the same and the cost of demolition shall be collected from the defaulter.
- c. In addition to above the Chief Officer can take suitable action against the owner/ occupier/engineer/architect concerned as per law.

MDR - Major District Road

- d. Any development/construction within the scope of the present building bye-laws but started/completed without prior permission/beyond the approved plan may be regularized by the chief officer after levy of suitable fine as prescribed in the table below.

**Table 5**

**PENALTY RATES FOR REGULARISATION OF UNAUTHORISED CONSTRUCTION**

| Sr.No. | Nature of violation  | Penalty   | Remarks  |
|--------|--|---|--|
| a.     | Construction started without Obtaining written permission  | Twice the licence fee to be charged.                      | No regularization if the construction violates the provisions of these bye-laws/regulation/rules or any other law. |
| b.     | Construction completed with minor deviation like chhajas, balconies, architectural features etc. The total deviation area not to exceed 5% of covered area | 2.5% of estimated cost of construction of deviation area. | No regularization if the construction violates the provisions of these bye-laws/regulation/rules or any other law. |
| c.     | Construction completed with major deviations or the total deviation area exceeding 5% of covered area  | 5 % of cost of construction of deviation area             | No regularization if the construction violates the provisions of these bye-laws/regulation/rules or any other law. |

SERIES - I No. : 04  
DATED : 9<sup>TH</sup> MAY, 2001.

ANNEXURE -A

Certificate For Under Taking of Registered Structural Engineer

Rule 7-f

To,  
The Chief Officer  
..... Municipal Council.....

Ref: Proposed Work of \_\_\_\_\_ (Title of the Work) at plot No./Survey No..... of  
\_\_\_\_\_

Owner.....  
Address.....

I possess current registration \_\_\_\_\_ (details of registration) to act as a structural engineer/designer. This is to certify that I am appointed as the registered structural designer to prepare the structural report, structural details and structural drawings for the above-mentioned projects. I am fully conversant of my duties and responsibilities under the Daman and Diu Municipalities (Amended) Regulation, 1994 and Bye-laws made there under and assure that I shall fulfill them in all respect. I have prepared and signed the structural design and drawing of the proposed building and further certify its structural safety and stability.

I under take to supply the owner and supervisor the detailed drawing. If my services are terminated, I under take to intimate the same to the Chief Officer of the Municipality in writing.

Signature .....

Reg. No. .... Date.....

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ANNEXURE - B**

**Certificate of Under Taking of Registered Architect**

**Rule 7-f**

To,  
The Chief Officer,  
.....Municipal Council  
.....

Ref.: Proposed work of \_\_\_\_\_ at plot No./Survey No. .... In village  
\_\_\_\_\_ for (Name of Owner/Organiser/developers/Builders).....  
Residents/Office at .....

I am a member of Council of Architects and my licence No. is ..... and  
presently valid upto \_\_\_\_\_. I am also possessing current registration to act as  
registered engineer/Surveyor for which my Registration No. is ..... and  
valid up to \_\_\_\_\_

I hereby certify that I am appointed as the registered Architect/Engineer/Surveyor to  
prepare the plans, sections and details as required under the provisions of Daman  
Diu Municipalities (Amended) Regulation 1994 and Bye-laws made there under for  
the above mentioned project and that I have prepared and signed the same and that  
the execution of the project shall be carried out under my directions and supervision  
as per the approved drawings. I am fully conversant with the provisions of the  
Municipal regulation and Bye-laws made there under which are in force and about  
my duties and responsibilities under the same and I under take to fulfill them in  
respect. I also under take to provide adequate measures of installation  
plumbing, drainage sanitation, parking and water supply as per the bye-laws.

Signature \_\_\_\_\_

Reg. No. .... Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone No. ....

SERIES - I No. : 04

DATED : 9<sup>TH</sup> MAY, 2001.

ANNEXURE - C

Form For Notice For Commencement of Work

Rule 10(a)

To,  
The Chief Officer,  
.....Municipal Council  
.....

Sir/Madam,

I hereby intimate that the construction works/erection/re erection/demolition/add  
/alt./ in the building situated on plot No. ....at .....will be commenced on  
.....as per your permission vide office letter No. ....dated.....  
under the supervision of ..... licence/Architect/Eng./Structural  
Eng./Supervisor, licence No. .... and in accordance with the plan sanctioned..

Signature of Licensed Architect/Eng.....

Name of Owner .....

Address of Owner .....

ANNEXURE - D

Only For High-Rise And Special Buildings

Rule 10(b)

To,  
The Chief Officer,  
\_\_\_\_\_ Municipal Council  
\_\_\_\_\_

Sir/Madam,

I hereby inform that the work up to footing is complete and the foundation work is to be started. I certify that the proposed level of foundation is \_\_\_\_\_ mtrs depth which will allow the building up to a maximum of \_\_\_\_\_ floors. As per the approved building plan we will construct \_\_\_\_\_ floors. The safe bearing capacity of the available soil has been checked and it is found that the same will bear the entire load of the proposed structure to be erected.

It is also certified that over and above the proposed height of the building as per the approved plan, there is no scope for increasing the number of floors/scope for increasing the number of floors up to \_\_\_\_\_. The structure of the building accordingly will be safe as per the standards of the National Building Code.

Name/ Sign/Reg.No of Architect \_\_\_\_\_

Name/Sign/Reg. No. of Structural Engineer \_\_\_\_\_

Name & Address of the Owner \_\_\_\_\_  
\_\_\_\_\_

Place \_\_\_\_\_

Date: \_\_\_\_\_



SERIES - I No. : 04  
DATED 9<sup>TH</sup> MAY, 2001.

ANNEXURE -E

Form of Informing Completion of Work to Plinth Level

Rule 10(c)

To,  
The Chief Officer,  
..... Municipal Council,

Sir/Madam,

I, hereby inform that the constructions upto plinth level has been completed for the building \_\_\_\_\_ on/in plot No. \_\_\_\_\_ situated at \_\_\_\_\_ as per permission No. \_\_\_\_\_ dated \_\_\_\_\_ under my supervision and according to the sanctioned plan.

Signature of Licenced Arch./Eng.  
Name of Licenced Arct./Eng.

ANNEXURE - F

Form of informing completion

Rule 10(d)

To,  
The Chief Officer,  
Daman Municipal Council,  
.....

Sir/Madam,

I, hereby certify that the erection/re-erection of development work of building/part building in plot No. \_\_\_\_\_ situated at \_\_\_\_\_ has been supervised by me and has been completed on \_\_\_\_\_ according to the plan sanctioned vide No. \_\_\_\_\_ Dated \_\_\_\_\_.

The work has been completed to my best satisfaction. The workmanship and the materials (type and grade) have been used strictly in accordance with the general and detailed specifications as specified in Daman & Diu Municipalities Model Building Bye-law and Zoning Regulation, 2001. No provisions of the Municipal Regulation or the Building Bye-laws, or any conditions prescribed in the sanctioned plan or orders issued there under have been transgressed in the course of the work. I am enclosing three copies of completion plan. The building is now fit for occupancy for which it has been erected or alter/constructed.

I request you to arrange for the inspection and give permission for occupation of said building.

Signature of Licenced Arch./Eng./Struc. Eng  
Supervisor .....  
Name of Licenced Arch./Eng./Struc. Eng.  
Supervisor. ....

Licence No. .... and date of  
Arch./Eng./Struct. Eng./Supervisor.....

Address of Licenced Arch./Eng./Struc. Eng  
Supervisor.....

ANNEXURE - G

Occupancy Certificate

Rule 12

To,

\_\_\_\_\_

Sir/Madam,

This is to certify that the construction work of residential/residential-cum-commercial/commercial/factory building, ground floor - ..... Sq.mt., first floor ..... sq.mts. second floors ..... Sq.mts. of Shri/Smt. M/S. .... on survey No. .... situated at ..... the construction permission of which was granted by construction licence No. .... dated ..... has been inspected by me and found to be completed with a built area on the ground floor of sq.mts. First floor of ..... sq.mts., second floors of ..... Sq.mt. as per approved plan with/without modification. This was completed under the supervision of Shri ..... Licence/Arch.Eng. Structural Eng. Having licence No. .... presently valid upto ..... and certified that the said residential/residential-cum-commercial/commercial/factory building admeasuring a built area of the ground floor with ..... sq.mts. first floor with ..... Sq.mts., second floor with ..... sq.mts. constructed as per the approved plan is now fit for occupation.

Verified and inspected.

Municipal Engineer

..... Municipal Council.

Chief Officer.  
..... Municipal Council.

SERIES - I No. : 04  
DATED : 9<sup>TH</sup> MAY, 2001.

ANNEXURE - H

Form of Indemnity For Part Occupancy Certificate

Rule 12

To,  
The Chief Officer,  
..... Municipal Council,  
.....

Sir/Madam,

While requesting you to allow me to occupy a portion of the building before the completion certificate of the whole building for the plans approved under No. .... Dated ..... I hereby indemnify the Municipal Council against any risk/damage and danger as may occur to occupant and users of the said portion of the building and also undertake necessary security measures for their safety. I/We say that these undertaking will be binding on me/us /our heirs/administrators/assignees.

Yours faithfully,

Owner.

Notification No.....dated.....issued

By order and in the name  
of the Administrator

Sd/-  
Assistan. Secretary(Mun. Adm.)  
Secretariat,Daman.

\*\*\*