U.P. ARCHITECTS ASSOCIATION®
Regd. under the Societies Registration (Uttar Pradesh Amendment) Act, 1975 since 1987.
A2304, Charms Castel, Raj Nagar Extension, Ghaziabad-201017 info@uparchitects.org www.uparchitects.org

PRESIDENT
AR. ANKIT AGARWAL
1st Floor, S2S, Nirmal Arcade 47,
Garh Road, Meerut-250002
Mob.: +91–9997847510
President@uparchitects.org

GENERAL SECRETARY
AR. AKSHAT GARG
144, Prakash Enclave,
Kanth Road, Moradabad-244001
Mob.: +91-9927208888
Email: generalsecretary@uparchitects.org

UPAA/D/2026/L-312
Date-8th April,2026

To,
The Director,
Awas Bandhu,
Lucknow (U.P.)

Subject: Clarification sought on applicability of Impact Charges on Mixed Use Zone along 18/24-metre wide roads — under Clause 8.1.3 (Note 4) read with Clauses 15.1.3, 15.3.2 and 15.4 of the Model Building Construction and Development Bye-laws and Model Zoning Regulations for Development Authorities of Uttar Pradesh, 2025.

Respected Sir,

We write to seek a specific clarification arising from the provisions of the Model Building Construction and Development Bye-laws and Model Zoning Regulations for Development Authorities of Uttar Pradesh, 2025 (hereinafter referred to as "the Bye-laws"). The present issue pertains to the levy of Impact Charges on Mixed Use Zones, particularly on plots located along 18/24-metre wide roads, where certain Development Authorities are imposing such charges despite the position appearing to be clearly governed under the Bye-laws.

1. Statutory Basis — Clause 8.1.3 and Note 4

Clause 8.1.3 of the Bye-laws prescribes the Development Standards for Mixed Use Development. The table under this clause, inter alia, addresses mixed use development along 18/24-metre and wider roads as specified under Clause 8.1.2(d). For this category, Note 4 under Clause 8.1.3 provides as follows:

"In case of layout plots along roads of width 18/24-metre-wide or more (as per 8.1.2(d) based on city population) on availing mixed land use and

For U.P. ARCHITECTS ASSOCIATION
PRESIDENT

consequent FAR conditions, development fees, impact fees and other charges shall be applicable on highest category use as per provisions of 15.1.3(iv) after inviting objections and suggestions and the relevant changes shall also be incorporated in the lease deed."

Thus, Note 4 stipulates that, where applicable, impact fees are to be determined in accordance with Clause 15.1.3(iv), thereby necessitating a reference to the provisions contained in Chapter 15 of the Bye-laws.

2. Scope of Impact Fee under Clause 15.1.3

Clause 15.1.3 governs the levy of Impact Fee. Sub-clause (iii)(a) expressly provides that Impact Fee shall not be payable for "generally permitted activities/uses in the built-up area." This establishes a foundational principle that no Impact Fee arises where an activity is already permissible as of right within the applicable zone.

Further, sub-clause (iv)—specifically referenced in Note 4 of Clause 8.1.3—addresses cases involving activities that deviate from the Master Plan land use and therefore require consideration through a process involving public objections and suggestions. This provision is intended to apply to situations where a use outside the permissible planning framework is proposed, and not where activities are already permitted within the relevant zone.

3. Permissibility Framework — Clause 15.3.2 and Note 2

Clause 15.1.3 must be read in conjunction with Clause 15.3, which defines the permissibility of activities across various land use zones. Clause 15.3.2 provides a detailed matrix identifying permissible activities for each zone. Activities marked in green are permitted as a matter of right, without the requirement of special approval or levy of Impact Fee.

Additionally, Note 2 under Clause 15.3.2 states:

"More than one activity which is permissible in a particular land use zone may be permitted."

This provision clearly establishes that the combination or clubbing of multiple permissible activities on a single plot is expressly allowed within the framework of the Bye-laws and does not constitute an exception.

4. Determination of Impact Fee — Clause 15.4

Clause 15.4 provides the mechanism for determination of Impact Fee by arranging land use zones in a hierarchical order from lowest to highest, along with corresponding impact fee coefficients. The governing principle is that Impact Fee is applicable only when a higher-order activity is proposed within a lower-order zone. Conversely, no Impact Fee arises where an activity is undertaken within its designated zone or in a higher-order zone.

The Mixed Use Zone (MU/C1/C2) is categorized as the highest-order zone within this hierarchy. Consequently, the corresponding column in the Clause 15.4 table reflects either "NP" (Not

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

Payable) or "NA" (Not Applicable) for all activities. This indicates that no activity attracts Impact Fee when undertaken within the Mixed Use Zone, as there exists no higher-order classification.

This interpretation is further supported by Government Order No. I/1130634/2025-8-3099/406/2023 Part-1 dated 4th November, 2025, issued by the Housing and Urban Planning Department, which clarifies under Column II(2) that Impact Charges are not applicable to Mixed Use Development. *This clarification is consistent with the scheme of Clause 15.4***(Annexure)**

5. The Illustrative Position in the Mixed Use Zone

To illustrate: the following activities are each individually permissible (green) in the Mixed Use Zone under Clause 15.3.2, and their Impact Fee status under Clause 15.4 is as below:

Sr.	Activity (Clause 15.3.2)	MU Zone Status	Impact Fee (Clause 15.4)	Remarks
1	Residential — Single/Multi-Unit	Permitted	**NP**	Permissible in MU as of right
2	Commercial — Shops / Restaurants (Clause 2.1)	Permitted	**NA**	Principal use of MU zone
3	Office Use — Private Office, Bank, BPO (Clause 4.2)	Permitted	**NP**	Permissible in MU as of right
1+2+3	**All three clubbed on single plot — as permitted by Note 2 of Clause 15.3.2**	Permitted	**? — Impact Charges being levied in practice**	**Scenario on which clarification is sought**

Note: NA = Not Applicable (principal use of the zone); NP = Not Payable. Both mean no Impact Fee is leviable.

6. Practical Concern

A harmonious reading of the above provisions leads to the conclusion that within the Mixed Use Zone—being the highest-order zone—no Impact Fee is leviable on any permissible activity, whether undertaken individually or in combination. Note 4 of Clause 8.1.3, when read with Clauses 15.1.3 and 15.4, does not create any independent or additional liability for Impact Fee; rather, it merely directs that the applicable framework under Chapter 15 be followed.

However, in practice, certain Development Authorities are imposing Impact Charges on Mixed Use Development proposals, treating the combination of permissible activities as if it constitutes a higher-order use within a lower-order zone. This approach appears to be inconsistent with the express provisions of the Bye-laws, the framework under Clause 15.4, and the Government Order dated 4th November, 2025.

For U.P. ARCHITECTS ASSOCIATION
PRESIDENT

7. Clarifications Sought

In light of the above, we respectfully seek clarification on the following:

1. Whether, for Mixed Use Development along 18/24-metre wide roads under Clause 8.1.2(d), the reference to Clause 15.1.3(iv) in Note 4 of Clause 8.1.3 gives rise to any independent liability for Impact Fee, or whether, upon a combined reading of Clauses 15.1.3, 15.3.2, and 15.4, no Impact Fee is leviable on permissible activities within the Mixed Use Zone.
2. Whether the combination of two or more permissible activities within the Mixed Use Zone, as allowed under Note 2 of Clause 15.3.2, attracts Impact Charges, or whether each activity retains its NP/NA status irrespective of such combination.
3. Whether the Government Order dated 4th November, 2025 applies comprehensively to all permissible activities within the Mixed Use Zone, thereby confirming that no Impact Fee is leviable on any combined proposal consisting solely of permissible uses.
4. Whether a uniform clarification or circular may be issued to all Development Authorities across the State to ensure consistent interpretation and implementation, and to avoid divergent practices at the field level.

We shall be grateful for your kind consideration and an early clarification in this matter, so as to facilitate uniform understanding and application by all stakeholders.

Thanking you.

Yours sincerely,

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

Ar. Ankit Agarwal
President

Encl.:

Annexure- Copy of Government Order No. I/1130634/2025-8-3099/406/2023 Part-1 dated 4th November, 2025, issued by the Housing and Urban Planning Department.

Uttar Pradesh Shasan
Aawaas evam Shahri Niyojan Anubhag-3

In pursuance of the provisions of clause (3) of Article 348 of Constitution, the Governor is pleased to order the publication of the following English translation of Notification no. I/1130634/2025/8-3099/406/2023 Part-1dated 04 Nov. ~~October~~, 2025.

Notification

No. I/1130634/2025/8-3099/406/2023 Part-1
Lucknow; Dated: 04 Nov ~~October~~, 2025.

In exercise of the powers under clause (c) of sub-section (2) of section 55 read with sub-section (2) of section 15 of the Uttar Pradesh Urban Planning and Development Act, 1973 (President's Act no. 11 of 1973) read with section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act no. 1 of 1904), the Governor is pleased to make the following rules with a view to amend the Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Impact Fee) Rules, 2024 :-

The Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Impact Fee) (First Amendment) Rules, 2025

Short title, commencement and application	1.	(1)	These rules may be called the Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Impact Fee) (First Amendment) Rules, 2025
		(2)	They shall come into force with effect from the date of their publication in the official Gazette.
		(3)	They shall be applicable to all the development areas in the State of Uttar Pradesh.

Amendment of Rule 2	2.	In the Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Impact Fee) Rules, 2024 (hereinafter referred to as the "said rules") for the existing rule 2 set out in Column-1 below, the rule as set out in Column-II shall be substituted, namely:-

Column-I			**Column-II**		
Existing rule			**Rule as hereby substituted**		
2(1)	(a)	"Act" means the Uttar Pradesh Urban Planning and Development Act,1973 (President's Act no. 11 of 1973);	2(1)	(a)	"Act" means the Uttar Pradesh Urban Planning and Development Act,1973 (President's Act no. 11 of 1973);
	(b)	"Applicant" means any person or body making an application under section 15 of the Act to obtain permission referred to in section 14 of the Act;		(b)	"Applicant" means any person or body making an application under section 15 of the Act to obtain permission referred to in section 14 of the Act;
	(c)	"Approval" means approved by the Authority;		(c)	"Approval" means approved by the Authority;
	(d)	"Authority" means the development authority constituted under section 4 of the Act;		(d)	"Authority" means the development authority constituted under section 4 of the Act;
				(e)	**"Building" means a structure constructed with any materials whatsoever for any purpose, whether used for human habitation or not,**

For U.P. ARCHITECTS ASSOCIATION
PRESIDENT

	(e)	"Building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;
	(f)	"Built-up area" means the area within a development area as earmarked in the master plan or has been delineated as such by the Authority;
	(g)	"Covered Area" means the total built-up area on all the floors of a building;
	(h)	"Development" with its grammatical variations and connotations, means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land, and includes re-development;
	(i)	"Development Area" means the area declared as development area under section 3 of the Act;
	(j)	"Government" means the G overnment of Uttar Pradesh;
	(k)	"Hierarchy of land uses" means order of various land uses from lower to higher and vice-versa as determined in the zoning regulations;
	(l)	"Impact Fee" means a fee levied upon a person or a body under sub-section (2) of section 15 of the Act for seeking permission for a higher use or activity in a lower land use in accordance with the zoning regulations;
	(m)	"Layout plan" means a sub-

		and includes: (i) foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms etc., (ii) verandahs, balconies, cornices, projections etc., (iii) parts of a building or anything affixed thereto; (iv) any wall enclosing or intended to enclose any land or space, sign and outdoor display structures; etc., (v) tanks constructed or fixed for storage of chemicals or chemicals in liquid form and for storage of water, effluent, swimming pool, ponds etc., (vi) all types of buildings as defined under the 'use group or occupancy' or based on 'design, height or other features', except tents, shamianas and tarpaulin shelters erected temporarily for temporary purposes (for less than three months) and ceremonial occasions, shall be considered to be "buildings".
	(f)	**(f)(i) "Built up area (Master Plan)" in the context of Master Plan means such densely populated area situated within the development area, most of which has been developed as commercial, industrial, residential, or other areas. Here, all the necessary facilities like road, water supply, sewerage, electricity supply etc. are available and have been demarcated as built-up area by the authority under its master plan.**
		(ii) Built-up area (Building)" in the context of building construction refers to the total covered area on all floors of an immovable property or building.
	(g)	"Development" with its grammatical variations and connotations, means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land, and includes re-development;
	(h)	"Development Area" means the area declared as development area under section 3 of the Act;
	(i)	"Government" means the Government of Uttar Pradesh;
	(j)	"Hierarchy of land uses" means order of various land uses from lower to

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

	division plan approved by the competent authority showing division of any land or portion thereof into more than one plot or parcel for the purpose of sale or otherwise;
(n)	"Land use" means the use of land for which land or building is used or intended to be used as per the provisions of master plan or the zonal development plan or the layout plan;
(o)	"Master Plan" means a plan for the development of land within the jurisdiction of the Authority prepared in accordance with the provisions of the Act;
(p)	"Owner" includes any person whose name is recorded as owner of the land or building or part thereof in the records of the concerned Authority;
(q)	"Section" means a section of the Act;
(r)	"Use permissible conditionally" means the use or activity which may be permitted in a particular land use subject to compliance of terms and conditions laid down in the zoning regulations;
(s)	"Use permissible generally" means use or activity which may be permitted in a particular land use without any condition in accordance with the zoning regulations;
(t)	"Use permissible with special permission" means use or activity which may be permitted in a particular land use with the approval of the Board of the Authority;

	higher and vice-versa as determined in the zoning regulations;
(k)	"Impact Fee" means a fee levied upon a person or a body under sub-section (2) of section 15 of the Act for seeking permission for a higher use or activity in a lower land use in accordance with the zoning regulations;
(l)	**"Lay-out plan/sub-division plan" means sub-dividing of any land or part thereof into more than one plot for sale or otherwise, in which the configuration of roads, measurement of plots along with set-back lines and method of development (e.g. row-housing, semi-detached, detached group housing) should be shown and details of size, use, area of all the plots should be given**
(m)	**"Land use" means the use of land for which land or building is used or intended to be used as per the provisions of master plan, the zonal development plan or the approved layout plan.**
(n)	"Master Plan" means a plan for the development of land within the jurisdiction of the Authority prepared in accordance with the provisions of the Act;
(o)	**"Non-Built-up area" is the area other than Built-up area (Master Plan) defined above.**
(p)	**"Owner" means a person who has legal rights over any land or building or receives rent or is entitled to receive rent in case the premises are on rent and will also include the following: (1) Any agent or person who receives rent on behalf of the owner, (2) Any agent or person who receives rent or is entrusted with the management of any land or building for religious or charitable purposes, (3) Any receiver or manager appointed by a court of competent authority who has been given the charge/authority of exercising the rights of the owner in the premises.**
(q)	**"Permitted" means use or activity which may be permitted in a particular land use without any condition in accordance with the**

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

					zoning regulations.
	(u)	"Zoning regulations" means zoning of land use and regulations prescribing the uses or activities permissible in different land uses in a master plan or a zonal development plan;		(r)	**"Permitted with conditions" means the use or activity which may be permitted in a particular land use subject to compliance of terms and conditions laid down in the zoning regulations**
				(s)	"Section" means a section of the Act:
	(v)	"Zonal Development Plan" means a plan of a zone prepared in accordance with the provisions of the Act:		(t)	**"Zonal Development Plan" means a Plan formulated under Section 9 of the Act for development of zones which are part of the development area under the jurisdiction of Authority.**
	(w)	"Zone" means any of the divisions in which a development area may be divided for the purposes of development under the Act.		(u)	"Zone" means any of the divisions in which a development area may be divided for the purposes of development under the Act.
				(v)	**"Zoning regulations" means zoning of land use and regulations prescribing the uses or activities permissible in different land uses in a master plan, a zonal development plan or approved layout plan.**
2.	(2)	Words and expressions, not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.		(2)	Words and expressions, not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

Amendment of Rule 3

3. In the said rules in sub-rule(1) of rule 3,-

(a) for clause (a) set out in Column-I below, the clause as set out in Column-II shall be substituted, namely:-

Column-I Existing clause		Column-II clause as hereby substituted
(a)	For uses or activities which are permissible in the built-up area 'generally' or 'conditionally' or 'with special permission' of the Authority.	(a) For uses or activities which are permissible in the built-up area 'generally' or 'conditionally'.

(b) for clause (f) set out in Column-I below, the clause as set out in Column-II shall be substituted, namely:-

Column-I Existing clause		Column-II clause as hereby substituted
(f)	Areas or land parcels which do not form part of any layout plan sanctioned by the competent authority	(f) Omitted

Amendment of Rule 4	4.	In the said rules for rule 4 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-

Column-I	Column-II
Existing rule	**Rule as hereby substituted**
4(1) Where an application is submitted under rule 3, the impact fee shall be assessed and collected on the gross area of the land parcel on the basis of present circle rate of existing use of land issued by the District Magistrate. (2) Assessment of impact fee for different uses or activities shall be carried out on the basis of 'impact fee co-efficient' prescribed for various land uses as given in the table below:-	4(1) Where an application is submitted under rule 3, the impact fee shall be assessed and collected on the gross area of the land parcel on the basis of present circle rate of existing use of land issued by the District Magistrate. Where such rate is not available, the current residential rate determined by the Authority, shall be applicable. (2) Assessment of impact fee for different uses or activities shall be carried out on the basis of 'impact fee co-efficient' prescribed for various land uses as given in the table below:-

Column-I — Land Use Zones (Lower to Higher)

	Use/activity (Lower to Higher)	Agricultural, green belt/verge, parks & playgrounds	Public and Semi-Public facilities	Traffic and Transport	Industrial	Residential & Village Abadi	Offices	Commercial
		1	2	3	4	5	6	7
1	Agriculture, Green belt/verge, parks & playgrounds	NA*	NP**	NP	NP	NP	NP	NP
2	Public & Semi-public facilities	0.25	NA	NP	NP	0.25	NP	NP
3	Traffic & Transport	0.30	0.10	NA	NP	0.30	NP	NP
4	Industrial	0.40	0.25	0.25	NA	0.40	NP	NP
5	Residential	0.50	0.40	0.40	0.25	NA	NP	NP
6	Offices	1.00	0.75	0.75	0.75	0.50	NA	NP
7	Commercial	1.50	1.25	1.25	1.00	1.00	0.50	NA

* NA: Not Applicable
**NP; Not Payable

Column-II

Impact Fee Coefficient	Existing Use Category	BU	A/GB, RC/HF	PSP	TT	SI/LI	R/GA	OU	MU/C1/C2
	(From lowest to highest)		1	2	3	4	5	6	7
1	Agriculture, Greenbelt, Park/Playground	NP	NA	NP	NP	NP	NP	NP	NP
2	Public, Semi-Public Facilities	NP	0.25 (1)	NA	NP	NP	0.25 (1)	NP	NP
3	Traffic and Transportation	NP	0.3	0.1	NA	NP	0.30	NP	NP
4	Industrial	NP	0.4 (2)	0.25 (2)	0.25 (2)	NA	0.40	NP	NP
5	Residential (incl. Rural)	NP	0.5	0.4	0.4	0.25 (3)	NA	NP	NP
6	Office Use	NP	1	0.75	0.75	0.75	0.5	NA	NP
7	Commercial	NP	1.5	1.25	1.25	1	1	0.5	NA

Where:

#	Notation	Land Use Zone
1	BU	Built-up
2	R	Residential
3	MU	Mixed Use
4	C1	Commercial 1 (Retail/ CBD/Sub CBD/ Bazaar Street)
5	C2	Commercial 2 (Wholesale/ Godown / Storage)
6	SI	Small industries
7	LI	Large Industries
8	OU	Office Use
9	PSP	Public and Semi-public Facilities
10	TT	Traffic and Transportation
11	F	Forest
12	RC	Recreational (parks, regional parks, playgrounds)
13	GB	Green Belt
14	GA	Grameen Abadi
15	A	Agriculture
16	HF	Highway Facilities

Exemption from Impact fee	
Non-commercial and Charitable Activities/ Uses (eligible under Income Tax Act)	(1)
Service and Cottage Industries	(2)
Group Housing for related use purposes	(3)

Symbol	
Impact fee not applicable	NA
Impact fee not payable	NP

Column-I	Column-II
(3) Impact fee shall be calculated in accordance with the following formulae: (a) for uses or activities which are permissible 'generally' or 'conditionally': **Plot Area X Circle Rate X Impact Fee co-efficient X 0.25** (b) for uses or activities which are permissible with special permission with the approval of the Board of the Authority: **Plot Area X Circle Rate X Impact Fee co-efficient X 0.50**	(3) Impact fee for uses or activities which are permissible 'generally' or 'conditionally' shall be calculated in accordance with the following formula: **Plot Area X Circle Rate X Impact Fee co-efficient X 0.25**

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

Amendment of Rule 5

5. In the said rules, in rule 5,-

(a) for sub-rule(1) set out in Column-I below, the sub-rule as set out in Column-II shall be substituted, namely:-

Column-I		Column-II
Existing sub-rule		sub-rule as hereby substituted
(1)	For all types of uses or activities, whether permissible 'generally' or 'conditionally' or 'with special permission', the Authority shall publish a notice in at least two newspapers having circulation in the development area inviting objections and suggestions from the public. The minimum duration for submission of objections and suggestions shall be 30 days from the date of publication of the notice.	(1) For all types of uses or activities, whether permissible 'generally' or 'conditionally', the Authority shall publish a notice in at least two newspapers having circulation in the development area inviting objections and suggestions from the public. The minimum duration for submission of objections and suggestions shall be 15 days from the date of publication of the notice.

(b) for sub-rule(3) set out in Column-I below, the sub-rule as set out in Column-II shall be substituted, namely:-

Column-I		Column-II
Existing sub-rule		sub-rule as hereby substituted
(3)	In case of approval in respect of the uses permissible 'generally' or 'conditionally' the Vice-Chairman and for the uses 'permissible with special permission' the Authority, as the case may be, shall calculate the amount of impact fee and issue demand notice within 15 days to the applicant for payment of the same.	(3) In case of approval in respect of the uses "permitted" or "permitted with conditions", the Vice-Chairman, shall calculate the amount of impact fee and issue demand notice within 15 days to the applicant for payment of the same.

Amendment of Rule 6

6. In the said rules, for sub-rule(1) of rule 6 set out in Column-I below, the sub-rule as set out in Column-II shall be substituted, namely:-

Column-I		Column-II
Existing sub-rule		sub-rule as hereby substituted
(1)	Subject to the provisions of the Act and these rules, the applicant shall pay the full amount of impact fee upfront as per the demand notice issued by the Vice-Chairman or the Authority, as the case may be, prior to grant of approval.	(1) Subject to the provisions of the Act and these rules, the applicant shall pay the full amount of impact fee upfront as per the demand notice issued by the Vice-Chairman, prior to grant of approval.

By Order,

Digitally signed by Guru Prasad Porala
Date: 02.11.2025 02:18:20

(P. Guruprasad)
Principal Secretary.

For U.P. ARCHITECTS ASSOCIATION
PRESIDENT