

DHARAMSHALA MUNICIPAL CORPORATION (PROPERTY TAXATION)

BYE-LAWS-2020

1. Short title and commencement: - (i) these Bye-laws may be called the Dharamshala Municipal Corporation (Property Taxation) Bye-laws-2020.

(ii) These bye-laws shall come into force from the date of their publication in the Rajpatra (e-gazette) Himachal Pradesh.

2. Definitions:- In these bye-laws unless the context otherwise require:-

- (i) **‘Act’** means the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) read with its amendment carried out vide H.P. Municipal Corporation (Amendment) Act No. 32 of 2011.
- (ii) **‘Appellate Authority’** means an authority prescribed under Section 132 of the Act.
- (iii) **‘Assessment list’** means the list of all units of the lands and Building assessable to property tax under the provisions of the H.P. Municipal Corporation Act. 1994.
- (iv) **‘Assessment Year’** means the year commencing from the first day of April to 31st day of March of succeeding year.
- (v) **‘Bye-Laws’** means the Dharamshala Municipal Corporation (Property Taxation) Bye- Laws, 2020 made under the Himachal Pradesh Municipal Corporation Act.1994 and notified in the official gazette.
- (vi) **‘Competent authority’** means Commissioner Dharamshala Municipal Corporation.
- (vii) **‘Corporation’** means the Dharamshala Municipal Corporation.
- (viii) **‘Section’** means a Section of the Act.
- (ix) **‘Rateable value’** as defined in Section 88 of the Act and procedure as prescribed under these bye-laws.
- (x) **‘Unit’** means a specific portion of the land and building in use and occupation of the owner(s) or occupier(s) including vacant land and built up portion of the building. This will not include setbacks area of building agricultural lands and land in notified green belt as notified under the Interim Development Plan of Dharamshala Planning Area.
- (xi) **‘Unit Area’** means area of a unit in square meters.
- (xii) **‘Unit area tax’** means property tax on unit(s) of lands & Buildings which shall be charged per annum between one percent to twenty five percent as may be determined on the basis of rateable value of unit(s) of land & buildings by the Corporation from time to time. All other words and expressions used herein but not defined shall have the same meaning respectively as assigned to them in the Act.
- (xiii) **Green building:** (also known as **green** construction or sustainable **building**) refers to both a structure and the application of processes that are environmentally responsible and resource-efficient throughout a **building's** life-cycle: from planning to design, construction, operation, maintenance, renovation, and demolition.

3. Assessment list what to contain:- the Commissioner shall keep a book to be called the “Assessment List” in which the following shall be entered in Form-A appended to these Bye-laws:-

- (i) A List of all units of the lands and Buildings located within the jurisdiction of Dharamshala Municipal Corporation, distinguishing each, either by name or number and containing such

particulars regarding the location or nature of each, which shall be sufficient for identification thereof.

- (ii) The rateable value of each unit of the lands and buildings.
- (iii) The name of the person primarily liable for payment of property tax and rateable value as well as property tax demand on his/her unit of land or Building.
- (iv) If any such unit of a land or a Building is not liable to be assessed to the property tax the reason for such non-liability and.
- (v) Other details if any as the Commissioner may from time to time think fit.

Explanation:- (i) for the purpose of clause (b) the rateable value of unit(s) of land will be the rateable value of unit(s) of the land and in the case of unit(s) of the building, the rateable value will include the rateable value of the land and the unit(s) of the building rejected thereon.

(ii) For the purpose of charging property tax on a unit of land, the unit of land shall be treated as “Land” till the completion plan of building is sanctioned by Dharamshala Municipal Corporation or by other competent authority of the State Government and such construction is put to use on the spot whichever occurs first. Accordingly, property tax shall be continued to be charged on the rateable value of the unit of land till such time treating it as “land”.

4. Form of Assessment list:- the assessment list shall be kept in the form-A here to the Commissioner may order to add, omit, amend or alter any of the columns of the Performa of the assessment list as and when required.

5. Procedure where name of person primarily liable for property tax cannot be ascertained:- if the name of the person primarily liable for the payment of property tax in respect of any unit of any land or Building cannot be ascertained, it shall be sufficient to designate him in the assessment list, property tax bill and in any notice which may be necessary to serve upon the said person under the Act, as “the holder” of such unit of land or Building without further description.

6. Inspection of assessment list:- If assessment list has been completed, the Commissioner shall give public notice thereof mentioning therein the place where assessment, list or copy thereof may be inspected and every person claiming to be the owner or lessee or occupier of any unit(s) of any land or building included in the assessment list and any authorized agent of such person shall be at liberty to inspect the list and to file written objection within 30 days from the date of publication of such public notice in the local newspaper(s).

7. Register of objections:- The Commissioner shall keep a register of objections in which all objections received under sub-section (4) of Section 94 and sub-section (2) of Section 96 shall be entered. The register shall contain:-

- (i) The name or number of the land or building in respect of which objection is received.
- (ii) Name of the person primarily liable for the payment of property tax.
- (iii) Name of the objector.
- (iv) The rateable value finally fixed after enquiry and investigation of the objection by the Committee constituted in this behalf.
- (v) The date from which the rateable value finally fixed has to come into force and.
- (vi) Such other details as the Commissioner may from time to time think fit.

8. Amendment of assessment list as per provisions of Section 96 and investigation and disposal of objections against such amendment:- (i) When any amendment is proposed to be made under the provisions of Section 96 such amendment will provisionally be made in the assessment

list and the notice as required under subsection (2) of Section 96 shall be served on the person affected by the amendment after affording him the opportunity to file objection, if any against the proposed amendment within 30 days from the date of receipt of such notice.

(ii) Objection shall be inquired into and investigated by the Committee constituted in this behalf under Sub Section 5 of Section 94 of the Act. after affording opportunity of being heard to the objector.

(iii) The assessment list shall be finally amended in accordance with the decisions made by the said committee.

(iv) If no objection is received or if the same are received but not within the time limit specified in this behalf in the notice, the assessment list shall be finally amended by confirming the provisional amendment made in the assessment list. However, for special reasons to be recorded in writing, the Committee constituted in this behalf may consider objections received after the expiry of the stipulated period.

(V) Property tax on the basis of the amended assessment list shall be due from the date specified in the assessment notice or from the date as may be decided by the Committee constituted in this behalf. Provided that the payment of property tax on the basis of the assessment list, as existing before such an amendment will not be withheld on the ground that some amendment is to be made in the list.

9. Payment of property taxes where to be made:- Every person who is liable to pay any of the property tax shall pay the same at the Head Office of the Corporation or at such other place(s) and time as may be specified by the Commissioner. However, the payment of tax shall be made either by all debit, credit cards or cheque or through Bank Draft drawn in favour of the Commissioner, Dharamshala Municipal Corporation, payable at Dharamshala or through RTGS in the Bank Account of Dharamshala Municipal Corporation declared for the said purpose by the Commissioner.

10. Demand of property tax to be raised annually by issuing one single bill for one unit of a property:- (i) Demand of property tax shall be raised annually by issuing a single property tax bill on form-B annexed to these bye-laws for each unit of a property. The service of bill shall be effected by hand through special messenger and in case owner or occupier upon whom the bill is to be served is living outside the Municipal limits, the bill shall be issued by post under certificate of posting or by registered/speed post. In case the owner or occupier avoids by hand service of the bill, the same shall be effected by affixing the bill in presence of one witnesses on the unit of the property to which the bill relates.

(ii) In case the owner or occupier upon whom the property tax bill has been served, fails to make payment of the property tax within the due date, the property tax shall be recovered by the Commissioner or by the officer/official authorized by him in this behalf by initiating appropriate process under the provisions of Section 124 of the Act.

Provided that nothing herein contained shall affect the liability of such person to any increased property tax to which he may be assessed on account of the said unit of property owing to a revision of the rateable value.

11. Service of property tax bills and demand notices in respect of un-partitioned unit of property: - If an un-partitioned unit of a property is owned by more than one person, service of bill(s) and notice(s) of demand on any one co-owner shall be treated as service on all the owners.

12. Demand and collection:- (i) A register of demand & collection of property tax in form-f appended to these bye-laws shall be maintained showing therein the figures of property tax demand, collection, rebate, remission adjustment, arrears, excess recoveries and such other particulars in relation to each unit of the property. This register will kept either in the shape of hard copy or in the shape of soft copy or in both as the Commissioner may think fit.

(ii) The register may, if any, the Commissioner thinks fit be made in separate parts or volumes for such purposes and with such several designations as the Commissioner may determine.

(iii) The separate Register shall be maintained for recording information regarding detail of arrears for the previous years.

13. Circumstances not considered as vacancy of property:- For the purpose of Section 127 and 128 of Himachal Pradesh Municipal Corporation Act., 1994:-

(i) A unit of building or of a tenement reserved by the owner for his own occupation shall be deemed to be occupied, whether it is actually occupied by the owner or not.

(ii) Any unit of building or of a tenement used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on an account of its being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended and.

14. Remission/Refund not claimable unless notice of vacancy is given to the Commissioner every year: - When a vacancy continues from one year into the following year, no refund or remission of any property tax shall be claimable from the Corporation on an account of such continued vacancy unless notice thereof is given to the Commissioner within 60 days from the commencement of the next financial year.

15. Inspection by Municipal Staff of the vacant unit of the property: - If any owner or occupier does not allow or facilitate the inspection by the authorized Corporation staff of any unit of the property claimed by him to be vacant, the Commissioner may refuse to treat such unit of building or tenement, as the case may be, as vacant till the day such inspection is made, and the vacancy of the unit of property is verified.

16. Copies of property tax bill(s):- The Commissioner may, on a request in writing from the owner of any unit of land or Building or any other person primarily liable to pay property tax in respect thereof, give a copy or copies of any bill/bills for any property tax on payment of such fee as may be fixed by the Commissioner from time to time.

17. Notice of transfer of title:- The notice regarding transfer of title of any unit of any property required to be given under Section 98 shall be either in **Form-C or in Form-D** annexed to these bye-laws, as the case may be, and shall state clearly and correctly all the particulars required in the said Form(s).

18. Property tax to be paid upto date:- No Such notice as contained in bye-laws17 above shall be deemed to be validly given unless the property tax due upto the date of transfer of title of the unit of property is paid in full.

19. Filing of return by owner(s)/ occupier(s):- The Commissioner may require any owner or occupier of a unit of land or building or of any portion thereof to furnish information or a written return in **Form-E** appended to these bye-laws. Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his/her knowledge or belief, within a period of thirty days from the service of such requisition upon him/her.

20. Penalty for non-submission of return: - Whosoever omits to comply with any requisition under bye-laws 19 of these bye-laws or fails to give true information or to make a true return to the best of his/her knowledge or belief, shall in addition to any penalty under Section 101 of the Act, be precluded from objecting to any assessment made by the Commissioner in respect of such unit of the lands or Building of which he/she is the owner or occupier.

21. Inspection of tax record: - Every owner, lessee or occupier of a unit of land and building or authorized agent of any such person may, with the permission in writing of the Commissioner or any officer/official authorized by him in this behalf inspect the tax record relating to the unit of the land/building of which is owner, lessee, agent or occupier free of charge during the office hours.

22. Location factor, characteristic and its value: - For the purpose of clause C of Section 88 of the Act, the location factor, Characteristic and its values shall be as under:-

i) Zoning of Dharamshala Municipal Corporation:-

Zone A:- It includes all the old Municipal Corporation area & ward No's 10 (Shyam Nagar) & 11 (Ram Nagar) of Dharamshala Municipal Corporation.

Zone B:- Includes the newly merged area except ward No. 10 & 11 (i.e. merged in to Dharamshala Municipal Corporation vide Govt. of HP Notification No. UD-A(1)-4/2006, Shimla-2 dated 5th October 2015).

There are five factors which are relevant for determination of rateable value of lands & Buildings.

(ii) Location Factors: -

(a) For Zone-A value per sq.mtr. = 5.00

(b) For Zone-B value per sq.mtr = 3.00

23. Structural factor, characteristics and its value: - For the purpose of clause C of Section 88 of the Act, Buildings shall be classified as Pucca, Semi-Pucca and Kutcha in the following manner:-

(i) For Pucca-buildings, value per sq.mtr. = 2.00

(ii) For Semi-Pucca building, value per sq.mtr = 1.50

(iii) For Kutcha building, value per Sq.mtr = 1.00

24. Age factor and Age-wise grouping and value of the building: - For the purpose of clause C of Section 88 of the Act, all the buildings shall be grouped age-wise having factor value as mentioned against each age group as under:-

Group	Building	Factor Value
A	Before 1947	1.00
B	1947 to 1980	2.00
C	1981 to 2000	2.50
D	2001 and beyond	3.00

25. Occupancy factor, characteristics and its value: - for the purpose of Clause © of Section 88 of the Act, the occupancy factor and its value shall be as under:-

(i) Value for residential occupancy:-

(a) Value for self residential	(b) Value for Let out residential
1.50	2.00

(ii) Value per Sq.mtr. for non-residential occupancy.

A	B	C	D	E
Hotel above built up area of 2000 sq.mtr., MNC Show Rooms and Restaurants	Hotel having built up area between 1000 to 2000 Sq. mtr. And show room above 1000 Sq. mtr.	Other Hotels, Bars, Restaurant, Banks, ATMs Show rooms Call Centre, Marriage Hall, Travel Agency, Mobile Towers, Coaching Centre.	Shops, School, College, Education Institutions, Offices, Hostel, Hospital, Theatre, Clubs, Paying Guest House (PGs), Guest House.	Godowns, Dhaba, Stall and other Types of Properties not covered under (A to D)
11	8	6	5	3

26. Use factor, characteristic and its value: - For the purpose of Clause © of Section 88 of the Act, the value of use factor and characteristic of the unit(s) of Lands & Buildings shall be as under:-

(i) Residential = 1.00/-

(ii) Non Residential = 2.00/-

27. Method for calculation of rateable value and Rate of property tax on the rateable value of the unit of lands and Buildings:- Area (in Sq.mtrs) of a unit multiplied by value of relevant factors of unit area method as mentioned above vide Clause 22 to 26 of these bye laws. The figure that will so come out, thereof shall be the net rateable value of unit and property tax shall be charged on that net rateable value at the rate of 15% in zone A and 10% in Zone B for lands and in the case of buildings as under:-

A-zone	B-zone
(i) For self occupied residential properties measuring 1.0 Sq. mtrs. To 100 Sq. Mtrs. @ 3% P.A. on the rateable Value.	(i) For self occupied residential properties measuring 1.0 Sq. Mtrs to 100 Sq. Mtrs @ 2% P.A. on the rateable Value.
(ii) For self occupied residential properties measuring 101 Sq. mtrs. And above @ 6% P.A. on the rateable Value.	(ii) For self occupied residential properties measuring 101 Sq. Mtrs. And above @ 4% P.A. on the rateable value.
(iii) For non-residential properties @ 10% P.A. on the rateable value.	(iii) For non –residential properties @ 5% P.A. on the rateable value.

28. Relaxation in Property tax:

a) Green Buildings: With a view to promote green buildings a relaxation up to 50% shall be given in the property tax. The relaxation shall be accorded as per the following matrix:-

- i) Design & Construction of Green Building: 25% relaxation.
- ii) Operation & maintenance of Green Building: 20% relaxation.
- iii) Renovation/ Addition/ Alteration/ Demolition: 5% relaxation.

In the interest of town design, promoting Green buildings, reducing carbon footprint or any other material consideration the Competent Authority, with prior approval of the house may change the above cited relaxations in (i) to (iii) above subject to a maximum up to 50% relaxation. The decision of the Competent Authority shall be final.

b) No property tax shall be charged from BPL families & Cow Sheds.

29. Penalty: - If a person liable for payment of property tax does not pay the same within a period of one month from the service of tax bill, a person shall be liable for payment of interest as per Section 121 of the Act beside initiation of recovery proceeding as per the provisions of the Section 124 of the Act.

30. Repeal and Savings:- The scheme, regulation or Bye-laws, if any heretofore relating to the mode of levy, calculation and assessment of property tax is hereby repealed. Anything done or any action taken under the said scheme, regulation or bye-laws if any shall be deemed to have been done or taken under the provisions of these bye-laws.

By order,

Sd/-

**Commissioner,
Dharamshala M.C.**

Unit	Area	Net Ratable Value	Property Tax Percentage	Amount of General Tax
Residential				
Let out Residential				
Commercial				
Plot of Land				

+

Detail of demand for Property Tax for the year _____ Period _____

Sr. No.	Description of Tax	Amount
1	General Tax	
2	(a) Rebate @ 10% (b) Remission	
3	Previous Arrear Amount for the period	
4	Interest Amount	
5	Previous Credit	
6	Amount Payable on due date	
7	Amount Payable after due date	
8	Amount still at credit	

Please pay bill before due date to avail 10% rebate.

Bill Prepared By _____ Bill Checked By _____ Additional Commissioner _____

Receipt

UNP No. _____ ID No. _____ Name of Owner/Occupier _____	Bill No. _____ Bill Date _____ Amount before due date _____ Amount After due date _____ Amount Paid _____ Receipt No. _____ Dated _____
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Cashier, Dharamshala MC

Term & Conditions

1. The Municipal Corporation Treasury is open from 10:00 AM to 01:30 PM on all working days.
2. Cheques should be drawn in favour of Commissioner, Dharamshala MC.
3. Out Stations cheques should include the discount charged in such cheques.
4. Rebate @ 10% is given on the taxes claimed for the current year or a bill raised for the first time, if the amount specified in the bill is paid within 15 days from the presentation thereof. Bills sent under postal certificate shall be construed to have been received within three days from the date the posting and accordingly this rebate is given if payment of the bill is made within 18 days from the date of posting.
5. If the payment of the tax is not made within the financial years in which the bill is an interest @ 1% per month shall be payable after one month of the close of the financial year to which the bill relates.
6. The notice of demand/recovery of property tax will not confer any right on the person paying the tax or anyone else to claim validation of unauthorized at a later date and the same is without any

prejudice to the rights of the Dharamshala Municipal Corporation to take any legal action including that of demolition in respect of such unauthorized construction/structure.

7. In case any of your payments have not been adjusted please do come with original receipts given by the Dharamshala Municipal Corporation.
8. Please always mention No./date, name of house and demand No. in all correspondence.
9. It is requested that this bill be presented while tendering payment.

Form-C (SEE BYE LAW 17)

Form of notice of transfer to be given which has taken place by way of instrument.

To
The Commissioner,
Dharamshala Municipal Corporation.

I _____ S/o _____

R/o _____

Hereby give notice as required by section 98 of the H.P. Municipal Corporation Act, 1994 (Act No. 12 of 1994) of the following transfer of property:-

Description of Property

Name of address of person whose title has been transferred	Name & Address of person to whom property title has been transferred	Detail of property	Area of the property	Account No./ID No. of old assesses	Remarks
1	2	3	4	5	6

Date _____

Name of Owner/Occupier _____

Address _____

Mob. No. _____

Form-D (SEE BYE LAW 17)

Form of notice of Transfer to be given which has taken place otherwise than by instrument.

To

The Commissioner,
Dharamshala Municipal Corporation.

I _____ S/o _____

R/o _____

Hereby give notice as required by section 98 of the H.P. Municipal Corporation Act, 1994 (Act No. 12 of 1994) of the following transfer of property:-

Description of Property

Name of Address of person whose title has been transferred	Name heir/ successor to whom property title has been transferred	Detail of Property	Area of the property	Account No./ID No. old Assesses	Remarks
1	2	3	4	5	6

Date _____

Name of Owner/Occupier _____

Address _____

Mob. No. _____

	properties not covered under (a to e)										
3	Plot of Land		5								

I hereby declare that the information furnished above is correct to the best of my knowledge or belief and that nothing has been concealed there from.

Date.....

Yours Faithfully,

(Signature)

Owner/Agent/Occupier.

Name in block letters.....

Address.....

Mob. No.....

Verification of the Junior Engineer

Verification of the Additional Commissioner

Location factor/ characteristic and its value

- (i) Number of zones:- the entire old and merged Municipal area has been divided i.e. A&B zone.
- (I) Location factor (F-1) @ 5 is same for both the Zones.

Structural factor, Characteristics and its values (F2):-

- (i) For Pucca-building value per Sq. Mtr. =
- (ii) For semi-pucca building, value per sq. mtr.
- (iii) For kutchha building, value per sq. mtr =

Age factor and Age-wise grouping and value of the Building (F3):-

Group		Factor value
A	Before 1947	
B	1947 to 1980	
C	1981 to 2000	
D	2001 and beyond	

Occupancy factor/ Characteristics and its value (F4):-

- (i) Value for residential occupancy:

(a) Value for self residential	(b) Value for Let out residential

- (ii) Value per Sq. mtr. For non-residential occupancy.

A	B	C	D	E
Hotel above built up area of 2000 sq.m., MNC Show Rooms and Restaurants.	Hotel having built up are between 1000 to 2000 sq.m. and show room above 1000	Other Hotels, Bars, Restaurant, Banks, ATMs Show rooms, Call centre,	Shops, Schools, Colleges, Education institutions, Offices, Hostel, Hospital,	Godowns, Dhaba, Stall and Other Types of Properties not covered Under (A to D)

	sq.m.	Marriage Hall, Travel Agency, Mobile Towers Coaching Centre.	Theatre, Clubs, Paying Guest House (PGs), Guest House.	

Use factor/Characteristic and its value (F5):-

The value of use factor/characteristic of the unit(s) of the lands & buildings for the purpose of Clause © ibid shall be as under:-

- (i). Residential =
(ii). Non Residential =

Method for calculation of Rateable Value and Rate of property tax on the Rateable Value of the unit of lands and Buildings:-

Area (in sq. mtrs) of a unit multiplied by value of relevant factors of unit area method as mentioned in 23 to 27 of the bye-laws. The figure that will so come out, thereof shall be the net rateable value of unit and property tax shall be charged on that net rateable value at the rate of 15% in zone A and 10% in zone B for lands and in case of buildings as under:-

A-zone		B-zone	
For self occupied residential properties measuring 1 sq. mtr. 100 sq.mtrs. @ 3% P.A. on the RV (Rateable Value).		For self occupied residential properties measuring 1 sq.mtrs.@ 2% P.A. on the R.V. (Rateable Value)	
(iii)	For self occupied residential properties Measuring 101 sq. mtrs. To above @6% P.A. on the R.V. (Rateable Value)	(ii)	For self occupied residential properties measuring 101 sq.mtrs. to above @ 4% P.A. on the R.V. (Rateable Value)
(iii)	For non-residential properties @ 10% P.A. on the rateable value.	(iii)	For non-residential properties @ 5% P.A. on the rateable value.

Form-F

**Dharamshala Municipal Corporation
Demand and Collection Register
(See Bye-Laws 12)**

Financial Year for the Year _____

UNP NO. _____
ID NO. _____
Name of Property _____
Name of Owner/Occupier _____
Correspondence Address _____

Unit	Area	Net Rateable Value	Property Tax Percentage	Amount of General Tax
Residential				
Let out Residential				
Commercial				
Plot of Land				

Method for self Assessment of Property Tax- for Discussion and approval

1. Location factor, characteristic and its value:- for the purpose of clause © of Section 88 of the Act, the location factor, Characteristic and its values shall be as under:-
 - (i) Zoning of Dharamshala town proposed as follows:- The entire Municipal area except new merged