

**OFFICE OF SECRETARY, NAGAR PANCHAYAT NERWA, DISTRICT
SHIMLA, HIMACHAL PRADESH**

NOTIFICATION

Nerwa,

the 03rd February, 2023

No-NP/Nerwa 2023-33: Whereas the Nagar Panchayat Nerwa draft (Property Taxation) Bye-Laws 2022 were published by notice board dated 03.08.2022 vide Notification of even number NP-Nerwa/2022 -236 for inviting Public Objections/ Suggestions /Claims under Section 217 of Himachal Pradesh Municipal Act, 1994.

Whereas, no Objection / Suggestion /Claims were received within the stipulated period.

Now, therefore, in exercise of the power conferred by Clause (A) of Section 217 read with clause (d) of Section 65 of the Himachal Pradesh Municipal Act 1994 (Act No. 13), the final Municipality (Property Taxation Bye- Laws -2022) are hereby notified and published in Rajpatra H.P. extraordinary for information of General Public as follows:-

NAGAR PANCHAYAT NERWA (PROPERTY TAXATION) BYE- LAWS 2022

1. **Short title and commencement:-** (i) These Bye-laws may be called the Nagar Panchayat Nerwa (Property Taxation) Bye-laws-2022

(ii) These bye-laws shall come into force from the date of their publication of its notification 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 Act 1994(Act No. 13 of1994) read with its amendment carried out vide H.P. Municipal(Amendment) Act No. 2016 and vide H.P. Municipal Amendment Act 2020

(ii) ‘**Appellate Authority**’ means an authority prescribed under Section 90 of H.P. Municipal Act 1994.

(iii) ‘**Assessment List**’ means the list of all units of the lands and Buildings assessable to property tax under the provisions of the H.P. Municipal 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 Nagar Panchayat Nerwa (Property Taxation) Bye-laws, 2022 made under the Act has notified in the official Gazette .

- (vi) **‘Municipality’ Means** defined in section 2(24) of the act.
- (vii) **‘Section’** means a Section of the Act.
- (viii) **‘Rateable value’** as defined in Section 2 clause(33-A) of the Act and procedure as prescribed under these bye-laws.

- (ix) **‘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 buy it 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 Nerwa Area.

- (x) **‘Unit area’** means area of a unit is square meters.

- (xi) **‘Unit area tax’** means property tax on unit(s) of lands & Buildings which shall be charged per annum between one per cent to twenty five percent as may be determined on the basis of rateable value of unit(s) of lands & Buildings by the Municipality 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.

3. **Assessment list what to contain:-** The Secretary 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 Nagar Panchayat Nerwa, 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 ratable 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 \Other details; if any, as the Secretary may form time to time think, fit.

Explanation:- (i) for the purpose of clause(b) the ratable value of unit(s) of land will be the ratable value of unit(s) of the land and in the case of unit(s) of the building, the ratable value will include the ratable value of the land and the unit(s) of the building erected 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 Nagar Panchayat Chopal 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 ratable 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 hereto. The Secretary 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 Secretary 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 30days from the date of publication of such public notice in the local newspaper(s).
7. **Register of objections:-** The Secretary shall keep a register of objections in which all objections received under sub-section (2) of Section 74 and sub-sections(2) of Section 76 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 ratable value finally fixed after enquiry and investigation of the objection by the Committee constituted in this behalf;
 - (v) The date from which the ratable value finally fixed has to come into force; and
 - (vi) Such other details as the Secretary may from time to time think, fit.
8. **Amendment of assessment list as per provisions of Section 76 and investigation and disposal of objections against such amendment:-** (i)When any amendment is proposed to be made under the provisions of Section 76 such amendment will provisionally be made in the assessment list and the notice as required under the provision of the subsection of (1and 3) of Section 76 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) Objections shall be inquired into the investigated by the Committee constituted in this behalf under Sub Section 1 of Section 75 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 Office of the Nagar Panchayat Nerwa or at such other place(s) and time as may be specified by the Secretary as the case may be. However, the payment of tax shall be made either by cash or cheque or through Bank Draft Drawn in favour of the Secretary, Nagar Panchayat Nerwa, payable at Nerwa or through RTGS in the Bank Account of Nagar Panchayat Chopal declared for the said purpose by the Secretary as the case may be.

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 Nagar Panchayat 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 two 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 Secretary or by the officer/ official authorized by him in this behalf by initiating appropriate process under the provisions of Section 86 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 ratable value.

(iii) The tax for the ensuing year shall be paid either in lump-sum within 30 days at the beginning of the financial year i.e. up to 30th April or in two half yearly installments. The first installments. The first installment to be paid by 30th April and second installment by 30th October every year.

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 be kept either in the shape of hard copy or in the shape of soft copy or in both as the Secretary has the case may be think fit.

(ii) The register may, if any, the Secretary has the case may be think fit be made in separate parts or volumes for such purposes and with such several designations as the Secretary has the case may be 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 81 and 84 of Himachal Pradesh Municipal 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 form one year into the following year, no refund or remission of any property tax shall be claimable form the Nagar Panchayat on an account of such continued vacancy unless notice thereof is given to the Secretary within 60 days from the commencement of the next financial year.

15. **Inspection by Nagar Panchayat Staff of the vacant unit of the property:-** if any owner or occupier does not allow or facilitate the inspection by the authorized Nagar Panchayat staff of any unit of the property claimed by him to be vacant, the Secretary has the case may be refuse to treat such unit of building of 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 Secretary as the case may be, 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 Secretary 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 83 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-laws 17 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 Secretary 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 19 bye-laws 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 82 of the Act, be precluded from objecting to any assessment made by the Secretary 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 Secretary 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(33-A) (c)of Section 2 of the Act, the location Factor, Characteristic and its values shall be as under:-

Tentative Zoning of Nerwa town proposed as follows:-

Zone A:- Ward No-3,4,5,6&7(Market Area)

Zone B:- Ward No-1&2 (Residential Area)

(iii) Number of Zones:- 2

(I) Location factor(F-1):

Location (Zone) no.		Value per square mtr.
A	=	3=.00
B	=	2=00

23. **Structural factor, characteristics and its value:-** For the purpose of clause (33-A) (c) of Section 2 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. = 3.00**
- (ii) **For Semi-pucca building, value per Sq.mtr. = 2.00**
- (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(33-A)(c) of Section 2 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	1.50
B	1947 to 1980	2.00
C	1981 to 2000	3.00
D	2001 to 2020	4.00
E	2021 and beyond	5.00

25. **Occupancy factor, characteristics and its value:-** The occupancy factor and its value shall be as under For the purpose of Clause(c) ibid :-

- (i) **Value for residential occupancy:-**

(a) Value for self residential	(b) Value for Let out residential
2	4.00

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

A	B	C	D	E
Hotel above built up area of 3000 Sq..mtr., MNC Show Rooms and Restaurants	Hotel having built up area between 100 to 300 Sq. mtr. And show room above 100 Sq. mtr. To 300 sq mtr.	Other Hotels, Bars, Restaurant, Banks, ATM's show rooms, Call Centre, Marriage Hall, Travel Agency, Mobile Towers, Coaching Centre less then 100sq. mtr.	Shops, School, Colleges, Education institutions, Offices, Hostel, Hospital, Theatre, Clubs, Paying Guest House (PGs), Guest House less then 100 sq.mtr.	Godowns, Dhaba Stall and other Types of Properties not covered Under (A to D) less then 100 sq. mtr.
15	12	8	8	8

Or

Commercial less than 100 sq.m	Commercial between 100-300 sq.m	Commercial greater than 300 sq. m	Residential by owner	Residential by other
8	12	15	2	4

26. **Use factor, characteristic and its value:-** For the purpose of Clause (33-A) of Section 2 of the Act, the Value of use factor and characteristic of the unit(s) of Lands & Buildings for the purpose of clause 33-A ibid shall be under

(i) Residential = 2.00/-

(ii) Non-Residential = 3.00/-

27. Method of calculation of rateable value and rate of property tax on the net rateable value of the lands and buildings shall be as under:-

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 ___% in zone A and ___% 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. to 100 sq. mtrs. @ 12% P.A. on the RV. (Rate able Value).	For self occupied residential properties measuring 1 sq.mtr. to 100 sq. mtrs. @ 12% P.A. on the RV. (Rate able Value).
(ii) For self occupied residential properties. Measuring 101 sq. mtrs. to above @ 12% P.A. on the RV. (Rate able Value)	(ii) For self occupied residential properties. Measuring 101 sq. mtrs. to above @ 12% P.A. on the RV. (Rate able Value)
(iii) For non-residential properties @ 12% P.A. on the rateable value.	(iii) For non-residential properties @ 12% P.A. on the rateable value.

28. Penalty:-

If a person liable for payment of Property Tax does not pay the same within a period of one month from the issue of tax bill, a person shall be liable for payment of interest as per section 86 & 87 of the Act beside initiation of recovery proceeding as per the provision of Section 89 of the Act. Further, whosoever contravenes any of the clauses of these Bye-Laws shall be, in addition to the penalties as provided under the act, liable for disconnection of water, electricity and other civic amenities and the Secretary, as the case may be request the competent authority to withdraw registration/recognition, if any granted, in his/their favour.

29. Repeal and Savings:-

The scheme, regulation or Bye-Laws, if any hereto for 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.

Form-B

Nagar Panchayat Nerwa

(Tax Department)

(See Bye-Laws 10)

Property Tax Bill

Financial Year for the Year _____ **Bill No.** _____ **Dated** _____
Zone _____ **Bill(s) Detail**

UPN No. _____
ID No. _____
Name of Property _____
Name of Owner/Occupier _____
Correspondence Address _____
Due date 15 days from the date of Receipt of bill/18 days if by post from the date of dispatch of bill

Unit	Area	Net Rateable 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
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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

Assistant Tax Superintendent

Receipt

UPN 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, Nagar Panchayat Nerwa.

Terms & Conditions

1. The Municipality Treasury is open from 10.00 AM to 02.00 PM on all working days.
2. Cheques should be drawn in favour of Secretary, as the case may be, Nagar Panchayat Nerwa.
3. Out stations cheques should be include the discount charged in such cheque(s).
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 send 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 issued 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 construction at a later date and the same is without any prejudice to the rights of the Chopal Municipality 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, same can be adjusted/settled by producing original receipts given by Municipality Nerwa .
8. In all correspondence, always mention No./date, name of house and demand No.
9. Bill generated 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 Secretary,
Nagar Panchayat Nerwa

I _____ S/o _____ R/o _____

_____ hereby give
notice as required by Section 83 of the H.P. Municipal Act, 1994 of the following transfer of
property:-

Description of Property

Name & 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	

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 Secretary,
Nagar Panchayat Nerwa

I _____ S/o _____ R/o _____
_____ hereby give
notice as required by section 83 of the H.P. Municipal Act, 1994 of the following transfer of
property:-

Description of Property

Name & address of person whose title has been transferred	Name of legal heir/successor 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	

Date _____

Name of Owner/Occupier _____

Address _____

Mob.No. _____

FORM-E

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

Date _____

Yours faithfully,

(Signature)

Owner/Agent/Occupier.

Name in block letters _____

Address _____

Mob. No. _____

**Verification of the
Assistant Tax Superintendent**

**Verification of the
Executive Officer/Secretary**

Form-F

**Nagar Panchayat Nerwa
Demand and Collection Register**

(See Bye-Laws 12)

For the Financial Year _____

UNP No. _____

ID No. _____

Name of Property: _____

Name of Owner/Occupier: _____

Correspondence Address: _____

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

General Tax	Rebate	Total General Tax	Previous Amount	Arrear	Interest	Net Amount Payable	Bill No.	Date of issuing Bill	Current General Tax Collection	Rebate & Remission	Arrear Collection	Interest Collection	Receipt No.	Receipt Date	Current Balance Amount	Arrear Balance Amount	Credit	Remarks
