

**Government of West Bengal**  
**Department of Urban Development and Municipal Affairs**  
**(Municipal Affairs Branch)**  
**“NAGARAYAN”, 6<sup>th</sup> Floor,**  
**DF – 8, Sector – I, Salt Lake, Kolkata -700 064**

**MEMORANDUM**

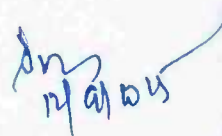
**No.687/UDMA-15011(99)/46/2025-LS-MA SEC**

**Dated, the 12<sup>th</sup> September, 2025**

WHEREAS, the Department of Urban Development and Municipal Affairs has introduced a guidelines on specific precautionary measures for buildings intended for commercial use to be followed strictly by the owners/ occupiers/ builder (s)/ developer(s) of building and citizen in general as well as by Urban Local Bodies to avoid untoward fire incidents within areas of Municipalities/Notified Area Authorities and Municipal Corporations in the State of West Bengal vide Memorandum No.324/UDMA-15011(99)/46/2025-LS-MA SEC dated 6th May, 2025 of this Department;

AND WHEREAS, in terms of reference outlined vide Memo No.42-CS/2025 dated 22.05.2025 of Chief Secretary to the Government of West Bengal and considering the upcoming festival season (Durga Puja, Kali Puja and others) and employment factors associated with rooftop restaurants, the State Level Committee for Fire Safety and Regulatory Compliances has introduced a Standard Operating Procedure (SOP) in view of rising safety concerns, unauthorized commercial activities, and in the interest of public welfare and to regulate rooftop constructions and usage in all residential and non-residential buildings within the jurisdiction of Kolkata Municipal Corporation;

NOW THEREFORE, the Department of Urban Development and Municipal Affairs hereby introduces a Standard Operating Procedure (SOP) (Annexure – A) in the form of guidelines for all Urban Local Bodies except the Kolkata Municipal Corporation to regulate rooftop constructions and usage in all residential and non-residential buildings within the jurisdiction of concerned Urban Local Body. The owners shall execute an “INDEMNITY BOND” (Annexure – B) confirming the compliances with the Standard Operating Procedure (SOP).



**Special Secretary to the Government of West Bengal**

## **ANNEXURE-A- Standard Operating Procedure (SOP)**

### **Subject: Standard Guidelines for Rooftop Constructions in Residential and Non-Residential Buildings.**

In view of rising safety concerns, unauthorized commercial activities, and in the interest of public welfare, the following standard guidelines are hereby issued with immediate effect to regulate rooftop constructions and usage in all residential and non-residential buildings within the jurisdiction of all Urban Local Bodies in this State except the Kolkata Municipal Corporation.

#### **1. Refuge Area / Floor / Terrace in Residential or Non-Residential Buildings:**

- No construction shall be permitted on, nor any occupation allowed of, the refuge area, refuge floor, or terrace of any building.
- Any such ongoing activity must be discontinued immediately. Furthermore, any Certificate of Enlistment (CE) issued for such areas shall stand cancelled forthwith.

#### **2. Residential Buildings:**

##### **2.1. Prohibition on New Rooftop Constructions:**

- No new rooftop construction shall be permitted in any residential building.
- No Certificate of Enlistment (CE), Police Permission, Excise License, Fire Safety Clearance, or any other statutory approval shall be issued for any rooftop-based business or construction activity, including but not limited to restaurants, sports turfs, or event spaces.

##### **2.2 Ownership and Mutation:**

- Rooftop space in a residential building shall be considered the common property of all residents or occupants.
- No mutation or registration of rooftop space in favour of any individual or entity shall be permitted.

##### **2.3. Common Access and Usage:**

- Rooftops must remain open and freely accessible to all residents of the building.
- Locking or restricting access to the rooftop is strictly prohibited. Any such violation shall attract penal action under the provisions of relevant acts.

#### **2.4. Guidelines for Existing Commercial Ventures on Rooftops of Residential Buildings:**

- All existing commercial activities on rooftops of residential buildings must be discontinued with immediate effect. The rooftop must be restored for common use by the building's residents.
- Any Certificate of Enlistment (CE) or other permissions issued for such ventures shall stand cancelled with immediate effect.

#### **2.5. Existing Non-Commercial Rooftop Constructions on Residential Buildings:**

- All existing rooftop constructions (e.g., storerooms, sheds, etc.)—except service utilities as permitted—must be removed immediately, ensuring that at least 50% of the total rooftop area remains open and free of encumbrances.
- The entire rooftop shall remain fully accessible to all occupants of the building at all times (24x7) via staircase, with unhindered access and exit.
- Applicable fire safety and other statutory clearances must be obtained as required.
- No Department shall issue any form of approval unless clearances from both the Municipal Authority and the Fire Department are duly obtained.
- Approval from the Building Department of the concerned Urban Local Body must be secured upon payment of the prescribed enhanced fees.

### **3. Non-Residential Buildings:**

#### **3.1. Prohibition on New Rooftop Constructions:**

- No new rooftop construction shall be permitted in any non-residential building.

#### **3.2. Ownership and Mutation:**

- Rooftop space shall be treated as common property of all occupants of a non-residential building.
- No separate mutation or registration of rooftop space in favour of any individual or entity shall be permitted.

#### **3.3. Guidelines for existing Rooftop Commercial Ventures:**

Existing rooftop establishments may continue operations only under the following conditions:



- At least 50% of the rooftop area must remain completely encumbrance-free — no construction, furniture, furnishing, or occupation of any kind shall be allowed in that portion.
- A separate and dedicated access route (for both entry and exit) to the 50% open area must be ensured and maintained at all times.
- The rooftop establishment and all associated access points must be covered by CCTV surveillance. Live feed access must be provided to both municipal and police authorities.
- A valid Fire Safety Certificate must be obtained. A Fire Safety Recommendation alone shall not suffice.
- Approval of the Building Department of the concerned Urban Local Body must be secured after payment of the prescribed enhanced fees.
- No Department shall issue any permission unless both municipal authority approval and a valid Fire Safety Certificate are in place.

### **3.4. Existing Non-Commercial Rooftop Constructions:**

- All existing rooftop constructions (e.g., storerooms, sheds, etc.)—excluding permitted service utilities—must be removed immediately, ensuring that at least 50% of the rooftop area remains open and free from encumbrances.
- All applicable fire safety and other statutory clearances must be duly obtained.
- No department shall issue any approval unless both municipal authority and fire department clearances have been obtained.
- Approval from the Building Department of the concerned Urban Local Body must be secured upon payment of the requisite enhanced fees.

### **3.5. Guidelines for Service Area for Serving Food in Assembly / Institutional / Mercantile Buildings with Existing Eating House Services:**

#### **3.5.1. Open and Encumbrance-Free Area:**

- At least **50% of the rooftop must remain completely encumbrance-free**—no furniture, furnishings, or any form of occupation shall be permitted in that portion.

#### **3.5.2. Surveillance and Safety Infrastructure:**

- The rooftop establishment and all associated entry/exit points must be equipped with CCTV cameras.

- **Live feed access** from these cameras must be made available to both **municipal and police authorities**.

### 3.5.3. Regulatory Compliance:

- A **valid Fire Safety Certificate** is mandatory. A Fire Safety Recommendation alone shall not be deemed sufficient.
- Approval from the Building Department of the concerned Urban Local Body must be obtained after **payment of the prescribed enhanced fees**.
- **No Department** shall issue any permission unless **both municipal authority approval** and a **valid Fire Safety Certificate** are in place.
- The applicant/licensee shall ensure that **food and beverages are served while maintaining food hygiene standards**, with effective measures to prevent contamination from dust, insects, bird droppings, or falling leaves from nearby trees.

### 3.5.4. Proximity Restrictions and Parapet Standards (for new applications):

- There shall be **no residential building within 10 meters** of the edge of the terrace where such a license is issued.
- If the **parapet wall height is less than 1.5 meters**, it may be raised using **grills or openable glass cladding**, ensuring the total height does not exceed **1.5 meters**.

### 3.5.5. Coverings and Structures:

- The terrace area designated for service use must remain **completely open to the sky**.
- **No temporary or permanent coverings or structures** (including monsoon sheds, umbrellas, tarpaulins, etc.) shall be permitted.
- **No fixtures, frames, or any covering structures** shall be erected under any circumstances.

### 3.5.6. Staircase and Access Provisions:

- The rooftop service area must be accessible through a **minimum of two staircases from ground floor to rooftop**. The staircases should be kept clear and open 24X7 without any stacking of material or encroachment of any kind.
- A **separate and dedicated access route** (entry and exit) to the 50% open area must be **ensured and maintained**.

### 3.5.7. Appointment of Fire Safety Personnel:

- The **owner/occupier must appoint a Fire Marshal, Fire Warden, or Fire Safety Officer** from among the employees.
- This designated personnel must:
  - Be **well-acquainted with evacuation procedures**,
  - Be **easily identifiable** to citizens/public through a **fluorescent jacket, arm band, cap, and badge**,
  - **Carry a whistle** to alert customers/guests during emergencies,
  - Be **present at all times** during operational hours.
- The **name and contact details** of this individual must be submitted to the **local police and fire authorities**.

#### **3.5.8. Staff Training and Awareness:**

- All staff employed in the rooftop service area must be **well-trained in the operation of fire-fighting equipment** and emergency procedures.

#### **3.5.9. Certificate of Enlistment (CE) Requirements:**

- A **separate application** for a Certificate of Enlistment must be submitted **specifically for the rooftop/terrace service area**.
- For **every renewal** of the CE, the applicant must **obtain or already hold a valid Fire Safety Certificate**.

#### **4. Other Fire-Related Guidelines applicable to All Rooftop/Terrace Activities:**

- **Cooking and Heating:**
  - No cooking or preparation of food shall be allowed on the terrace using LPG cylinders or open flames.
  - Only induction cook tops, microwave ovens, and electric ovens (enclosed) shall be permitted.
- **Exit Signage:**
  - Prominent EXIT signage illuminated by LED lighting must be installed along all designated escape routes.
- **Flooring:**
  - Terrace flooring must be made of non-combustible materials.
  - Use of synthetic flooring, wooden flooring, carpets, or similar combustible materials is strictly prohibited.



- **Furniture:**
  - Any furniture used on the terrace must be made of non-combustible materials.
- **Fire-Fighting Installations:**
  - If the building is equipped with fixed fire-fighting systems, a hydrant outlet with a first aid hose reel must be provided at the terrace level or at the mid-landing level of the top floor and terrace.
- **Fire Extinguishers:**
  - Two dry chemical powder (Class ABC) type fire extinguishers (each of 6 kg capacity and ISI-marked) shall be maintained for every 100 square meters of rooftop area.
- **Parapet Wall/Railings:**
  - The parapet wall or railing must adhere to sound engineering practices and shall be verified by the Building Department of the concerned Urban Local Body.
- **Electrical Safety:**
  - All electrical wiring must be installed in compliance with the prevailing Electricity Act and Rules.
  - A compliance certificate must be submitted along with the application.
  - No combustible material shall be stored within one meter of any electrical wiring, installation, lamp, or switch.
  - Electrical mains must be switched off daily after closure of operations.
  - All electrical heating appliances shall be equipped with thermostatic control valves.
  - ELCB/MCB must be incorporated into the circuit for added safety.
- **Evacuation Plan:**
  - A detailed evacuation plan must be prominently displayed at a conspicuous location on the premises.
- **Occupancy Limitations:**
  - Under no circumstances shall the premises be overcrowded beyond the occupant load certified by the licensed architect.
  - The occupant load related to staircases and lifts must be verified by the Building Department of the concerned Urban Local Body in accordance with prevailing norms.
- **Third-Party Fire Audit:**
  - Third-party fire audit is mandatory as per extant norms.

## 5. Other General Guidelines:

- A **No Objection Certificate (NOC)** from all owners of the building is mandatory for undertaking any service-related or permitted construction activity on the rooftop/terrace in case of residential and semi-residential building.
- The **entire rooftop/terrace must remain accessible to all occupants 24x7 via the staircase**. It shall not be kept locked or restricted in any manner.
- **Service timings** in the rooftop/terrace area shall strictly adhere to the provisions of applicable Acts and Rules.
- **Lighting/illumination and ambient noise levels** must comply with the relevant provisions of the Environment (Protection) Act, 1986 and other applicable environmental norms.
- For **buildings included in the heritage list**, necessary clearance must be obtained from the Heritage Conservation Committee, along with approval from the Mayor-in-Council/Chairman-in-Council, before using the rooftop/terrace for food or beverage service.
- The applicant shall submit an **Indemnity Bond**, absolving concerned Urban Local Body and its officers of any liability related to risk, damage, safety incidents, loss of life or property, or litigation of any kind.
- **Proper safety and security measures** must be ensured by the applicant/licensee to prevent any mishap or accident. The licensee/applicant shall bear full responsibility for such occurrences, if any.
- **Access to the overhead water tank** for inspection and maintenance must remain unobstructed at all times.
- No advertisements or hoardings will be placed on rooftops or surrounding walls of the building as it hinders use of rooftop and affects structural stability of the building.
- The Urban Local Body **reserves the right to revoke the permission** at any time without prior notice in the event of any violation of the above conditions.

The applicant shall be required to submit a **registered undertaking** agreeing to immediately cease the use of the rooftop/terrace as a service area without claiming any compensation or damages, should any license condition be violated.



**ANNEXURE - B**

**INDEMNITY BOND**

I/We ....., aged about ..... years, an Indian inhabitant, the owner/proprietor, partner, director, authorized signatory of the firm/company M/s. .... having his/her/its address/office address at ..... do hereby state on solemn affirmation as under :

1. I/We state that I/We have gone through the stipulated requirements/codified requirement of the West Bengal Fire Services Act, 1950 and the rules made there under, to be complied with in respect of the above said trade/business and I/We hereby declare that all the fire safety measures are complied all the time by me/us and I/We shall not indulge into any activity which may cause fire/health hazard.
2. I/We say and undertake to carry on trade / business at the said premises strictly in terms of provisions of relevant Acts and the Rules & Regulations made thereunder.
3. I/We say and undertake that I/We have complied with the provisions of the Electricity Act, 2003 and the Rules and Regulations framed there under for carrying out aforesaid trade/business at the said premises.

4. I/We say and undertake to run the aforesaid trade/business at the said premises strictly in terms of statutory provision under the Environment (Protection) Act, 1986 and the rules framed there under.
5. I/We hereby Indemnify the concerned Urban Local Body from and against all actions, acts, costs, claims, damages, demands of any nature and kind whatsoever, which may be instituted, claimed or made against the Urban Local Body, its officers, servants and agents by any person or persons, any third party or legal entity by reasons of the concerned Urban Local Body having granted to me/us the said certificate of enlistment under the provisions of relevant Acts.
6. I/We am/are aware and accept that I/We shall be liable to civil as well as criminal prosecution in the event of information submitted by me/us are found to be false and/or incorrect and fee/deposit amount paid by me/us shall be forfeited.
7. I/We say and undertake that the undertaking is binding on me/us/our/its legal heirs/representatives/partners/directors who are responsible for the acts done by the company/firm from time to time.
8. I/We declare that further direction of the Government / State Level Committee/District Level Committee, if any, towards carrying on business shall be complied with within a period of 03(three) months, failing which the

concerned Urban Local Body or other Competent Authority shall institute legal action including the cancellation of Certificate of Enlistment (C.E.).

9. I/We declare that the concerned Urban Local Body shall in no way be held responsible and shall not be questioned in any Court of Law for any penalty/ damages etc., merely on the ground that it has issued certificate of enlistment to carry on trade/business in respect of the aforesaid premises.

Signed at ..... Day ..... 2025

Signature

Witness with address

(1)

(2)

### Verification

I/We ..... state on solemn affirmation that whatever stated herein above are true to my/our own knowledge and I/We believe the same to be true and correct.

DEPONENT

Identified by me

Advocate



Copy forwarded for information to the:-

1. Director, Directorate of Local Bodies, West Bengal.
2. Commissioner, Howrah/ Asansol/ Bidhannagar/ Chandernagore/ Durgapur/ Siliguri Municipal Corporation.
3. Chairman/ Chairperson of Board of Administrators/ Administrator, \_\_\_\_\_ Municipality/ Notified Area Authority.
4. Director, Institute of Local Government and Urban Studies.
5. Executive Officer, Nabadiganta Industrial Township Authority.
6. Director, State Urban Development Agency.
7. Chief Engineer (North Zone/South Zone), Municipal Engineering Directorate.
8. Private Secretary to the Hon'ble Minister-in-Charge, UD & MA Department.
9. Sr. P S to the Additional Chief Secretary, Fire and Emergency Services Department.
10. Sr. P S to the Principal Secretary, UD & MA Department.
11. Section Officer, IT Wing of this Department, with the request to upload the same in the Departmental Website.
12. Law Wing of this Department.
13. Guard file of Statutory Wings, UD & MA Department.

  
12/9/2025  
**Special Secretary**