COMPREHENSIVE

DCPR 2034



Published by

FOUNDED IN 1965

Practising Engineers Architects and Town Planners Association (India)

Compiled by

ER. SHASHIKANT JADHAV

Supported by

NAREDCO
National Real Estate Development Council
Under the aegis of Ministry of Housing & Urban Affairs,Government of India

BDA

CREDAI - MCHI

COMPREHENSIVE
DCPR 2034
COMPILED AND UPDATED UPTO 1ST JANUARY 2021

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Presidents Message

Greetings to entire Peata Parivar. As you all know that DCPR 2034 is now being implemented and with this the necessity of getting ourselves acquainted with the new regulation is utmost important. PEATA has already sold more then 5000 copies of the DCPR 2034 regulations that was first printed in the year 2018.

The compilation of DCPR 2034 done by our Vice President Er. Shashikant Jhadav has been well adopted and referred by most of practicing Professionals as well as the Engineers in the MCGM.

It is great pleasure as a President that the DCPR 2034 compilation released by PEATA is being widely read and referred to during day to day approval procedures. I am proud to say that, we are now reprinting the ***Comprehensive DCPR 2034*** with all its amendments, relevant government notifications & modifications along with Circulars which are needed to be implemented along with the original DCPR 2034.

With the release of the Comprehensive DCPR 2034, PEATA aims to fulfill its resolve of increasing its reach and serving to the fraternity by publishing information and reading materials from time to time.

Once again. I congratulate entire Executive Committee of PEATA for it's contribution and technical inputs given during marathon process of compiling Comprehensive DCPR 2034.

Regards,

Ar. Samir R Hingoo
M. Arch (USA)
President

FOREWORD



The Government of Maharashtra accorded sanction to the Development Control and Promotion Regulations - 2034 for Greater Mumbai on 8th May, 2018. Subsequently, a Corrigendum and Addendum was issued on 29th June, 2018 in respect of corrections and additions to the Excluded Part.

The Excluded Part (excluding certain EP and the provisions which were kept in abeyance) was sanctioned by the State Government vide notification dated 21st September, 2018. A corrigendum was issued by the State Government on 12th November, 2018 in respect of errors and mistakes in the said notification. Subsequently, State Government / MCGM have published several circulars, clarifications and transition policies.

Considering the need for compilation of the above specified notifications, corrigendum, circulars and policies, we have made a sincere effort to put together this compilation of DCPR 2034. The government has also made available printed copy of DCPR 2034. PEATA committee studied and compared sanctioned DCPR as per various notifications and the printed version published by Government and made necessary annotations wherever there is ambiguity, need for correction as per the view point of PEATA Committee along with some of the MCGM officers.

I hereby acknowledge the support of PEATA President Ar Samir Hingoo, Ar Pravin Kanekar, Ar Shirish Sukhatme, Er Manoj Dubal, Er Sandip Isore, Er Er Gopal Chiplunkar, for successful publication of this compilation.

I sincerely thank Ar Parag P. Parekh and Er Hiren C. Daftardar for their efforts towards making this possible. I would also like to acknowledge the efforts of Er Pradeep M. Patil for giving valuable inputs for this compilation. It is appropriate to acknowledge the dedicated efforts of Er Ninad Jadhav and Er Nikhil Jadhav for putting together this compilation.

Er Shashikant L. Jadhav

I S Chahal
IAS
Commissioner
MCGM, Mumbai



MESSAGE

I would like to congratulate PEATA for its new publication titled "Comprehensive DCPR 2034".

Practicing Engineers, Architects and Town Planners Association popularly known as PEATA (I) is one of the active associations and a close observant of new policies of MCGM. The association has also actively participated in the process of fine tuning of DCPR 2034 at various stages prior to it coming into force. Further, the Government has already made available the printed copy of DCPR 2034.

After coming DCPR 2034 into force, there have been many circulars, clarifications and various transitional policies that have been issued by MCGM. It is a welcome move to see that PEATA DCPR 2034 Committee has painstakingly compiled all such data and included in this book of Comprehensive DCPR 2034. The PEATA committee has studied and compared sanctioned DCPR in soft copy and the printed version published by Government and made necessary annotations wherever there is ambiguity, need for correction as per the view point of PEATA Committee along with some of the MCGM officers.

The new DCPR 2034 together with all amendments has now been compiled meticulously by producing one single volume/ handbook. In my opinion this book will be of great help to all the Practicing Architects/ Engineers as well as MCGM officers in Building Proposal and Development Plan departments and it will further our goals towards achieving the Ease of Doing Business.

(I.S. Chahal) 15/1-21.

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Shri. Vinod P. Chithore
Chief Engineer (DP)
& Director (ES & P)

Office of Chief Engineer (D.P.)
5th Floor, Municipal Head Office,
Fort, Mumbai 400 001.

D.O. No.

Date:

MESSAGE

MCGM and PEATA (India) have a long association since intention of the new DCPR 2034 declared by the Government. This association "Practicing Engineers, Architect and Town Planners Association popularly known as PEATA (I) is one of the active associations and is known as a close observant of new policies of the MCGM". Members of PEATA (I) have always shown enthusiasm in the process of the preparation of various sections of DCPR 2034 at various stages before DCPR 2034 came into force alongwith MCGM engineers team.

Since the month of September 2018 after the DCPR 2034 has come into force and now after a gap of 18 months, MCGM has published several circulars, clarifications and transit policies. PEATA "DCPR 2034" Committee has painstakingly compiled al such data and included in this book of Comprehensive DCPR 2034. Meanwhile the Government has also made available printed copy of DCPR 2034. PEATA committee studied and compared sanctioned DCPR in PDF format and the printed version published by the Government and made necessary annotations wherever there is ambiguity, need of correction as per the view point of the PEATA Committee along with some of the MCGM officers.

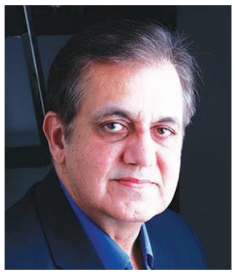
The new DCPR 2034 together with all amendments has now been compiled by PEATA meticulously by producing one single volume/ handbook.

In my opinion this book will be of great help to Architects, Engineers as well as officers from BP and DP Department and it will prove one more step towards achieving goals of ease of doing business.

18/01/2021

(Vinod Chithore)

Foreword



It gives me immense pleasure to witness the launch of handbook of operational DCPR 2034. This handbook incorporates all the amendments / corrections undertaken in DCPR 2034, showcasing the final implementable version of DCR 2034.

DCR 2034 serves as the blueprint for the city's land use over the next couple of decades and it shall shape the future of our city. It provides tremendous boost to real estate industry addressing key issues of the citizens including affordable housing, facilitating qualitative life and not compromising on open spaces & green cover. It also aims at improving the life of marginalised sections of the society by helping them maintain pace with development.

Over the past years, several corrections/amendments have been released and we, on behalf of NAREDCO are appreciative and grateful to Government of Maharashtra for providing speedy decisions. This handbook aims at providing information and educating all stakeholders including architects, engineers, industry, government bodies etc on various updates and amendments issued by Government.

I would like to express my gratitude to PEATA for meticulously preparing this compilation in record time. This handbook is not for our shelves, but it would be our constant companion and a tool that can assist us in shaping the future of Mumbai.

Ashok Mohanani
President, NAREDCO Maharashtra
Chairman, Ekta World

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President, CREDAI-MCHI
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To,
Team PEATA(I),

Practicing Engineers, Architect and Town Planners Association (India) popularly known as PEATA(I) is an active organization bringing imminent and talented Architects, Engineers and Town Planners together in One Platform. It is one of the most eminent and professional associations, in real estate industry since its inception from 1966.

I would place on record that PEATA has been pioneering in publishing various study materials on the rules, regulations related to the development of real estate industry in Mumbai. It is noteworthy to mention here that in the recent past, the entire team of PEATA(I), had undertaken a marathon task with sheer dedication and commitment to compile numerous circulars related to the previous DCR 1991 and DCPR 2034.

I deeply appreciate the efforts put in by PEATA (I) for bringing out this comprehensive "Handbook of Operational DCPR 2034" with inclusions of all the amendments/clarifications issued by Urban Development Department / MCGM in DCPR 2034. I strongly feel that this Handbook will immensely benefit and will be the bible for various stakeholders of the Real Estate Industry for time to come.

CREDAI-MCHI is committed and is looking forward to continue to collaboratively work together with PEATA (I), in order to achieve the common goals, on all issues with MCGM and Government of Maharashtra to resolve them successfully and in the implementation of the DCPR 2034 in its true spirit.

It is my privilege and honour to once again Congratulate the entire team of PEATA(I) for their laudable work in releasing this Handbook for the Real Estate Industry.

Best wishes
Regards,

Deepak Goradia
President

BRIHANMUMBAI
DEVELOPERS ASSOCIATION

Foreword

To,
The President
PEATA(I)

We Brihanmumbai Developers Association (BDA) are proud to support the intiative taken by PEATA (I) to update the DCPR 2034, including all the amendments and policies since the DCPR was first sanctioned by The Government of Maharashtra on 8th May 2018.

Since the digital availability of books, reference guides and other key information is now vital, we are very pleased to support this publication viz. the updated edition of the Development Control and Promotion Regulations 2034 For Greater Mumbai, to reach an even wider group of individuals, groups and institutions.

We sincerely thank the PEATA for this initiative and also acknowledging that with their support our course on DCPR 2034 was met with astounding success. We also thank MCGM for engaging with our association and make amendments , reduce premiums and pass circulars in an expedite manner where the need arises.

We also thank and acknowledge the support of PEATA, MCHI- CREADAI and NAREDCO for working in an cohesive manner to resolve and formulate various policies along with the MCGM.

We once again thank PEATA for having published this handbook in a timely manner.

Mr. Damji Dedhia
President - BDA

Mr Harrish Kumar Jain
Vice President - BDA

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From Desk Of:
Ar. Shirish Sukhatme
Chairman Events & Publications Committee

To,
The President,
PEATA (I),

Dear Samir,

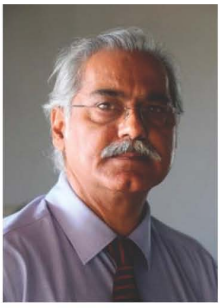
As the youngest president of our organization I, congratulate you to take the lead in the motivating PEATA DCPR Committee to publish this volume of **Comprehensive DCPR 2034** in record time. Earlier volume of DCPR 2034 published by PEATA was only printed version available in the market and PEATA had to reprint the same five times to fulfill the demand of industry. This book is seen on table of each practicing architect, engineer and even on table of sub- engineers, assistant engineers and other higher graded officers as authentic source of rules and regulations for approval of plans.

Vice Presidents Er. Shashikant Jadhav, Er. Sandeep Isore and their office staff have put their marathon efforts by meticulously going through and comparing government published DCPR 2034 and earlier original version of DCPR 2034 published in the form of gazette in the year 2018. It is the fact that implementing authority has to issue circulars, clarifications in order to make the implementation of DCPR smoother for building proposal staff. All such circulars and transit policies are readily available in this printed version published by PEATA. In that sense, this is the only comprehensive publication available in market which has all updated material related with DCPR 2034.

I am sure this publication also will be one of the landmark book on DCPR 2034.

Ar. Shirish Sukhatme
M. Arch (IIT. KGP)
Past President

वास्तुकला परिषद्
Council of Architecture



President's Message

Council of Architecture regulates Professional practice and Education of Architecture of India. Urban Renewal, Redevelopment of the properties, Development of Gaothan areas, Widening of roads are challenges of this overcrowded megacity. Mumbai, the Financial Hub of India is also connected to the Global economy. Developmental activities in Mumbai are always a big challenge to Stake holders. The process of the development approval is extremely complex and complicated. The Approval process has to keep in mind the needs of all types of developments such as dilapidated cess structures, slums, gaothan, heritage structure and development of various reservations as per DCPR 2034.

Everyone in the country knows that tackling the MCGM officers while approving the plan is tough and a specialized job. I am aware that organization known as PEATA(I) has published formidable quantity of publications in past and this new publication named as "COMPREHENSIVE DCPR 2034" will be one of the such publications.

I congratulate President PEATA (I) for making such volume available.

I wish PEATA great success in its endeavor towards Dissemination of knowledge for the betterment of Architectural and Planning profession.

Yours faithfully,

AR. HABIB KHAN

PRESIDENT COA.

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President



Ar. Dilip. R. Sanghavi
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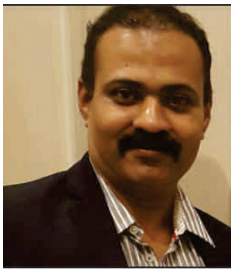
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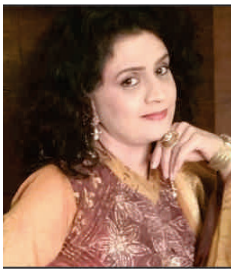


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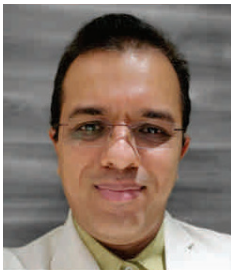
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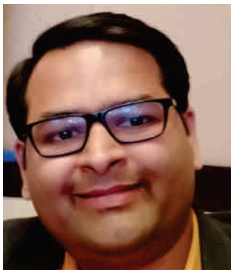
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MESSAGES FROM ARCHITECTURE COLLEGES



SIR J. J. COLLEGE OF ARCHITECTURE

To,
The President,
PEATA (I)

The development in city in metropolis of Mumbai is fairly complex affair. Approval process has to accommodate needs of all types of development like slums, dilapidated cess structures, gaothan, heritage structure and development of various reservations as per DP 2034. PEATA has always take lead in creating volumous written material and publishing it for benefit of architects and engineers practicing in Mumbai. Within record time earlier PEATA had published its book on DCPR 2034 in written format when Government did not make it available in printed format.

Now PEATA has come up with second revised volume titled as "Comprehensive DCPR 2034" with all its corollaries, amendments, relevant government notifications, MCGM Circulars which needed to be studied and implemented along with the original DCPR 2034.

I, being head of premiere institute of Architectural education in the country appreciate work of PEATA and congratulate this organization that this organization has proved to be professional organization for practicing Architects and Engineers in true sense.

I wish PEATA great success in its commitment and endeavor towards betterment of practicing architects and engineers.

Rajiv Mishra
(Principal)
Sir J. J. College of Architecture
University of Mumbai



Mumbai, the financial hub of India is also connected to global economy. Developmental activities in Mumbai is always a big challenge to the stake holders. The process of development approval is extremely complex and complicated. Approval process has to keep in mind the needs of all types of developments such as dilapidated cess structures, slums, gaothan, heritage structure and development of various reservations as per DCPR 2034.

PEATA has always been in the forefront in dissemination of knowledge pertaining to the DP regulations for the benefit of architects and engineers practicing in Mumbai. PEATA had earlier published its manual on DCPR 2034 in print format in record time much before the government publication.

PEATA has now come up with second revised volume titled as "Comprehensive DCPR 2034" with all its amendments, corollaries, applicable government notifications, MCGM circulars which need to be considered and implemented along with the original DCPR 2034.

As the principal of Rachana Sansad's Academy of Architecture, a premier institute imparting Architectural Education in the state of Maharashtra, I acknowledge and appreciate the lead role played by PEATA as a professional organization of practicing Engineers, Architects and Town Planners.

I wish PEATA great success in its endeavor towards dissemination of knowledge for the betterment of architectural and planning profession.

Suresh M. Singh
Principal
Rachana Sansad's Academy of Architecture
Mumbai



SHREE AMEYA PUBLIC CHARITABLE TRUST'S
ADITYA
COLLEGE OF ARCHITECTURE
ISO 9001:2015 CERTIFIED
ACA

To,
President, **PEATA (I)**

Real estate plays a crucial role in Development of the city. The government has been making concerted efforts to ensure that the construction sector functions efficiently and in a transparent manner in the city. The state government laid down its vision for the city's growth for over the next two decades with the launch of the Draft Development plan (DDP 2034), suggestion/objections were taken from various stakeholders, including the common public while formulating the document.

The much-awaited DCPR 2034 of Mumbai was approved by the state government in Nov 2018. PEATA (I) was the first and the only association to compile a single handbook of operational DCPR 2034 even before the release of official copy. On 03/12/2018 PEATA forwarded the first and only compilation of DCPR 2034 done by Er. Shashi Jadhav to all the members. Since then, PEATA (I) have been actively following up and closely observing new polices introduced by MCGM or Government regarding same. **Comprehensive "DCPR 2034"** is another milestone in PEATA feathers where all the DCPR sections amendments, sanctioned at different times with or without cancellations, excluded portions and other policy circulars released thereafter were compiled in one handbook.

The excessive and tedious efforts of compiling **Comprehensive "DCPR 2034"** with the latest rules and regulations would aid practising architects, engineers and other stake holder with accurate information regarding development regulations in city which will help achieve the growth trajectory of Mumbai.

Regards,

Ar. Rita Nayak
Principal

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VALUE ADDITION THROUGH EDUCATION

FOREWORD



To,
The President
PEATA (I)

There are multi-faceted aspects involved in the expansion and progress of the intricate place like Mumbai. The processes required, therefore, for all construction and development activities constantly evolve to suit the changing need of this megalopolis.

The publication of this second revised volume, ***Comprehensive DCPR 2034*** is a testimony to the vanguard position taken up by PEATA yet again to help and serve not only architects and engineers in practice, but also students who need to keep up with the continually changing professional world around them.

This all-inclusive book is replete with corollaries, related amendments and the pertinent government notifications and MCGM circulars which are required to be understood in conjunction with the original DCPR 2034.

As a professional and a teacher in this field for over two decades, I am witness to the work done by PEATA. As Head of the prestigious IES COA, we applaud and acknowledge the pioneering role played by this organization, and wish them all success in their efforts for the betterment of the industry.

Prof. Vinit Mirkar
Principal
IES COA

IES FORUM OF INTELLECTUALS
Past Students of Indian Education Society, Mumbai. Register yourself at www.ies.edu/architecture

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DR. D Y PATIL
COLLEGE OF
ARCHITECTURE



Forward to PEATA'S Hand Book on DCPR 2034

Culture lies at the heart of urban renewal and innovation and embodies the soul of the city allowing it to progress and build the future of dignity for all. With over a half of world's population in the urban cities, the road to the sustainable development passes through these cities in every part of the globe and India is no exception to it. Cities are the living laboratories for determining how some of the most pressing challenges we face are negotiated, managed and experienced. This leads in providing a sense of meaning and identity to their inhabitants and the creative opportunities that enhances the vitality, liveability, and prosperity of our cities.

To further this goal, a meticulous long-term planning is required. This herculean task of revising and formulating the New DCPR 2034 was well executed by PEATA which is very active and focussed organisation, observing the development of the city closely and carefully along with MCGM.

PEATA has always been very active in developing the growth of the Mumbai city by having a very good and healthy relationship with all the stake holders of the city, most importantly the MCGM. While doing so PEATA also keeps a very close watch on the global scenario so as to further enhances the developmental pattern of the city as per international standards.

The meticulous and marathon work of revising and upgrading the old Development Control rules of 1991 with all the new amendments considering the future growth of the city was successfully executed by the PEATA and it led to the birth of New DCPR 2034.

This compilation of the New DCPR done by PEATA with all its corollaries, amendments, Government Policies and notifications will be of great help to all the practising Architects and Engineers. This document will also help all the Institutions in the country imparting the Architectural education where the future city builders of the country are being groomed.

PEATA, an eminent professional organisation has always kept all the architects updated from time to time about all the new amendments and policies by circulating the updated information.

I take this opportunity to thank and congratulate PEATA and all its office bearers for the whole hearted dedication, devotion and their tremendous efforts in bringing out this very important compilation of DCPR 2034. PEATA has always been committed in its endeavours to nurture the growth of the city and in turn make the country proud of its developmental policies.

I wish PEATA all the success.

S.V.CHAUDHARI
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Nerul, Navi Mumbai – 400706.

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To,
The President,
PEATA (I)

Development Control and Promotion Regulation (DCPR), is an important document that lays the foundation for the current as well as for the future growth and development of the city. An active participation of various stakeholders during the formation of DCPR, holds the key for City's harmonious and sustainable development.

Here, I wholeheartedly appreciate PEATA, for its active participation in the process of framing the policies under DCPR 2034, by representing the fraternity and the larger public interests. One hopes that the new DCPR would bring impetus to city's housing development with the revised policies of Redevelopment, Affordable Housing, Environmental sustainability & Green Buildings to name a few.

PEATA displayed a great commitment, when it first published the book on DCPR 2034 and hosted seminars for the effective dissemination of the complex information about the regulations to the practicing architects, engineers and the fraternity at large.

PEATA now brings us the second revised edition titled as "Comprehensive DCPR 2034" with amendments, government notifications, MCGM Circulars to be considered while implementing the original DCPR 2034.

As an academician and as the head of the institute of a national and international repute, I congratulate PEATA for their sustained efforts in bridging the gap between various stakeholders such as statutory bodies, professionals, civic bodies as well as the educational institutes for having the exchange of ideas to envision the sustainable city of future.

Prof Aparna Surve
(Dean)
Balwant Sheth School OF Architecture
SVKM's NMIMS Deemed to be University

SVKM'S
Narsee Monjee Institute of Management Studies
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Certification

This Development Control & Promotion Regulation – 2034 is sanctioned by the State Government vide notification / corrigendum Nos.

1. TPB -4317/629/CR-118/2017/DP/UD-11 dated 08/5/2018,
2. TPB-4317/629/CR-118/2017/DP/UD-11 dated 22/6/2018,
3. TPB- 4317/629/CR-118/2017/DP/UD-11 dated 29/6/2018,
4. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dated 21/9/2018,
5. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dated 23/10/2018
6. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dated 12/11/2018

URBAN DEVELOPMENT DEPTT MANTRALAYA, MUMBAI-32

Deputy Secretary
Urban Development Dept.
Mantralaya, Mumbai - 32

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be referred for perspicuity

RNI No. MAHBIL/2009/35529

महाराष्ट्र शासन राजपत्र
भाग एक-कोकण विभागीय पुरवणी

वर्ष ४, अंक २०] गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४० [पृष्ठे १०७२

प्राधिकृत प्रकाशन

शासकीय अधिसूचना, नेमणुका इत्यादी

अधिसूचना

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 8th May 2018.

NOTIFICATION

No. TPB. 4317/629/CR-118/2017/DP/UD-11—Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for jurisdiction of Greater Mumbai (hereinafter referred to as " the said Corporation ") as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred as " the said act ").The first Development Plan prepared by the said Corporation, was sanctioned in the year 1964-1967. Thereafter, the said Corporation revised the first Development Plan as per provisions of the said act, and said revised Development Plan was sanctioned by State Government in the year 1991-1994. The last part of said Revised Development Plan was sanctioned on 4th March 1994 and has come into force accordingly ;

And whereas, the said Corporation *vide* their Resolution No.767, dated 20th October 2008 declared their intention to revise the Sanctioned Revised Development Plan of Greater Mumbai within its jurisdiction as laid down under section 38 read with section 23(*1*) of the said act. Accordingly, notice to that effect, was published in the *Official Government Gazette* on 1st July 2009. Thereafter the survey of Existing Land Use of the entire area within the jurisdiction of the said Corporation was carried out as laid down under section 25 of the said Act and the Existing Land Use maps were prepared ;

And whereas, the said Corporation had prepared the Draft Revised Development Plan along with Development Control Regulations and after obtaining sanction from General Body, *vide* Resolution No.1195 dated 23rd February 2015 published a Notice in the *Maharashtra Government Gazette* dated 25th February 2015 under sub-section (*1*) of section 26 of the said act for inviting suggestions/ objections from general public on the Draft Revised Development Plan ;

And whereas, the suggestions/objections received by the said Corporation in respect of errors in Draft Revised Development Plan and representations from organization, general public, members of Legislative Assembly/Council, the State Government has issued direction *vide* letter dated 23rd April 2015 under section 154(*1*) of the said Act, to the said Corporation to revamp/

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recast the draft revised Development Plan after examining all the errors on the basis of existing site conditions and its merits by considering the planning and legal issues and republish the Draft Revised Development Plan after incorporating all the corrections for the purpose of inviting suggestion/objections as per the provision of section 26 of the said Act ;

And whereas, as per direction of the State Government, the Draft Revised Development Plan along with Development Control Regulations were prepared by the said Corporation within the time extension granted under section 26(A) introduced by the way of an ordinance No. XVIII of 2015, dated 29th August 2015 by the State Government and after obtaining sanction from General Body, *vide* Resolution No.307 dated 27th May 2016, a notice for inviting suggestions/ objections from the general public as required under the provision of sub-section (*1*) of section 26 the said Act is republished in the *Maharashtra Government Gazette* dated 27th May 2016 (hereinafter referred to as " the said Draft Development Plan ") ;

And whereas, the Planning Committee constituted under section 28(*2*) of the said Act, has considered the suggestions and / or objections to the said Draft Development Plan received within stipulated period by the said Corporation and submitted their report along with their recommendations to the said Corporation under section 28(3) of the said Act on 6th March 2017 ;

And whereas, after considering the report of the Planning Committee, the said Corporation *vide* its Resolution No.393, dated 31st July 2017 has sanctioned the Draft Development Plan with modifications or changes carried out by Planning Committee subject to the modifications suggested by the said Corporation, which were published under section 28(*4*) of the said Act and submitted in accordance with the provisions of sub-section (*1*) of section 30 of the said Act, to the State Government for sanction *vide* letter dated 2nd August 2017 ;

And whereas, in accordance with sub-section (*1*) of section 31 of the Said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune the State Government has accorded sanction to the Draft Development Plan (Part) of Greater Mumbai in K/E, S, G/S Ward *vide* notification No. TPB. 4317/629/CR-118/2017/UD-11, dated 9th November 2017 and notification No. TPB. 4317/778/CR-267/2017/UD-11, dated 7th February 2018 ;

And whereas, the Director of Town Planning, *vide* his Marathi letter. No.1225, dated 21st February 2018 has submitted his Report on the modified Draft Development Plan and the Draft Development Control and Promotion Regulations in respect of proposal of Development plan of Greater Mumbai 2034 to Government for sanction ;

And whereas, in accordance with provisions of sub section (*1*) of section 31 of the Said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the State Government has accorded sanction to the Draft Development Plan of Greater Mumbai with modification shown in **SCHEDULE-A** appended to this **Notification No. TPB. 4317/629/CR-118/2017/DP/UD-11, Dated 8 May 2018** excluding the **substantial Modification** as shown in **SCHEDULE-B** appended hereto.

Now therefore, in exercise of the powers conferred by sub-section (*1*) of section 31 of the Said Act and of all other powers enabling it on that behalf, the Government of Maharashtra hereby :—

(A) Accords Sanction to the Draft Development Plan 2034 of Greater Mumbai excluding the part portion of sanctioned Development Plan *vide* Notification dated 9th November 2017 and 7th February 2018. with following policy notes and conditions which are applicable to entire Development Plan 2034.

(1) The word used on Plan/Report/DCPR as "designated" for the purpose of showing respective existing facilities/amenities shall be changed to "Existing". So the prefix "D" at all the places shall be replaced by prefix "E" eg. DE, DOS, DSA etc shall be changed to EE, EOS, ESA etc.

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(2) If the commissioner found that the designation shown on plan is not as per site condition and it is a draftsman's error, he may pass a suitable specific order to correct it and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to Government in Urban Development Department and the Director of Town Planning, Maharashtra State, Pune for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him :

Provided that such proposal shall be submitted by the concerned land owner to the commissioner within a period of 3 months from the date on which the D.P. come into force and commissioner shall take the decision on it within next 6 months.

(3) All the reservations proposed on the layout R.G. shall be deleted by the commissioner under his special permission, as and when noticed or brought to the notice to him. For such deletion the commissioner shall pass a special well reasoned, speaking order, modifying Development Plan to that effect and copy of such order along with certified part plan showing such modification in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(4) Where Public Parking Lots (PPL) has been proposed or developed on Partial land or on some floors of Residential/Commercial buildings and on such lands, under the provisions of regulations, Where the proposed reservation/designation of Public Parking Lot (PPL) is shown in Development plan, then all such reservation/designation shall deemed to be deleted and land under such reservation/designation shall be included in the adjoining pre-dominant land use.

(5) Where the public parking lots (PPL) have been handed over to Municipal Corporation after development by getting the approval of Corporation then such sites be shown as existing Public Parking Lot (PPL).

(6) The reservations for Petrol pump are proposed to be sanctioned as proposed under section 30 of MR & TP Act, 1966.

(7) Alignment of nalla shall be considered as continuous even if it is shown as broken in some part due to covered portion if such broken alignment come into notice or brought to the notice of the commissioner, he shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(8) The designation shown for petrol pump on Development Plan shall be considered only up to the minimum area and access as otherwise required under these regulations for the user of petrol pump. Excess area of such designation shall be considered as deleted from such designation. If it is brought to the notice of Commissioner then he shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(9) 30m buffer line is shown on Development Plan along last track of railway line. If any deviation is found regarding this 30m distance, then the commissioner shall correct such line and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in

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Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(10) At the time of Implementation, if the alignment of coastal road varies from the alignment shown on D.P. due to site situation, then such variations shall be permitted and the alignment on DP shall be treated as stand modified to that effect. The area released due to such deviation shall be considered as included in adjoining zone.

(11) The appropriate authority for all the reservation for "Government Office" shall be changed to "PWD/GAD".

(12) Where the I to R/C proposal is sanctioned by Corporation but still the land under such proposal is shown in industrial zone, then notwithstanding to that, separate permission for I to R/C shall not be required and no any procedure to that effect is necessary.

(13) In case of sanctioned I to R/C proposals once the amenity space is handed over and final Occupancy Certificate is granted, the zone of such lands shall be treated as the zone for which it is converted even if they are shown as Industrial on D.P.

(14) In case of sanctioned Accommodation Reservation proposals, if the share of MCGM along with the construction if any thereon is handed over and final Occupation Certificate is granted to it, then the share of land retained with the owner shall be declared as free from reservation by the commissioner and he shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(15) If the land shown as a Natural Area (N.A.), does not fulfills the criteria set for it, then the commissioner, with the prior approval from the Government, under his special permission shall pass a well reasoned order to consider that land is in No Development Zone/Special Development Zone (NDZ/SDZ). In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(16) If any reservation in the earlier sanctioned Development Plan is lapsed in pursuance of notice under section 49 or 127 of the MRTP Act, 1966 or as directed by the Hon. High court/Supreme Court in respect of such notice, then the corresponding reservation shall stand lapsed in the Revised Development Plan to the extent of area covered in the said notice.

(17) The proposal of the 1991 D.P. on the government lands, which are granted by the government to any institute or persons excepting textile mill, during the period from the date of sanction of the concerned part of the 1991 D.P. and the date of publication of draft D.P. 2034 under section 26(*i.e.* 27th May 2016) which are valid, shall prevail, irrespective of any proposal in the 2034 D.P. subject to the stipulations of the order of the said grant of land/ consent term if any/court order if any, in this regard.

Provided that the above provision shall also be applicable to the land allotted by the MCGM/ MMRDA and to the lands for which the land use decided by competent court and to the lands for which the consent terms submitted by government in the competent court. Provided further that, such proposals shall be submitted by the alottee to the commissioner within a period of three months from the date on which the D.P. come into force and the commissioner shall take decision on it within next six months.

(18) Reservation for which the appropriate authority is shown a private person/private institute shall be considered to be lapsed. The development permission on such land shall be permitted as otherwise permissible on the adjoining land and as per the DCR 2034.

(19) In case of any variation proposal to the final TPS is sanctioned by the government, the proposals of the final D.P. stands modified to that effect.

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(20) If the SRS is sanctioned considering proposals of 1991 Development Plan and also by rearranging the reservations and road proposals of 1991 D.P. and such sanction is still valid and if new reservations are proposed in 2034 D.P. on such land then new reservations of 2034 D.P. shall be deemed to be deleted. In such cases, the rearranged proposal as per sanctioned SRS if any shall prevail over 2034 D.P.

(21) Where layouts are approved and IOD granted prior to 27th May 2016 (*i.e.* date of publication of D.P. under section 26 of MRTP) which are valid then the proposals of 1991 D.P., on such land shall prevail over proposal under 2034 D.P.

(22) Draftsman's error - Draftsman's errors which are required to be corrected as per actual situation on site and / or correction in existing boundaries of the establishments is required to be corrected as per city survey record or revenue record or as per acquisition and possession of lands or as per valid sanctioned layout etc. may be corrected by the Municipal Commissioner. In respect of High Tension Line, the alignment shown on D.P. is to be corrected or deleted wherever required by the Municipal Commissioner in consultation with the concerned department. However, due to shifting or deletion of such High Tension Line, the land use zone of lands (before shifting) under H.T. Line shall be the zone of adjoining land.

The Municipal Commissioner, after due verification and satisfying himself regarding such error, shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order in original shall be forwarded to the Government in Urban Development Department and Director of Town Planning, Maharashtra State, Pune for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(23) The areas of reserved sites as mentioned in Development Plan are approximate and tentative. The exact areas as measured on site as per the boundaries shown on the Development Plan shall be considered as the area of reserved site.

(24) The private or rental premises shown as designated in Public-Semipublic zone/use will continue to be in public-semipublic zone/use as long as Public-Semipublic user exists. If such user is shifted or closed then the Authority shall allow development permission on such land considering adjoining predominant land use zone, after due verification Commissioner may pass a suitable specific order to correct it and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(25) On lands acquired for public purpose from the earlier Sanctioned Development Plan where reservation is continued in this revised Development Plan for the another public purpose, in such cases such lands shall be available as per revised Development Plan reservation for public purpose.

(26) Existing Features Shown On Development Plan - The existing features shown on Development Plan are indicative and stand modified on Development Plan as per actual position. Merely mention of particular existing use on Development Plan, shall not bar the owner from development permission in that zone. Also, the boundaries of s. no., alignment of existing road / nala and other physical features of land shall be as per measurement plan of Land Records Department.

(27) Wherever the boundaries of Gaothan/Koliwada/Adivasi Pada are not shown on the Development Plan will be considered as and when the same is finalized by the Revenue Department.

Original Notifications shall
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(28) Every order passed by the commissioner, involving changes in D.P. proposals shall be send along with part plan to the Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra in Urban Development Department for record purpose.

(B) Accords sanctioned to the Draft Development control and promotion regulations - 2034 for Greater Mumbai excluding the part portion specified in Schedule-B and more specifically given in the booklet available on the Government website.

(C) Extends the period prescribed under section 31*(1)* of the Said Act, for sanctioning the Said Development Plan upto and inclusive of the date of this notification.

(D) Fixes the date, one month after publication of this Notification in the *Official Gazette* to be the date on which the said sanctioned Development Plan of Greater Mumbai-2034 shall come into force.

The aforesaid part Final Development Plan of Greater Mumbai Sanctioned by the State Government *vide* this Notification shall be kept open for inspection by the general public during office hours on all working days for a period of one month from the date of coming into force of this Notification, at the office of the—

(1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

(2) Deputy Director of Town Planning, Greater Mumbai, ' E ' Block, ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

This Notification shall also be available on the Government of Maharashtra website : *www.maharashtra.gov.in* (कायदे व नियम)

By order and in the name of Governor of Maharashtra.

PRADEEP GOHIL,
Under Secretary to Government.

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RNI No. MAHBIL/2009/36619

महाराष्ट्र शासन राजपत्र
असाधारण भाग एक–कोकण विभागीय पुरवणी

वर्ष ४, अंक २६] शुक्रवार, जून २२, २०१८/आषाढ १, शके १९४० [पृष्ठे २, किंमत : रुपये ११.००

असाधारण क्रमांक ३६

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 22nd June, 2018

CORRIGENDUM

No. TPB-4317/629/CR-118/2017/DP/UD-11.—Whereas, in accordance with the provisions of sub-section (*1*) of section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the said Act "), the State Government *vide* Notification No. TPB-4317/629/CR-118/2017/ DP/UD-11, dated 8th May 2018 (hereinafter referred to as " the said Notification ") has accorded sanction to the Draft Development Plan of Greater Mumbai with modification shown in SCHEDULE-A appended to the said Notification excluding the substantial Modification as shown in SCHEDULE-B appended to the said Notification;

And whereas, copies of sanctioned Development Plan are not yet uploaded on Government / MCGM web site. And whereas, due to unavailability of Sanctioned Development Plan to General Public, it is necessary to extent date on which the Sanctioned Development Plan will come into force. And whereas, for that purpose corrections is needed in the said notification and for that purpose it is necessary to issue a Corrigendum to the said Notification.

Now, therefore, this Corrigendum is issued to the said Notification as mentioned in Annexure-I appended hereto.

Copy of this Corrigendum is kept open for the inspection of the public in the following offices during office hours on all working days.

(1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

(2) Deputy Director of Town Planning, Greater Mumbai, 'E' Block, ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

This Notification shall also be available on the Government of Maharashtra website : *www.maharashtra.gov.in* (कायदे व नियम).

By order and in the name of the Governor of Maharashtra,

SANJAY BANAIT,
Deputy Secretary to Government.

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(Appended to the Urban Development Departments Corrigendum No. TPB-4317/629/CR-118/2017/DP/UD-11, dated 22nd June, 2018)

Corrigendum to Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, dated 8th May 2018.

CORRIGENDUM

Para of Notification	*Instead of*	*Read as*
D	D) Fixes the date, one month after publication of this Notification in the *Official Gazette* to be the date on which the said sanctioned Development Plan of Greater Mumbai-2034 shall come into force.	D) Fixes the date, ~~one month after publication of this Notification in the *Official Gazette*~~ 1/09/2018 to be the date on which the said sanctioned Development Plan of Greater Mumbai-2034 shall come into force.

SANJAY BANAIT,

Deputy Secretary to Government

Original Notifications shall
be referred for perspicuity

RNI No. MAHBIL/2009/36619

महाराष्ट्र शासन राजपत्र
असाधारण भाग एक–कोकण विभागीय पुरवणी

वर्ष ४, अंक २७] शनिवार, जून ३०, २०१८/आषाढ ९, शके १९४० [पृष्ठे ४०, किंमत : रुपये ११.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०२१, दिनांक २९ जून २०१८

अधिसूचनेस शुद्धिपत्रक व पूरकपत्र

क्रमांक टीपीबी-४३१७/६२९/प्र.क्र. ११८/२०१७/वि.यो./नवि-११.—ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे याचा उल्लेख " उक्त अधिनियम " असा करण्यात आलेला आहे.) चे कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्रमांक टीपीबी-४३१७/६२९/प्र.क्र. ११८/२०१७/वि.यो./नवि-११, दिनांक ८ मे २०१८ (यापुढे याचा उल्लेख " उक्त अधिसूचना " असा करण्यात आलेला आहे) द्वारे बृहन्मुंबई प्रारूप विकास योजना, २०३४ ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले मंजुरीतून वगळलेले सारभूत स्वरुपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट–अे मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे आणि शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुद्धिपत्रक दिनांक २२ जून २०१८ रोजी पारित केले आहे ;

आणि ज्याअर्थी, उक्त अधिसूचनेत आणि परिशिष्ट-अे मध्ये काही टंकलेखनाच्या त्रुटी व चुका असल्याचे निदर्शनास आले आहे आणि त्याकरिता सोबत जोडलेले जोडपत्र I मध्ये नमूद केलेले शुद्धिपत्रक व पूरकपत्र निर्गमित करणे आवश्यक आहे ;

आणि त्याअर्थी, उक्त अधिसूचनेत व परिशिष्ट-अ मध्ये अशा सुधारणा करण्यासाठी जोडपत्र-I मध्ये नमूद केल्याप्रमाणे शुद्धिपत्रक व पूरकपत्र निर्गमित करण्यात येत आहे.

उक्त अधिसूचनेस शुद्धिपत्रक व पूरकपत्राची प्रत नागरिकांचे अवलोकनार्थ तीस दिवसांचे कालावधीपर्यंत खालील ठिकाणी कार्यालयीन वेळेमध्ये उपलब्ध राहील :—

(१) प्रमुख अभियंता (विकास नियोजन), बृहन्मुंबई महानगरपालिका, महापालिका मार्ग, फोर्ट, मुंबई ४०० ००१.

(२) उप संचालक, नगररचना, बृहन्मुंबई, इन्सा हटमेंट्स, ई-ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१.

सदर अधिसूचनेस शुद्धिपत्रक व पूरकपत्र महाराष्ट्र शासनाच्या *www.maharashtra.gov.in* (कायदे व नियम) या वेबसाईटवर प्रसिद्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रदीप गोहिल,
शासनाचे अवर सचिव.

Original Notifications shall be referred for perspicuity

जोडपत्र–१

(नगरविकास विभागाकडील शुद्धीपत्रक व पूरकपत्र क्रमांक टीपीबी. ४३१७/६२९/प्र.क्र. ११८/२०१७/वि.यो./नवि-११, दिनांक २९ जून २०१८ सोबतचे जोडपत्र)

(अे) अधिसूचना क्रमांक टीपीबी. ४३१७/६३९/प्र.क्र. ११८/२०१७/वि.यो./नवि-११, दिनांक ८ मे २०१८ ला शुद्धीपत्रक.

अधिसूचनेस शुद्धीपत्रक

अधिसूचनेतील परिच्छेद (१)	या ऐवजी (२)	असे वाचावे (३)
17	17. The proposal of the 1991 D.P. on the government lands, which are granted by the government to any institute or persons excepting textile mill, during the period from the date of sanction of the concerned part of the 1991 D.P. and the date of publication of draft D.P. 2034 under section 26 (i.e. 27.05.2016) which are valid, shall prevail, irrespective of any proposal in the 2034 D.P. subject to the stipulations of the order of the said grant of land/ consent term if any/court order if any, in this regard.: Provided that the above provision shall also be applicable to the land allotted by the MCGM/MMRDA and to the lands for which the land use decided by competent court and to the lands for which the consent terms submitted by government in the competent court. Provided further that, such proposals shall be submitted by the alottee to the commissioner within a period of three months from the date on which the D.P. come into force and the commissioner shall take decision on it within next six months.	17. The Proposal of the 1991 D.P. on the Government lands, which are granted by the Government to any institute or persons excepting textile mill, during the period from the date of sanction of the concerned part of the 1991 D.P. and the date of publication of draft D.P.2034 under section 26 (i.e.27.05.2016) which are valid, shall prevail, irrespective of any proposal in the 2034 D.P. subject to the stipulations of the order of the said grant of land/ consent term if any / court order if any, in this regard. : Provided that the above provision shall also be applicable to the land allotted by the MCGM / MMRDA and to the lands for which the land use decided by competent court and to the lands for which the consent terms submitted by government in the competent court. **Provided further that, modifications sanctioned by Government u/s 37 of MRTP Act, 1966 to the proposal of 1991, D.P. which are not incorporated in 2034 D.P. shall prevail irrespective of any proposal in 2034 D.P.** Provided further that, such proposals shall be submitted by the alottee/**applicant** to the Commissioner within a period of three months from the date on which the D.P. come into force and the commissioner shall take decision on it within next six months.

Original Notifications shall
be referred for perspicuity

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 29th June 2018.

Corrigendum and Addendum to Notification

No. TPB. 4317/629/CR-118/2017/DP/UD-11.—Whereas, in exercise of the powers conferred by sub-section (*1*) of Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the said Act "), the State Government *vide* Notification No. 4317/629/CR-118/2017/ DP/UD-11, dated 8th may 2018 (hereinafter referred to as " the said Notification ") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification and Government has issued corrigendum of even number dated 22nd June 2018 to the said Notification ;

And Whereas, it is noticed that there are some typographical Errors and mistakes, in the said Notification and SCHEDULE-A and for that purpose it is necessary to issue a Corrigendum and Addendum for the same as mentioned in Annexure-I, appended hereto ;

Now, therefore, this Corrigendum and addendum is issued inrespect of such corrections and additions in the said Notification and SCHEDULE-A as mentioned in Annexure-I appednded hereto.

Copy of this Corrigendum and Addendum is made available for the inspection of the public in the following offices during office hours on all working days for period of thirty days.

(1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

(2) Deputy Director of Town Planning, Greater Mumbai, ' E ' Block ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

This Notification Shall also be available on the Government of Maharashtra website : *www.maharashtra.gov.in* **(Acts and Rules).**

By order and in the name of the Governor of Maharashtra,

PRADEEP GOHIL,
Under Secretary to Government.

Original Notifications shall be referred for perspicuity

Annexure-1

Appended to the Urban Development Departments Corrigendum and Addendum No. TPB-4317/629/CR-118/2017/DP/UD-11, dated 29th June 2018

(A) Corrigendum to Notification No. TPB. 4317/629/CR-118/2017/DP/UD-11, dated 8th May 2018.

Corrigendum to Notification

Para of Notification (1)	Instead of (2)	Read as (3)
17	17. The proposal of the 1991 D.P. on the Government lands, which are granted by the government to any institute or persons excepting textile mill, during the period from the date of sanction of the concerned part of the 1991 D.P. and the date of publication of draft D.P. 2034 under section 26 (i.e. 27.05.2016) which are valid, shall prevail, irrespective of any proposal in the 2034 D.P. subject to the stipulations of the order of the said grant of land/ consent term if any/court order if any, in this regard. Provided that the above provision shall also be applicable to the land allotted by the MCGM/MMRDA and to the lands for which the land use decided by competent court and to the lands for which the consent terms submitted by government in the competent court. Provided further that, such proposals shall be submitted by the alottee to the commissioner within a period of three months from the date on which the D.P. come into force and the commissioner shall take decision on it within next six months.	17. The Proposal of the 1991 D.P. on the Government lands, which are granted by the Government to any institute or persons excepting textile mill, during the period from the date of sanction of the concerned part of the 1991 D.P. and the date of publication of draft D.P.2034 under section 26 (i.e.27.05.2016) which are valid, shall prevail, irrespective of any proposal in the 2034 D.P. subject to the stipulations of the order of the said grant of land/ consent term if any / court order if any, in this regard. Provided that the above provision shall also be applicable to the land allotted by the MCGM / MMRDA and to the lands for which the land use decided by competent court and to the lands for which the consent terms submitted by government in the competent court. **Provided further that, modifications sanctioned by Government u/s 37 of MRTP Act, 1966 to the proposal of 1991, D.P. which are not incorporated in 2034 D.P. shall prevail irrespective of any proposal in 2034 D.P.** Provided further that, such proposals shall be submitted by the alottee/**applicant** to the Commissioner within a period of three months from the date on which the D.P. come into force and the commissioner shall take decision on it within next six months.

Original Notifications shall
be referred for perspicuity

RNI No. MAHBIL/2009/36619

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक–कोकण विभागीय पुरवणी

वर्ष ४, अंक ४२] सोमवार, सप्टेंबर २४, २०१८/आश्विन २, शके १९४० [पृष्ठे ८७९, किंमत : रुपये ११.००

असाधारण क्रमांक ५९

प्राधिकृत प्रकाशन

नगर विकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक २१ सप्टेंबर २०१८

अधिसूचना

क्रमांक टीपीबी. ४३१७/६२९/प्र.क्र.११८(III)/२०१७/ई.पी.(विनिवप्रोनि)/नवि-११.—ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे याचा उल्लेख " उक्त अधिनियम " असा करणेत आलेला आहे.) च्या तरतुदींनुसार बृहन्मुंबई महानगरपालिकेच्या अधिकारक्षेत्राकरिता बृहन्मुंबई महानगरपालिका (यापुढे याचा उल्लेख " उक्त महानगरपालिका " असा करणेत आलेला आहे) हे नियोजन प्राधिकरण आहे. उक्त महानगरपालिकेने तयार केलेला पहिला विकास आराखडा शासनाने सन १९६४-६७ मध्ये मंजूर केला. तद्नंतर उक्त अधिनियमाच्या तरतुदींनुसार सदर पहिला विकास आराखडा उक्त महानगरपालिकेने सुधारित केला व त्यानुसार सुधारीत विकास आराखडा हा सन १९९१-१९९४ या कालावधीत राज्य शासनाकडून मंजूर करण्यात आला. सदर सुधारित विकास आराखडयाचा शेवटचा भाग दिनांक ४ मार्च, १९९४ रोजी मंजूर होऊन त्यानुसार अंमलातही आलेला आहे ;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम २३ (१) सह कलम ३८ च्या तरतुदींनुसार उक्त महानगरपालिकेने दिनांक २० ऑक्टोबर, २००८ चा ठराव क्र. ७६७ अन्वये बृहन्मुंबई महानगरपालिकेच्या अधिकारक्षेत्रांतील क्षेत्राकरिता, विकास आराखडा सुधारीत करण्याच्या उद्देशास मंजुरी दिली. त्यानुसार या संदर्भातील सूचना दिनांक १ जुलै, २००९ च्या **शासकीय राजपत्रात** प्रसिद्ध करण्यात आली. तदनंतर, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ च्या कलम २५ मधील तरतुदींनुसार बृहन्मुंबई महानगरपालिका क्षेत्रातील जमिनीच्या विद्यमान भू-वापराचे सर्वेक्षण करण्यात येऊन त्यानुसार विद्यमान भू-वापर नकाशे तयार करण्यात आले होते ;

आणि ज्याअर्थी, उक्त महानगरपालिकेने प्रारूप सुधारित विकास आराखडा-२०३४ विकास नियंत्रण नियमावलीसह तयार केलेला होता आणि सर्वसाधारण सभेची दिनांक २३ फेब्रुवारी, २०१५ च्या ठराव क्र. ११९५ अन्वये मंजुरी घेऊन प्रारुप सुधारित विकास आराखडयावर नागरिकांच्या हरकती/सूचना मागविणारी उक्त अधिनियमाच्या कलम २६ च्या पोट-कलम (१) खालील सूचना दिनांक २५ फेब्रुवारी, २०१५ रोजीच्या **शासन राजपत्रामध्ये** प्रकाशित करणेत आली होती ;

आणि ज्याअर्थी, सुधारित प्रारूप विकास आराखडा-२०३४ मध्ये असलेल्या त्रुटींच्या अनुषंगाने प्राप्त झालेल्या हरकती/सूचना, सर्वसाधारण जनतेची तसेच विविध संस्थांची निवेदने, विधानसभा/विधानपरिषद सदस्य यांची निवेदने विचारात घेऊन शासनाने उक्त अधिनियमाच्या कलम १५४(१) अन्वये, योजनेमधील सर्व त्रुटींची सखोल शहानिशा करून जागेवरील परिस्थितीनुसार, गुणवत्तेनुसार, नियोजनाचे दृष्टीने व कायदेशीर बाबी तपासून, त्यानुरुप दुरुस्ती करून प्रारुप सुधारित विकास योजना-२०३४ उक्त अधिनियमाच्या कलम २६ अन्वये नागरिकांच्या हरकती/सूचनांसाठी पुनर्प्रसिद्ध करणेचे निदेश दिनांक २३ एप्रिल, २०१५ रोजी उक्त महानगरपालिकेस दिलेले होते ;

आणि ज्याअर्थी, शासनाच्या निदेशाप्रमाणे उक्त महानगरपालिकेने, शासनाने उक्त अधिनियमाच्या कलम २६(१) अन्वये वाढवून दिलेल्या कालावधीमध्ये प्रारूप सुधारित विकास योजना-२०३४ विकास नियंत्रण नियमावली-२०३४ सह तयार केलेली होती आणि महासभेची दिनांक २७ मे, २०१६ च्या ठराव क्र. ३०७ अन्वये मंजुरी घेऊन, उक्त अधिनियमाच्या कलम २६ च्या पोट-कलम (१) च्या तरतुदीनुसार आवश्यक असलेप्रमाणे नागरिकांच्या हरकती/ सूचना मागविणारी सूचना **महाराष्ट्र शासन राजपत्र,** दिनांक २७ मे २०१६ मध्ये पुनर्प्रसिद्ध केलेली होती (यापुढे याचा उल्लेख " उक्त प्रारुप विकास योजना " असा केलेला आहे.) ;

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be referred for perspicuity

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम २८(२) अन्वये गठीत केलेल्या नियोजन समितीने उक्त प्रारुप विकास योजनेबाबत महानगरपालिकेकडे विहित मुदतीत प्राप्त झालेल्या हरकती आणि/वा सूचना विचारात घेऊन उक्त अधिनियमाचे कलम २८(३) नुसार, दिनांक ६ मार्च, २०१८ रोजी उक्त महानगरपालिकेस त्यांच्या शिफारशीसह अहवाल सादर केलेला होता ;

आणि ज्याअर्थी, नियोजन समितीचा अहवाल विचारात घेऊन उक्त महानगरपालिकेने ठराव क्र. ३९३, दिनांक ३१ जुलै, २०१७ अन्वये महानगरपालिकेने सुचविलेल्या फेरबदलास अधीन राहून नियोजन समितीने सुचविलेल्या बदलासह उक्त प्रारूप विकास योजनेस मंजूरी दिलेली असून, सदर फेरबदल उक्त अधिनियमाचे कलम २८(४) नुसार प्रसिद्ध करून, उक्त अधिनियमाचे कलम ३० पोट-कलम (१) चे तरतुदीनुसार उक्त प्रारुप विकास योजना सह विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ शासनास दिनांक २ ऑगस्ट, २०१७ रोजीचे पत्रान्वये मंजुरीसाठी सादर केलेली आहे ;

आणि ज्याअर्थी, उक्त अधिनियमाचे कलम ३१ चे पोट-कलम (१) अन्वये योग्य ती चौकशी करून तसेच संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेशी बृहन्मुंबई प्रारुप विकास योजनसंदर्भात सल्लामसलत करून के/पूर्व, एस व जी/दक्षिण प्रभागाच्या भागशः प्रस्तावाच्या संदर्भात अधिसूचना टीपीबी/४३१७/प्र.क्र.११८/२०१७/नवि-११, दिनांक ९ ऑक्टोबर, २०१७ आणि अधिसूचना क्रमांक टीपीबी/४३१७/७७८/प्र.क्र.२६७/२०१७/नवि-११, दिनांक ७ फेब्रुवारी, २०१८ अन्वये शासनाने मंजुरी दिली आहे ;

आणि ज्याअर्थी, उक्त अधिनियमाचे कलम ३१ चे पोट-कलम (१) अन्वये योग्य ती चौकशी करून तसेच संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेशी सल्लामसलत करून शासनाने बृहन्मुंबईचे प्रारुप विकास योजना सह विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ ला शासन अधिसूचना क्रमांक टीपीबी. ४३१७/६२९/प्र.क्र.११८/ २०१७/विनि/नवि-११, दिनांक ८ मे, २०१८ सह समक्रमांकाचे दिनांक २२ जून, २०१८ व दिनांक २९ जून, २०१८ रोजीचे समक्रमांकाचे शुद्धीपत्रक व पुरकपत्रक अन्वये सदर अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये नमूद केलेले मंजुरीतून वगळलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे.

आणि ज्याअर्थी, शासनाने प्रारूप विकास योजना-२०३४ ला भागशः मंजुरी देताना मंजूरीतून वगळलेले विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ मधील सारभूत स्वरूपाचे फेरबदल ई.पी.-१ ते ई.पी.-१६८ संबंधाने सर्वसाधारण जनतेकडून हरकती आणि/ वा सूचना मागविण्यासाठी सूचना क्र. टीपीबी. ४३१७/६२९/प्र.क्र.११८/२०१७ /(ई.पी.)/नवि-११, दिनांक ८ मे, २०१८ सह शुद्धीपत्रक दिनांक २२ जून, २०१८ व दिनांक २९ जून, २०१८ द्वारे प्रसिद्ध करण्यात आली आहे आणि ज्याअर्थी सदरहू सूचना दिनांक ८ मे, २०१८ **महाराष्ट्र शासनाचे राजपत्र,** कोकण विभाग पुरवणीमध्ये दिनांक १७-२३ मे, २०१८ आणि सम क्रमांकाचे शुद्धीपत्रक दिनांक २२ जून, २०१८ व दिनांक २९ जून, २०१८ ही **शासनाचे राजपत्र** कोकण विभाग पुरवणीमध्ये दिनांक ३० जून, २०१८ रोजी प्रसिद्ध करण्यात आली आहे ;

आणि ज्याअर्थी, उप संचालक, नगररचना, बृहन्मुंबई यांना उक्त सुचनेनुसार प्राप्त होणाऱ्या हरकती/सूचनांना सुनावणी देऊन अहवाल सादर करणेसाठी अधिकारी म्हणून नियुक्त केले आहे ;

आणि ज्याअर्थी, उक्त अधिकारी यांनी विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील मंजुरीतून वगळलेल्या सारभूत स्वरूपाचे फेरबदल ई.पी.-१ ते ई.पी.-१६८ संबंधी जनतेकडून प्राप्त हरकती आणि/वा सूचनादारांना सुनावणी देऊन त्यांचेकडील दिनांक २४ ऑगस्ट २०१८ रोजीचे पत्राद्वारे ई.पी.-१ ते ई.पी.-१६८ बाबत नगररचना संचालनालयामार्फत अहवाल सादर केला आहे. तसेच संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांनी त्यांचेकडील दिनांक २९ ऑगस्ट, २०१८ रोजीचे पत्राद्वारे उक्त अधिकारी यांचे अहवालावर अभिप्राय सादर केले आहेत ;

आणि ज्याअर्थी, उक्त अधिनियमाचे कलम ३१ चे पोट-कलम (१) अन्वये प्राप्त अधिकारात आणि त्या अनुषंगाने असलेल्या अधिकारांचा वापर करून तसेच संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेशी सल्लामसलत करून शासन याद्वारे :—

(अ) सोबतचे परिशिष्ट-अ मध्ये नमूद केलेल्या विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील सदरहु सारभूत स्वरुपाचे बदल - ई.पी.-१ ते ई.पी.-१६८ ला (ठराविक ई.पी.-व निर्णयास्तव प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मान्यता देण्यात येत आहे.

(ब) उक्त परिशिष्ट-अ नुसार मंजुरी दिलेल्या सारभूत स्वरूपाचे बदल (ई.पी.) दिनांक २४ ऑक्टोबर, २०१८ पासून अंमलात येतील.

(क) विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील शासनाने मंजुरी दिलेले सारभूत स्वरूपाचे बदल (ई.पी.) मंजुरीची प्रत सर्वसाधारण जनतेच्या निरिक्षणासाठी प्रमुख अभियंता (विकास नियोजन), बृहन्मुंबई महानगरपालिका, महापालिका मार्ग, फोर्ट, मुंबई ४०० ००१ यांचे कार्यालयात सर्व कामकाजाच्या दिवशी कार्यालयीन वेळेत उपलब्ध राहील.

सदर अधिसूचना महाराष्ट्र शासनाच्या *www.maharashtra.gov.in* (कायदे व नियम) या वेबसाईटवर प्रसिद्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

प्रदीप गोहिल,
शासनाचे अवर सचिव.

Original Notifications shall
be referred for perspicuity

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 21st September 2018

NOTIFICATION

No. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-1.— Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for Jurisdiction of Greater Mumbai (hereinafter referred to as " the said Corporation ") as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter refer to as " the said Act "). The first Development Plan prepared by the said Corporation, was sanctioned in the year 1964-1967. Thereafter, the said Corporation revised the first Development Plan as per provisions of the said Act, and the said revised Development Plan was sanctioned by the State Government in the year 1991-1994. The last part of the said Revised Development Plan was sanctioned on 4th March 1994 and has come into force accordingly ;

And whereas, the said Corporation *vide* its Resolution No.767, dated 20th October 2008 declared its intention to revise the Sanctioned Revised Development Plan of Greater Mumbai within its jurisdiction as laid down under Section 38 read with Section 23(*1*) of the said Act. Accordingly, a notice to that effect, was Published in the Official *Government Gazette* on 1st July, 2009. Thereafter, the survey of Existing Land Use of the entire area within the jurisdiction of the said Corporation was carried out as laid down under Section 25 of the said Act and the Existing Land Use maps were prepared ;

And whereas, the said Corporation had prepared the Draft Revised Development Plan along-with Development Control Regulations and after obtaining sanction from General Body, *vide* Resolution No.1195, dated 23rd February 2015, published a Notice in the *Maharashtra Government Gazette,* dated 25th February 2015, under sub-section (*1*) of section 26 of the said Act for inviting objections/suggestions from general public on the Draft Revised Development Plan-2034 ;

And Whereas, the objections/suggestions received by the said Corporation in respect of errors in Draft Revised Development Plan-2034 and representations from various organizations, general public, members of legislative assembly/Council, the State Government has issued direction *vide* letter dated 23rd April 2015, under Section 154(*1*) of the said Act, to the said Corporation to revamp/recast the Draft Revised Development Plan-2034 after examining all the errors on the basis of existing site conditions and its merits by considering the planning and legal issues and republish the Draft Revised Development Plan-2034 after incorporating all the corrections for the purpose of inviting objections/suggestions as per the provision of Section 26 of the said Act ;

And whereas, as per direction of the State Government, the Draft Revised Development Plan-2034 along with Development Control Regulations-2034 were prepared by the said Corporation within the time extension granted under Section 26(A) introduced by way of an ordinance No. XVIII of 2015, dated 29th August 2015 by State Government and after obtaining sanction from General Body, *vide* Resolution No.307, dated 27th May 2016, a notice for inviting objections/suggestions from the general public as required under the provision of sub-section (*1*) of Section 26 the said Act is republished in the *Maharashtra Government Gazette,* dated 27th May 2016, (hereinafter referred to as " the said Draft Development Plan ") ;

Original Notifications shall
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And whereas, the Planning Committee constituted under Section 28(*2*) of the said Act, has considered the objections and/or suggestions to the said Draft Development Plan received within stipulated period by the said Corporation and submitted its report alongwith recommendations to the said Corporation under Section 28(*3*) of the said Act on 6th March 2017 ;

And whereas, after considering the report of the Planning Committee, the said Corporation *vide* its Resolution No. 393, dated 31st July 2017 has sanctioned the Draft Development Plan with modifications or changes carried out by Planning Committee subject to the modifications suggested by the said Corporation, which were published under Section 28(*4*) of the said Act and submitted the Draft Development Plan-2034 alongwith Development Control and Promotion Regulations-2034 in accordance with the provisions of sub-section (*1*) of Section 30 of the said Act, to the State Government for sanction *vide* letter dated 2nd August 2017 ;

And whereas, in accordance with sub-section (*1*) of Section 31 of the said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the State Government has accorded sanction to the Draft Development Plan (Part) of Greater Mumbai in K/E, S,G/S Ward *vide* Notification No. TPB-4317/629/CR-118/2017/UD-11, dated 9th November 2017 and Notification No. TPB-4317/778/CR-267/2017/UD-11, dated 7th February 2018 ;

And whereas, in accordance with provisions of sub section (*1*) of section 31 of the said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the State Government has accorded sanction to the remaining part of the Draft Development Plan-2034 alongwith Development Control and Promotion Regulations-2034 of Greater Mumbai with modification shown in SCHEDULE-A appended to the Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, dated 8th May 2018 excluding the substantial Modification as shown in SCHEDULE-B appended thereto read with corrigendum and Addendum of even number dated 22nd June 2018 and dated 29th June 2018 to the said Notification ;

And whereas, the Government of Maharashtra has sanctioned a part of the said Draft Development Plan, while excluding substantial modifications in respect of Development Control and Promotion Regulations -2034, which were published as EP-1 to EP 168 for inviting objections and/or suggestions from the general public *vide* Notice No. TPB-4317/629/CR-118/2017/EP/ UD-11, dated 8th May 2018 read with corrigendum of even number dated 22nd June 2018 and dated 29th June 2018 to the said Notice. And whereas said Notice dated 8th May 2018 was published in the *Maharashtra Government Gazette,* Kokan Division Supplement, dated 17-23 May, 2018 and corrigendum of even number dated 22nd June 2018 and dated 29th June 2018 were published in the *Maharashtra Government Gazette,* Konkan Division Supplement dated 30th June 2018 ;

And whereas, the Deputy Director of Town Planning, Greater Mumbai is appointed as an " Officer " to give hearings and submit his report to the Government on the objections/suggestions received by him, as per said Notice ;

And whereas, the said Officer after giving hearing in respect of the objections and/or suggestions received from the general public, on the said Excluded Part No. EP-1 to EP-168 in respect of Development Control and Promotion Regulations-2034, and has submitted his report to the Government *vide* his letter, dated 24th August 2018 for EP-1 to EP-168 and whereas, the Director of Town Planning, Maharashtra State, Pune *vide* his letter dated 29th August 2018 has also submitted his report on the aforesaid report of the said Officer.

Original Notifications shall
be referred for perspicuity

Now therefore, in exercise of the powers conferred by sub-section (*1*) of Section 31 of the said Act and all other powers enabling it in that behalf, the Government of Maharashtra, after consulting the Director of Town Planning, Maharashtra State, Pune hereby :—

(*a*) Sanctions the said Excluded Part No. EP-1 to EP-168 (Excluding certain EP and the provisions which were kept in abeyance) of the said Development Control and Promotion Regulations-2034, as more precisely specified in Schedule-A appended hereto.

(*b*) Fixes the date 24th October 2018 to be the date on which the said Excluded Parts as described in the Schedule-A shall come into force.

(*c*) Copy of the Development Control and Promotion Regulations-2034, showing the aforesaid Excluded Part as sanctioned by the State Government shall be kept open for inspection by the general public, during working hours for a period of one year in the office of the Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai on all working days.

This Notification shall also be available on the Government of Maharashtra website : *www.maharashtra.gov.in* (कायदे व नियम).

By order and in the name of the Governor of Maharashtra,

PRADEEP GOHIL,
Under Secretary to Government.

Original Notifications shall
be referred for perspicuity

RNI No. MAHBIL/2009/36619

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक–कोकण विभागीय पुरवणी

वर्ष ४, अंक ४५] बुधवार, ऑक्टोबर २४, २०१८/कार्तिक २, शके १९४० [पृष्ठे २, किंमत : रुपये ११.००

असाधारण क्रमांक ६४

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 23rd October 2018

CORRIGENDUM

No. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11.—Whereas, in accordance with the provisions of sub-section (*1*) of section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the Said Act "), the State Government *vide* Notification No. TPB. 4317/629/CR-118/2017/ DP/UD-11, dated the 8th May 2018 has accorded sanction to the Draft Development Plan-2034 and Draft Development Control and Promotion Regulations- 2034 of Greater Mumbai with modification shown in SCHEDULE-A appended to the said Notification excluding the substantial Modification as shown in SCHEDULE-B appended to the said Notification ;

And Whereas, in accordance with the provisions of sub-section (*1*) of section 31 of the said Act, the State Government *vide* Notification No. TPB. 4317/629/CR-118(III)/2017/EP(DCPR)/ UD-11, dated the 21st September 2018 (hereinafter referred to as " the said Notification ") has accorded sanction to Excluded Part No. EP-1 to EP-168 (Excluding certain EP and the provisions which were kept in abeyance) of the Development Control and Promotion Regulations- 2034, as more precisely specified in Schedule-A appended thereto. And whereas, said excluded parts as described in the Schedule-A appended to the Notification, dated the 21st September 2018 will come into force from the date 24th October 2018 ;

And whereas, it is noticed that there are some typographical errors and mistakes in the Notification sanctioning the EP and other sanctioned provisions and for that purpose corrections is needed in the said Notification and therefore, it is necessary to extent the date from which the said Notification, dated the 21st September 2018 will come into force therefore it necessary to issue a corrigendum to the said Notification ;

Original Notifications shall
be referred for perspicuity

Now, therefore, this Corrigendum is issued to the said Notification as mentioned in Annexure-I appended hereto.

Copy of this Corrigendum is kept open for the inspection of the public in the following offices during office-hours on all working days :—

(1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

(2) Deputy Director of Town Planning, Greater Mumbai, ' E ' Block, ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

ANNEXURE-I

Appended to the Urban Development Department Corrigendum No. TPB. 4317/629/CR-118(III)/2017/EP(DCPR)/UD-11, dated 23rd October 2018.

(Corrigendum to Notification No. TPB. 4317/629/CR-118(III)/2017/EP(DCPR)/UD-11, dated the 21st September 2018.)

CORRIGENDUM

Para of Notification	*Instead of*	*Read as*
(1)	(2)	(3)
b	(b) Fixes the date 24th October 2018 to be the date on which the said Excluded Parts as described in the Schedule-A shall come into force.	(b) Fixes the date 13th November, 2018 to be the date on which the said Excluded Parts as described in the Schedule-A shall come into force.

This Notification shall also be available on the Government of Maharashtra website : *www.maharashtra.gov*.in **(कायदे व नियम)**

By order and in the name of the Governor of Maharashtra,

PRADEEP GOHIL,
Under Secretary to Government.

Original Notifications shall
be referred for perspicuity

RNI No. MAHBIL/2009/36619

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक–कोकण विभागीय पुरवणी

वर्ष ४, अंक ५१(२)] बुधवार, नोव्हेंबर १४, २०१८/कार्तिक २३, शके १९४० [पृष्ठे ११२, किंमत : रुपये ११.००

असाधारण क्रमांक ७७

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक १२ नोव्हेंबर २०१८

शुद्धीपत्र

क्रमांक टीपीबी. ४३१७/६२९/प्र.क्र. १८८/२०१७/(III)/नवि-११.—ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे याचा उल्लेख " उक्त अधिनियम " असा करणेत आलेला आहे) चे कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्रमांक टीपीबी. ४३१७/६२९/प्र.क्र.११८/२०१७/वि.यो./नवि-११, दिनांक ८ मे २०१८ (यापुढे याचा उल्लेख " उक्त अधिसूचना " असा करणेत आलेला आहे) याद्वारे बृहन्मुंबई प्रारुप विकास योजना-२०३४ ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरुपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अे मध्ये दर्शविलेल्या सुधारणेसह मंजूरी दिली आहे आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस समक्रमांकाचे शुद्धीपत्रक, दिनांक २२ जून २०१८ रोजी व त्यानंतर समक्रमांकाचे शुद्धीपत्रक व पुरकपत्र दिनांक २९ जून २०१८ रोजी पारित केले आहे आणि ज्याअर्थी, सदरहु दिनांक २९ जून २०१८ रोजीचे शुद्धीपत्रक व पुरकपत्र **महाराष्ट्र शासनाच्या राजपत्रात** दिनांक ३० जून, २०१८ रोजी प्रसिद्ध करण्यात आले आहे ;

आणि ज्याअर्थी, शासनाने दिनांक २१ सप्टेंबर २०१८ रोजीच्या अधिसूचनेद्वारे प्रारुप विकास योजना-२०३४ ला भागशः मंजूरी देताना मंजूरीतून वगळलेल्या विकास नियंत्रण व प्रोत्साहन नियमावली/२०३४ मधील सारभूत स्वरुपाचे फेरबदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजूरी प्रदान केली आहे ;

आणि ज्याअर्थी, उक्त मंजूरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये इतर काही टंकलेखनाच्या त्रुटी व चूका असल्याचे निदर्शनास आले आहे, तसेच आयुक्त बृहन्मुंबई महानगरपालिका यांनी दिनांक ६ नोव्हेंबर २०१८ रोजीचे पत्रान्वये काही अतिरिक्त त्रुटी व चुका निदर्शनास आणलेल्या आहेत. त्यामुळे मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील काही तरतूदींच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे आणि त्याकरीता शुद्धीपत्रक निर्गमित करणे आवश्यक आहे, असे शासनाचे मत झाले आहे ;

आणि त्याअर्थी, उक्त अधिसूचनेत आणि मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील इतर मंजूर तरतुदीमध्ये अशा सुधारणा करण्यासाठी सोबतचे परिशिष्टामध्ये नमूद केल्याप्रमाणे शुद्धीपत्रक निर्गमित करण्यात येत आहे.

उक्त शुद्धीपत्रकाची प्रत नागरिकांचे अवलोकनार्थ तीस दिवसांचे कालावधीपर्यंत खालील ठिकाणी कार्यालयीन वेळेमध्ये उपलब्ध राहील :–

(१) प्रमुख अभियंता (विकास नियोजन), बृहन्मुंबई महानगरपालिका, महापालिका मार्ग, फोर्ट, मुंबई ४०० ००१.

(२) उप संचालक, नगररचना, बृहन्मुंबई, इन्सा हटमेंट्स, ई-ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१.

सदर शुद्धीपत्रक महाराष्ट्र शासनाच्या *www.maharashtra.gov.in* (कायदे व नियम) या वेबसाईटवर देखील प्रसिद्ध करण्यात आले आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रदीप गोहिल,
शासनाचे अवर सचिव.

Original Notifications shall
be referred for perspicuity

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 12th November 2018

CORRIGENDUM

No. TPB. 4317/629/C.R.118/2017(III)/UD-11.—Whereas, in exercise of the powers conferred by sub-section (*1*) of section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the Said Act "), the State Government *vide* Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, dated 8th May 2018 (hereinafter referred to as " the said Notification ") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued Corrigendum of even number dated 22nd June, 2018 and thereafter issued a Corrigendum and Addendum of even number dated 29th June 2018 to the said Notification, which is published in *Government Gazette,* dated 30th June 2018 ;

And whereas, the Government of Maharashtra *vide* Notification dated 21st Septmber 2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations-2034, which were excluded as substantial modifications ;

And whereas, it is noticed that there are some typographical errors and mistakes, in the Notification sanctioning the EP and also the Commissioner, Municipal Corporation of Greater Mumbai *vide* his letter dated 6th November 2018 has pointed out certain additional errors and mistakes and therefore to rectify such mistakes and also to clarify and co-relate certain provisions of sanctioned DCPR for its proper interpretation, Government feels it necessary to issue a Corrigendum for the same ;

Now, therefore, this Corrigendum is issued in respect of such errors and mistakes in the said Notification and in sanctioned provisions of the Development Control and Promotion Regulations-2034 as mentioned in Sehedule appended hereto.

Copy of this Corrigendum is made available for the inspection of the public in the following offices during office hours on all working days for period of thirty days.

(1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

(2) Deputy Director of Town Planning, Greater Mumbai, ' E ' Block, ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

This Corrigendum shall also be available on the Government of Maharashtra website : *www.maharashtra.gov.in* (Acts and Rules).

By order and in the name of the Governor of Maharashtra,

PRADEEP GOHIL,
Under Secretary to Government.

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PART-I ADMINISTRATION

1. *Short title, extent and commencement*

(I) ***Title:*** These Regulations shall be called the "Development Control and Promotion Regulations for Greater Mumbai, 2034" (hereinafter called "these Regulations").

(II) ***Jurisdiction:*** These Regulations apply to building activity and development work in areas under the entire jurisdiction of the Municipal Corporation of Greater Mumbai (hereinafter called "the Corporation"). If there is a conflict between the requirements of these Regulations and those of any other rules or bye laws, these Regulations shall prevail.

Provided, however, that in respect of areas included in a finally sanctioned Town Planning Scheme, if there is a conflict between the requirements of these Regulations and the Town Planning Scheme Regulations, the provisions of these Regulations shall prevail,

Provided further that, these regulations shall not apply to the Manori-Gorai-Uttan Notified area.

(III) Protection: No suit, prosecution or other legal proceedings shall lie against any person for any thing which is in good faith done or intended to be done under the MR&TP Act or any rules or regulations made their under.

2. *Definitions of Terms and Expressions*

(I) ***General*:** In these Regulations, unless the context otherwise requires, the terms and expressions shall have the meaning indicated against each of them.

(II) ***Meaning as in the Acts, Rules, etc****.:* Terms and expressions not defined in these *Regulations* shall have the same meanings as in the MR&TP Act, 1966 or the Mumbai Municipal Corporation Act, 1888 (Mumbai Act No. III of 1888) and the rules or bye-laws framed there under, as the case may be, unless the context otherwise requires.

(III) Terms and expressions neither defined in these Regulations nor defined in (I)and(II) above shall be interpreted with reference to the latest National Building Code in the relevant context.

(IV) ***Definitions.***

(1) "Access" means clear approach to a plot or a building.

(2) "Accessory building" means a building separated from the main building on a plot, and put to one or more accessory/ancillary use.

(3) "Accessory/Ancillary use" means use of the building, subordinate and customarily incidental to the principal use.

(4) “Accommodation Reservation” means a plot of land reserved for public purpose, where land owner has an option of handing over the specified the part of land along with developed amenity to MCGM, for the intended public purpose free of cost and free from any encumbrances and developing balance land with permissible basic FSI and Development Right (DR) potential of such balance land as permissible under these regulations.

(5) "Act"means-

(i) The Maharashtra Regional and Town Planning Act, 1966(Mah. Act No. XXXVII of 1966); or

(ii) The Mumbai Municipal Corporation Act, 1888 (Mumbai Act No. III of 1888)

(6) "Additionand/or alteration" means change from one occupancy to another, or a structural change, such as addition to the area or height, or the removal of part of a building, or a change to the structure, such as the construction or cutting into or removal of any wall or part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support, or a change to or closing of any required means of ingress or egress, or change to fixtures or equipment, as provided in these Regulations.

(7) "Advertising sign" means any surface or structure with characters, letter or illustrations applied there to and displayed in any manner whatsoever out of doors for the purpose of advertising or giving information regarding or to attract the public to any place, person, public performance, article or merchandise, and which surface or structure is attached to, forms part of, or is connected with any building, or is fixed to a tree, or to the ground or to any pole, screen, fence or hoarding or displayed in space or in or over any water body included in the limits of Greater Mumbai i.e. Island City, Suburbs or extended Suburbs as defined in section 3 of the Mumbai Municipal Corporation Act, 1888, and area specified in Part II to IV of Schedule `A` to the Greater Mumbai Laws and Mumbai High Court (Declaration of Limits) Act, 1945.
However, advertising sign shall not include hoarding displaying details of the project as per IOD/IOA condition, at the site of the project

(8) "Air-conditioning" means the process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirement of an enclosed space.

(9) “Alcove” means a cooking place with direct access from the main room without a communicating door.

(10) “Amenity Space” means a statutory space provided in any layout/plot to be used for any of the amenities/utilities specified in these regulations

10(A) “Affordable Housing” means social housing in the nature of housing meant for economically weaker section, lower income group having carpet area of 27.88 sq.mt. (300 sq.ft) or of such area as may be decided by Govt. from time to time.

(11) "Architect" means a person registered as an architect under the provisions of the Architects Act, 1972.

(12) “Atrium” means the area comprised of entrance lobby or common entrance hall of the building or common area at any single floor level which serves as a Common Open Spaces for more than one floor.

(13) "Automatic sprinkler system"means an arrangement of pumps,pipes and sprinklers, set to activate automatically on detection of fire inside the building and spray water under force to douse fire, simultaneously setting anaudible alarm.

(14) "Balcony" means a horizontal projection, including a parapet, hand-rail balustrade, to serve as a passage or sitting out place.

(15) "Basement or cellar" means the lower storey of a building below, or partly below the ground level.

(16) “Biotechnology Unit” means and includes Biotechnology units which are certified by the Development Commissioner (Industries) or any other officer authorized by himon his behalf.

(17) "Building” means a structure, constructed with any materials whatsoever for any purpose, whether used for human habitation or not, and includes-

(i) Foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms;

(ii) Verandahs, balconies, cornices, projections; (iii) part of a building or anything affixed thereto;

(iv) any wall enclosing or intended to enclose any land or space, signs and outdoor display structures;

(v) tanks constructed for storage of chemicals or chemicals in liquid form;

(vi) all types of buildings defined in (a) to (r) below; but tents, shamian as and tarpaulin shelters erected for temporary purposes for ceremonial occasions, with the permission of the Commissioner, shall not be considered to be "buildings".

(a) "Assembly building" means a public building or part there of where groups of people congregate or gather for amusement, recreation, social, religious, patriotic, civil, travel and similar purposes. "Assembly buildings" include buildings of drama and cinema theatres, drive-in-theatres, assembly halls, city halls, town halls, auditoria, exhibition halls, museums, mangalkaryalayas, skating rinks, gymnasia, stadia, restaurants, eating or boarding houses, places of worship, dance halls, multipurpose hall, clubs, gymkhanas, malls, road, air, sea or other public transportation stations, and recreation piers. Public for this purpose shall mean use open for public at large.

(b) "Business building" means any building or part there of used for transaction of business and/or keeping of accounts and record there for; offices, banks, professional establishments, IT establishments, call centers, offices for private entrepreneur provided their principal function is transaction of business and/or keeping of books and records.

(c) "Detached building" means a building with walls and roofs independent of any other building and with open spaces on all sides.

(d) "Educational building" means a building exclusively used for a school or college, recognized by the appropriate Board or University, or any other competent authority involving assembly for instruction, education or recreation incidental to educational use, and including a building for such other uses incidental there to such as a library, multipurpose hall, auditorium or a research institution. It shall also include quarters for essential staff required to reside in the premises, and a building used as a hostel captive to an educational institution whether situated in its campus ornot, Hostel for Girls student.

(e) "Hazardous building" means a building or part there of used for-

(i) storage, handling, manufacture or processing of radio active substances or of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes or explosive emanations;

(ii) storage, handling, manufacture or processing which involveshighly corrosive, toxic or noxious alkalis, acids, or other liquids, gases or chemicals producing flame,fumes and explosive mixtures or which result in division of matter into fine particles capable of spontaneous signition.

(f) "Industrial building" means a building or part there of wherein products or material are fabricated, assembled or processed, such as assembly plants, laboratories, power plants, refineries, gas plants, mills, dairies and factories

(g) "Institutional building" means a building constructed or used for education, health, research and such other activities, hostel for working women/persons/students, but not for lodging or for an auditorium or complex for cultural and allied activities or for an

hospice, care of persons suffering from physical or mental illness, handicap, disease or infirmity care of orphans, abandoned women, children and infants, convalescents, destitute or aged persons and for penal or correctional detention with restricted liberty of the inmates ordinarily providing sleeping accommodation, and includes dharamshalas, hospitals, sanatoria, custodial and penal institutions such as jails, prisons, mental hospitals, houses of correction, detention and reformatories.

(h) “Information Technology Building” means a building used for the purpose of business of developing either software or hardware or providing IT enabled services as defined in IT policy amended from time to time.

(i) "Mercantile building" means a building or part there of used as shops, stores or markets for display and sale of wholesale or retail goods or merchandise, including office, storage and service facilities incidental thereto located in the same building.

(j) "Office building" (Premises), means a building or premises or part thereof whose sole or principal use is for an office or for office purposes. "Office purposes" includes the purpose of administration, handling money, telephone, telegraph and computer operation and such other activities; and including writing, book-keeping, sorting papers, typing, filing, duplicating, data processing, drawing of matter for publication and editorial preparation of matter for publication and such other activities.

(k)“Public Building” means a building used or intended to be used either ordinarily or occasionally by the public such as;

(a) offices of Central or State Government or any Public-Sector Undertaking or Statutory Authority or Local Authorities

or (b) buildings such as;

i. temple, mosque, church, chapel, or any place of public worship.
ii. public or private college, school, library, or places of educational facilities.
iii. cinema, public concert hall, drama theatre, auditorium, sports complex, sports facility, theatre for cultural activities.
iv. public hall, welfare centre, exhibition hall, Museum or any other place of assembly.
v. hospital, maternity home etc. or any other place of medical facility.
vi. market, shopping centre, departmental store or mall with or without multiplex or any other place of retail and whole sale merchandise.
vii. railway station, metro/mono rail station, bus station, airport or any other public transport terminal.
viii. public or private hospital

(l) "Residential building" means a building in which sleeping accommodation is provided for normal residential purposes, with or

without cooking or dining facilities, and includes one or more family dwellings, lodging or rooming houses, hostels, dormitories, apartment houses, flats, and private garages of such buildings.

(m) “Semi-detached building" means a building detached on three sides.

(n) “Special building" means-

(i) a building solely used for the purpose of a drama or cinema theatre, a drive-in-theatre, an assembly hall or auditorium, an exhibition hall, theatre museum, a stadium, a "MangalKaryalaya",exceeding built-up area of 1000 sq.m. or where the built-up area of such a user exceeds 1000 sq.m in the case of mixed occupancies;

(ii) an industrial building;

(iii) a hazardous building;

(iv) a building of whole sale establishment;

(v) Educational, Institutional and residential hotel building or centrally air- conditioned building which exceeds

(a) 15m in height,or

(b) a total built-up area of 1000 sq.m.

(o) "Storage building" means a building or part there of used primarily for storage or shelter of goods, wares or merchandise, warehouse, cold storage, freight depot, transit shed, storehouse, public garage hangar, truck terminal, grain elevator and barn.

(p) “Temporary Building/structure” means any building/structure of whatever size and of whatever material which the Commissioner has allowed to be built as a temporary measure in accordance with Regulation No 57.

(q) "Unsafe building" means a building which-

(i) is structurally unsafe,

(ii) is in sanitary,

(iii) is not provided with adequate means of egress,

(iv) constitutes a fire hazard,

(v) is dangerous to humanlife,

(vi) in relation to its existing use, constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.

(r) "Wholesale establishment" means an establishment wholly or partly engaged in wholesale trade and manufacturers wholesale outlets, including related storage facilities, warehouses and establishments engagedin truck transport, including truck transport booking agencies.

(18) "Building line" means the line up to which the plinth of a building extends in any development.

(19) "Built-up area" means the area covered by a building on all floors including cantilevered portion, if any, but excluding cladding and areas specifically exempted under these Regulations for the purpose of computation of FSI.

(20) "Cabin" means a non-residential enclosure constructed of non-load bearing partitions.

(21) “Canopy” means a cantilevered projection over any building entrance.

(22) "Carpet area" would have the same meaning as defined in Real Estate (Regulation and Development) Act, 2016. ”

(23) "Chimney" means a construction by means of which a flue is formed for the purpose of carrying products of combustion to the open air and includes a chimney stack and the flue pipe.

(24) "Chajja" means astructural overhang provided over openings on external walls for protection from the weather.

(25) "Chowk" means a fully or partially enclosed space permanently open to the sky within a building at any level; inner chowk being enclosed on all sides and an outer chowk having one unenclosed side.

(26) "Chute" means a vertical system passing from floor to floor provided with ventilation and inlet openings for receiving refuse from successive floors with or without sprinklers for cleaning and ending at the ground floor on the top of the collecting chambers.

(27) “Cluster” means any defined area with proper access comprising dwelling units, buildings, chawls, etc.

(28) "Combustible material" means that material which when burnt adds heat to a fire when tested for combustibility in accordance with the IS: 3808-1966 Method of Test for combustibility of Building Materials, National Building Code.

(29) Commissioner means Municipal Commissioner of Greater Mumbai or any other officer designated by him.

(30) "Contiguous holding" means contiguous piece of land under one ownership irrespective of separate property register cards.

(31) “Conversion” means the change of occupancy or premises to any occupancy or use requiring development permission.

(32) "Convenience shopping,” means shops, each with a carpet area not exceeding 30 sq.m except where otherwise indicated and comprising those dealing with day to day requirements, as distinguished from wholesale trade or shopping, provided on the ground and/or first floor of building with internal means of access. It includes-

(i) Food grain or ration shops,
(ii) Panshops.
(iii) Shops for collecting and distribution of clothes and other materials for cleaning and dyeing establishments.

(iv) Tailor or darner shops.
(v) Groceries, confectioneries, wine and general provision shops
(vi) Hair dressing saloons and beauty parlours.
(vii) Bicycles hire and repair shops.
(viii) Vegetable and fruits shops.
(ix) Milk and milk products shops.
(x) Medical and dental practitioners' dispensaries or clinics, pathological or diagnostic clinics and pharmacies, each with a carpet area not exceeding 100 sq. m.
(xi) Florists.
(xii) Shops dealing in ladies' ornaments such as bangles,etc.
(xiii) Shops selling bakery products.
(xiv) Newspaper magazines stalls and circulating libraries.
(xv) Books and stationery shops or stores.
(xvi) Cloth and garment shops.
(xvii) Plumbers', electricians, radio, television and video equipment repair shops and video libraries.
(xviii) Restaurants and eating houses of area not exceeding 150 sq. m
(xix) Shoes and sports shops each with a carpet area not exceeding 100 sq.m.
(xx) Coaching Classes with a carpet area not exceeding 100 sq.m.
(xxi) Gymnasium not exceeding 150 sq.m.
(xxii) Any other shop covered under the definition of convenience shopping, to whom license under the shops and establishment has been issued under the MMC Act.

With the special permission, the Commissioner may from time to time add to, alter or amend the above list.

(33) "Corridor"means a common passage or circulation space including a common entrance hall.

(34) "Courtyard" means a space permanently open to the sky within the site around a structure or surrounded by structure and may be paved/ concreted.

(35) "Curb Cut" meansa small solid (usually concrete) ramp that slopes down from the top surface of a side walk or footpath to the surface of an adjoining street. It is designed for ease of access for pedestrians, bicyclists and differently abled people.

(36) "Demonstrable Hardship" Demonstrable hardship means plot under development/ redevelopment affected due to Nalla, Nallah/river buffer, road widening, height restriction due to statutory restriction as per these Regulations such as railway buffer, height restrictions in the vicinity of Airport, height restriction in the vicinity of defence establishments, and/or any other restrictions as per the provisions of these Regulations affecting the project, odd shape plot, rehabilitation of existing tenants/occupants on small size plot/s etc.

(37) “Developer/Builder/Project Proponent” means the person who is legally empowered to carry out the development.

(38) "Dharmashala" means a building used as a place of religious assembly, a rest house, a place in which charity is exercised with religious or social motives, or a place where in a certain section of people have a right of, or are granted, residence without payment or on nominal payment.

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

(40) “Dwelling Unit/Tenement” means an independent housing unit with separate facilities for living, cooking and sanitation.

(41) “Eating House” means any premises where any kind of food is prepared or supplied for consumption of public

(42) "Enclosed staircase" means a staircase separated by fire resistant walls and door from the rest of the building.

(43) “Energy Efficient Building” means the building (having connected load 100 KW or greater and having conditioned area of 1000 sq. m or more) compliant with the provisions of ECBC code.

(44) “Escalator” means a power driven, inclined, continuous stairway used for ascending or descending between floors or bridge over the road/railway line.

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

(46) "Existing building" means a building or structure existing authorisedly before the commencement of these Regulations.

(47) "Existing use” means use of a building or a structure existing authorisedly before the commencement of these Regulations.

(48) "Exit" means a passage channel or means of egress from any building, storey or floor area to a street or other open space of safety; horizontal, out side and vertical exits having meanings at (i), (ii) and (iii) respectively as under:

(i) "Horizontal exit" means an exit which is a protected opening through or around a fire wall or a bridge connecting two or more buildings.

(ii) "Outside exit" means an exit from a building to a public way, to an open area leading to a public way or an enclosed fire resistant passage leading to a public way.

(iii) "Vertical exit" means an exit used for ascending or descending between two or more levels, including stairways, smoke-proof towers, ramps, escalators and fire escapes.

(49) "External wall" means anouter wall of a building not being a partition wall even though adjoining a wall of another building and also means a wall abutting on an interior open space of any building.

(50) "Fire and/or emergency alarm system" means an arrangement of call points or detectors, sounders and other equipment for the transmission and indication of alarm signals, activated automatically or manually in the case of fire or other emergency.

(51) "Fire Booster pump" means a mechanical/electrical device installed at intermittent level to boost up the water pressure so as to achieve the required pressure of 3.2 kg/cm2 at the top level of high rise building or at the nearest point.

(52) "Fire lift" means a special lift designed for the use offire service personnel in the event of fire or other emergency.

(53) "Fire proof door" means a door or shutter fitted to a wall opening, made of fire resistant material to prevent the transmission and spread of heat and fire for a specified period.

(54) "Fire Pump" means a machine, driven by external power for transmitting energy to fluids by coupling the pump to a suitable engine or motor, which may have varying outputs/capacity but shall be capable of having pressure of 3.2 kg/cm2 at the topmost level of a high rise building.

(55) "Fire resistance" means the duration of time which a fire resistant material i.e. material having a certain degree of fire resistance, fulfills its function of contributing to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint. The fire resistance test of structures shall be done in accordance with IS: 3809-1966 Fire Resistance Test of Structure.

(56) "Fire separation" means the distance in meters measured from any other building on the site or from another site, or from the opposite side of a street or other public space to the building.

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

(58) "Fire tower" means an enclosed staircase which can only be approached from the various floors through landings or lobbies separated from both the floor area and the staircase by fire-resisting doors and open to the outer air.

(59) “Fitness centre/Yogalayain a building” means and includes the built-up premises including toilet facilities provided in the building including gymnasium for the benefit of its inmates and for the purpose of fitness, physical exercises, yoga, reading and such other activities as may be permitted by the commissioner from time to time.

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

(61) "Floor space index (FSI)" means the quotient of the ratio of the combined gross floor area of all floors, excepting areas specifically exempted under these Regulations, to the area of the plot, viz.:

$$\text{Floor Space Index (FSI)} = \frac{\text{Total covered area on all floors}}{\text{Plot area}}$$

(62) "Footing" means a foundation unit constructed in brick work, stone masonry or concrete under the base of a wall or column for the purpose of distributing the load over a large area.

(63) "Foundation" means that part of the structure which is in direct contact with and transmitting loads to the ground.

(64) "Front Open Space" means the space between the boundary line of aplot abutting the means of access/road/street and the building line. Plots facing two or more means of accesses/roads/streets shall be deemed to front on all such means of accesses/roads/streets.

(65) “Fungible Compensatory Area” means any built-up area permitted over and above the admissible FSI by a special permission of the Commissioner in accordance with the Regulation No. 31(3).

(66) "Gallery" means an intermediate floor or platform projecting from a wall of an auditorium or a hall, providing extra floor area, and/or additional seating accommodation. It also includes the structures provided for seating in stadia.

(67) “Gaothan” means portion of the land shownas such in the Revenue Records.

(68) "Garage" means a place within a project having a roof and walls on three sides for parking any vehicle, but does not include an unenclosed or uncovered parking space such as open parking areas.

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

(70) “Grey Water” means waste water from kitchen sink, bathrooms, tubs, showers, wash basins, washing machines, and dish washers excluding the waste water from water closet (W.C.).

(71) "Habitable room" means a room occupied or designed for occupancy for human habitation and uses incidental thereto, including a kitchen if used as a living room, but excluding a bath-room water closet compartment, laundry, serving and storing pantry, corridor, cellar, attic, and spaces not frequently used.

(72) "Hazardous material" means-

i) radio active substances;

ii) material which is highly combustible or explosive and/or which may produce poisonous fumes or explosive emanations or storage, handling, processing or manufacturing of which may involve highly corrosive, toxic or noxious alkalis or acids or other liquids;

iii) other liquids or chemicals producing flame, explosive, poisonous, irritant or corrosive gases or which may produce explosive mixtures of dust or fine particles capable of spontaneous signition.

(73) "Height of a building" means the vertical distance measured, in the case of flat roofs, from the average level of the ground around andcontiguousto the building to the topmost terrace level and, in the case of pitched roofs, upto the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and, in the case of gables facing the road, the mid-point between the eaves level and the ridge.

(74) "Height of a room" means the vertical distance measured, from the finished floor surface to the finished ceiling/soffit of slab. The height of a room with a pitched roof means the average height between the finished floor surface and the bottom of the eaves and the bottom of the ridge.

(75) “High Rise Building” means a building having height more than 32m above the average surrounding ground level.

(76) "Home occupation" means customary services provided to the general public other than that of eating or a drinking place, by a member of the family residing on the premises without employing hired labour, and for which there is no display to indicate from the exterior of the building that it is being utilised in whole or in part for any purpose other than a residential or dwelling use, and in connection with which no article or service is sold or exhibited for sale except that which is produced therein, which shall be non-hazardous and not affecting the safety of the inhabitants of the building and the neighborhood, and provided that no mechanical equipment is used except that as is customarily used for purely domestic or household purposes and/or employing licensable goods. If motive power is used, the total electricity load should not exceed 0.75 KW. "Home Occupation" may also include such similar occupations as may be specified by the Commissioner and subject to such terms and conditions as may be prescribed.

(77) Information Technology Establishment means an establishment which is in the business of developing either software or hardware or providing IT Enabled services.

(78) “Ledge” or “Tand” means a shelf- like projection supported in any manner, except by vertical supports, within a room itself but without a projection of more than half a meter.

(79) "Licensed Surveyor/Engineer/Structural Engineer/Supervisor" means a qualified surveyor, engineer, structural engineer or supervisor, licensed by the Commissioner.

(80) "Lift or Elevator" means an appliance designed to transport persons andmaterials between two or more levels in a vertical or substantially vertical direction by means of guided car or platform etc.

(81) "Loft" means a structure providing intermediate space in between two floors with maximum height of 1.50 m, without having permanent access.

(82) “Mall” means a large enclosed area comprising shopping, entertainment, eating facilities and facilities incidental thereto.

(83) “Marginal Open Space/Distance” means the minimum distance measured between the front, rear and sides of the building line and the respective plot boundaries

(84) “Multiplex/Multiplex Theatre Complex (MTC)” means a place of public entertainment for the purpose of exhibition of motion picture with multiple screens and or dramas and other social or cultural programs as described in Bombay Entertainment Duty Act 1923.

(85) “Noise barrier” means an exterior structure/part of structure designed to protect inhabitants of sensitive land use areas from noise pollution.

(86) "Non-combustible" means not liable to burn or add heat to a fire when tested for combustibility in accordance with the IS-3808-1966 Method of Test for Combustibility of Building Materials.

(87) “Non-Conforming User” means any lawful use/building existed on the site but which does not conform to the zoning shown in the Development Plan.

(88) "Occupancy" or "Use" means the principal occupancy or use for which a building or a part of it is used or intended to be used, including contingent subsidiary occupancies; mixed occupancy buildings being those in which more than one occupancy are present in-different portions of the buildings.

(89) "Owner" means a person who receives rent for the use of the land or building or would be entitled to do so if it were let, and includes:

(i) an authorised agent or trustee who receives such renton behalf of the owner;

(ii) a receiver, executor or administrator, or a manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of the owner;

(iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purposes; and

(iv) a mortgagee in possession.

(90) "Parapet" means a low wall or railing built along the edge of the roof or a floor.

(91) "Parking space,” means an enclosed or unenclosed, covered or open area or area provided by mechanical means sufficient in size to park vehicles. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

(92) "Partition" means an interior non-load bearing barrier, one storey or part storey in height.

(93) "Permanent open air space" means air space permanently open;

1) if it is a street,

2) if its freedom from encroachment is protected by any law or contract ensuring that the ground below it is either a street or is permanently and irrevocably appropriated as an open space.

In Determining the open-air space required for construction of a building, any space occupied by an existing structure may, on its planned demolition to become a permanently open air space, be treated as if it were already such a place.

(94) "Permission" means a valid permission or authorisation in writing by the competent authority to carry out development or a work regulated by the Regulations.

(95) "Plinth" means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground or basement or any storey level.

(96) "Plinth area" means the built-up covered area measured at the plinth level.

(97) "Porch" means a covered surface supported on pillars or otherwise for the purpose of a pedestrian or vehicular approach to a building.

(98) "Podium" means one or morefloors of a building extending beyond building line/s used for parking, providing other services and incidental purposes as prescribed under these Regulations.

(99) "Professionals on Record" means the persons educationally, technically and experientially qualified to perform a designated skilled job and who are appointed by the Owners/Developers and are responsible for the work carried out by his/her subordinates or team, such as Architects, Town Planner, Licensed Surveyors, Engineers, Structural Engineers, Fire Protection Consultants, etc. registered with the Competent Authority wherever applicable and under taking the responsibility forthe particular work as prescribed by the Appropriate Authority in these Regulations.

(100) "Refuge Area" means an area within the building for a temporary use during egress. It generally serves as staging area which is protected from the effect of fire and smoke.

(101) "Retention activity" means an activity or use which is allowed to continue, notwithstanding its non-conforming nature in relation to the use permitted in the adjoining or surrounding area.

(102) "Road/Street" means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place or bridge, tunnel, underpass,elevated road whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme, and includes all bunds channels, ditches, storm-water drains, culverts, sidewalks, traffic islands, road-side trees, hedges, retaining walls, fences, barriers and railings within the street lines.

(103) "Road/Street level or grade" means the officially established elevation or grade of the centre line of the Street upon which a plot fronts, and if there is no officially established grade, the existing grade of the street at its mid-point.

(104) "Road/Street line" means the line defining the side limits of a road/street.

(105) "Road width" or "Width of road/street" means the whole extent of space within the boundaries of a road when applied to a new road/street, as laid down in the city survey or development plan or prescribed road lines by any act or law and measured at right angles to the course or intended course of direction of such road.

(106) "Row housing" means a row of houses with only front, rear and interior open spaces.

(107) “Sanctioned or Approved Plan” means the set of plans in connection with a development which are duly approved and sanctioned by the Planning Authority.

(108) "Service road" means a road/lane provided at the front, rear or side of a plot for service purposes.

(109) "Site/Plot" means a parcelor piece of land enclosed by definite boundaries.

(110) "Site, Corner" means a site at the junction of land fronting on two or more roads or streets.

(111) "Site, Depth of” means the mean horizontal distance between the front and rear site boundaries.

(112) "Site with double frontage" means a site having a frontage on two streets other than a corner plot.

(113) "Site, Interior or Tandem" means a site access to which is by a passage from a street whether such passage forms part of the site or not.

(114) "Smoke-stop door" means a door for preventing or checking the spread of smoke from one area to another.

(115) “Solar Energy System” means a device to heat the water or generate power using solar energy.

(116) "Stair–cover/Stair case Room"means a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from the weather and not used for human habitation.

(117) “Stilt” means a space within framework of columns, beams and slabs without enclosure of walls over which the building rests. It is used for parking purposes/other services as provided under these Regulations.

(118) "Storey" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be nofloor above it, then the space between any floor and the ceiling next above it.

(119) "Sub-station" means a station for transforming or converting electricity for the transmission or distribution there of and includes transformers, converters, switchgears, capacitors, synchronous condensers, structures, cable andother appurtenant equipment and any buildings used for that purpose and the site thereof.

(120) “Tenement” means an independent dwelling unit with a kitchen or a cooking alcove.

(121) "Theatre" means a place of public entertainment for the purpose of exhibition of motion picture and or dramas and other social or cultural programs.

(122) "Tower-like structure" means a structure in which the height of the tower-like portion is at least twice that of the broader base.

(123) "Travel distance" means the distance from the entrance/exit of the remotest Apartment/office/unit/Premiseson a floor building to a place of safety be it vertical exit or a horizontally exit or an outside exit measured along the line of travel.

(124) "Volume to plot ratio (V.P.R.)" means the ratio expressed in meters of the volume of a building measured in cubic meters to the areas of the plot measured in square meters.

(125) "Water closet (W.C.)" means a privy with an arrangement for flushing the pan with water, but does not include a bathroom.

(126) "Water course" means a natural channel or an artificial channel formed by training or diversion of a natural channel meant for carrying storm and waste water.

(127) "Water course, Major" means a water course which carries storm water discharging from a contributing area of not less than 160 hectares, the decision of the Commissioner on the extent of the contributing area being final. A minor water course is one which is not a major one.

(128) "Window" means an opening other than a door, to the outside of a building which provides all or part of the required natural light, ventilation or both to an interior space.

(129) “Wing of a building” means part of a building with independent access, staircase & lift connected to other parts with common basement/stilt/ podium/terrace/common wall/connecting passages.

3) Applicability

(1) ***Development and construction:*** Exceptas hereinafter otherwise provided, these Regulations shall apply to all development, redevelopment, erection and/or re-erection of a building, change of user etc. as well as to the design, construction or reconstruction of, and additions and alterations to abuilding.

(2) ***Part construction:*** Where the whole or part of building is demolished or altered or reconstructed/removed, exceptwhere otherwise specifically stipulated, these Regulations shall apply only to the extent of the work involved.

(3) ***Change of occupancy***: Where the occupancy of a building is changed, except where otherwise specifically stipulated, these Regulations apply to all parts of the building affected by the change.

(4) ***Reconstruction:*** The reconstruction in whole or part of a building which has ceased to exist due to fire, natural collapse, demolition having been declared unsafe or which is likely to be demolished by or under an order of the Corporation or the Bombay Housing and Area Development Board and for which the necessary certificate has been given by either the said Corporation or the Board shall be allowed.

(5) ***Exclusions:*** Nothing in these Regulations shall require the removal, alteration or abandonment or prevent the continuance of the lawfully established use or occupancy of an existing building or its use unless, in the opinion of the Commissioner, such a building is unsafe or constitutes a hazard to the safety of adjacent property.

4) Interpretation

(1) In these Regulations, the use of the present tense includes the future tense, the masculine gender includes the feminine and neuter genders, the singular number includes the plural numberand plural number includes singular number. The word "person" includes a corporation as well as an individual; "writing" includes printing, typing, e-communication and "signature" includes e-signature, digital signature and thumb impression of a person unable to sign, provided that his name is written below such impression.

(2) Sizes and Dimensions: Wherever sizes and dimensions of rooms and spaces within buildings are specified, they mean the clear dimensions, unless otherwise specified in these Regulations.

(3) If any question or dispute arises with regard to interpretation of any of these Regulations the matter shall be referred to the State Government which, after considering the matter and, if necessary, after giving hearing to the parties, shall give a decision on the interpretation of the provisions of these Regulations. The decision of the Government on the interpretation of these Regulations shall be final and binding on the concerned party or parties.

(4) In the case of provisions of other Acts/Rules/Regulations which are incorporated in these Regulations wherever applicable, the amendments made subsequently in parent Acts/Rules/Regulations, will automatically be applicable to these Regulations.

(5) If there is a conflict in interpretation of any clause between English & Marathi versions of these Regulations, then the interpretation of English version shall prevail

(6) Govt. may amend the rate of premium mentioned in various Regulation of this DCPR-2034 from time to time by official Notification.

5) Delegation of powers

Except where the Commissioner's special permission is expressly stipulated, the powers or functions vested in him by these Regulations may be delegated to any municipal official under his control, subject to his revision if necessary and to such conditions and limitations, if any,as he may prescribe. In each of the said Regulations, the word "Commissioner" shall, to the extent to which any municipal official is so empowered, be deemed to include such official.

6) Discretionary powers

(a) In conformity with the intent and spirit of these Regulations, the Municipal Commissioner may:-

(i) modify the limit of a zone where the boundary line of the zone divides a plot,village boundary, CS/CTS No. as per records of revenueby a special permission; and

(ii) authorize the erection of a building or the use of premises for a public service undertaking, Government, Semi-Government, Local Bodies for public utility purposes only, where he finds such an authorization to be reasonably necessary for public convenience and welfare, even if it is not permitted in any land use classification/zone by a special permission.

(iii) decide on matters where it is alleged that there is an error in any order, requirement, decision, determination made by any municipal officer

under delegation of powers in application of the Regulations or in interpretation of these Regulations:

(iv) interpret the provisions of these Regulations where a street layout actually on the ground varies from the street layout shown on the development plan;

(b) In specific cases where a clearly demonstrable hardship is caused, the Commissioner may for reasons to be recorded in writing, by special permission permitany of the dimensions prescribed by these Regulations to be modified, except those relating to floor space indices unless otherwise permitted under these Regulations, provided that the relaxation will not affect the health, safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighborhood.

(c) Any discrepancy/error in regard to location/size/use of designations and any relocation of reservation approved by the competent authority along with its development at its relocated position if not reflected in this Development Plan and that are brought to the notice of MCGM may, after due enquiry, be corrected with the special permission of the Commissioner.

Provided that the Municipal Commissioner shall issue a well-reasoned order of such correction, along with the authenticated part plan showing the location under his seal and signature, with a copy to the Govt., Director of Town planning, Maharashtra State, Deputy Director of Town Planning, Greater Mumbai for information and record purpose. The proposal of Development Plan shall stand modified to that effect.

7) Power to delegate

The State Government may, by notification in the Official Gazette delegate by a general or special order any of its powers under these Regulations, subject to such conditions as it may consider appropriate, to any officer of the State Government not below the rank of Deputy Secretary, except those relating to any matter which is required to be dealt with under the special permission of the Commissioner.

8) Amendment/modification to Appendices/Annexures

Except where the same are prescribed in Mumbai Municipal Corporation Act, 1888, or Maharashtra Regional and Town Planning Act, 1966 or the rules or bye-laws framed thereunder, the Commissioner may, from time to time, add to, alter or amend Appendices and Annexures appended to these Regulations.

PART II DEVELOPMENT PERMISSION

9) Development permission and commencement certificate

(1) ***Necessity of obtaining permission:*** No person shall erect or re-erect a building or alter any building or carry out any development or redevelopment, on any plot of land or cause the same to be done without obtaining development permission and a commencement certificate from the Commissioner.

(2) ***Items of operational construction by some authorities excluded:*** Construction for operational purposes, including maintenance of operational structures, emergency/essential staff quarters by the following organizations, authorities or departments, whether temporary or permanent, may be exempted from the purview of these Regulations, except those relating to floor space index and fire precautions:

i. Railways;

ii. National Highways;

iii. National Waterways;

iv. Major ports;

v. Aerodromes and Airports;

vi. Posts and Telegraphs, Telephones, Television, Wireless, Broadcasting authorities and the authorities of other similar formsof communication;

vii. Regional grids, towers, gantries, switchyards, control room, Relay room for transmission, distribution, etc. of electricity;

viii. Defence Authorities;

ix. Anyother essential public services as may be notified by the State Government.

x. Metrorail Administration(MRA)/Project Implementing Agency designated by the Government for the MetroRail and Monorail/ Light Rail Transit (LRT) Projects.

xi. Facilities & services of Municipal Corporation of Greater Mumbai such as Roads, Water Supply, Sewerage, Storm Water Disposal and any other essential public services as decided by the Municipal Commissioner.

All such constructions shall, however, conform to the prescribed requirement for the provision of essential services, water supply connections, drains, etc. to the satisfaction of the Commissioner.

(3) ***Operational constructions excluded:*** The following constructions for operational purposes of the organizations, authorities or departments listed above are exempted from the purview of these Regulations except those relating to floor space index and fire precautions:

(i) Repairs and renovation of existing installations of buildings used for operational purposes alone and which do not involve addition to or increase of built-up areas.

(ii) In the case of the Railways/Metro Rail and Monorail/LRT Authority:

a) repairs and renovation of existing railway tracks, including culverts, over bridges, under-passes or bridges, tunnels and side drains;

b) platforms, goods sheds and offices, parcel offices, sub-stations, foot- over bridges turn-tables, lifting towers, gantries, signal and signal boxes or control cabins in hump yards;

c) running (loco) sheds, carriage and wagon depots, carriage washing places, overhead or ground level water tanks, pipelines and pumping station; running rooms, train examiners' offices, yard depots, permanent way inspectors' and signal inspectors' stores in railway yards and all overhead electric equipment for traction.

d) Operational Control Centre, Playback Training Room, Stabling Yards, Maintenance Workshop, Auto wash plant, Auxiliary Rail Vehicle Building, Under Floor Wheel Lathe & Blow Down Plant, Cooling Tower, Generator Area, Auxiliary Substation, Traction Substation, Transformer Area, Water Treatment Plant, Waste water Treatment Plant, Depot, Control Centre, Sump Area, Parking Check post, Loading & Unloading Areas, Fouling Points, DG Set Rooms, Metro & Mono Stations (Underground& Elevated), Viaduct & Tunnel, Ventilation Shaft, Entry/Exit Block, Passages, Underground Passages to Station Box, Lift/ Staircases, Escalators, Air Handling Unit.

(iii) Store sheds, when ancillary to operational requirement only;

Provided that, for the construction of new railway lines or tracks the approval of the State Government shall be necessary. For construction of new buildings, goods stores, sheds or platforms, parcel offices and workshops or for purposes of major remodeling, the approval of the Commissioner shall be necessary.

Further provided that, the following constructions by the organizations, authorities or departments listed in sub-Regulation (2) herein shall not be deemed to be operational for the purpose of exemption under the said Regulations, namely:-

(i) Residential buildings, commercial buildings, office buildings and industrial buildings (other than gate lodges, essential operational staff quarters and the like), roads and drains, hospitals, clubs, institutes and schools in residential, commercial or industrial areas of the colonies of such organizations, authorities or departments.
(ii) Construction, installation or any extension of any building in the case of any service other than those mentioned in this Regulation.

(4) ***Exclusion from requirement of permissions:*** **-**No permission shall be required to carry out tenantable repair works to existing buildings, which have been constructed with the approval from the competent authority or are in existence since prior to 17.04.1964 in respect of residential structures and 01.04.1962 in respect of non-residential structures, as described under section 342 of MMC Act 1888.

No permission shall be required for provision of safety grills to window/ventilator. No permission shall be required for repairs to the Existing Consumer/Distribution/Receiving Substation of the BEST/Electric Supply Company. However, no addition/alteration shall be permissible without the approval of the Commissioner.

No permission shall be required for installation of Solar Panel shaving base of solar panel at height 1.8 m from terrace, ensuring structural stability from the Licensed Structural Engineer.

No permission shall be required for internal light weight partitions/cabins up to height of 2.2 in the Residential/ Commercial building/establishment subject to structural stability from the Licensed Structural Engineer. Further internal light weight partitions/cabins up to floor height will be permissible if it satisfies the criteria for light & ventilation and other requirements of these regulations certified by the Architect/Licensed Surveyor/Town Planner, fire safety requirements certified by fire safety consultant and subject to structural stability from the Licensed Structural Engineer .

(5) ***Validity of development permission:*** The development permission granted in the past shall be governed by the provision of section 48 of the MR&TP Act, 1966.

Where development has commenced as per the development permission/ IOD issued prior to publication of these Regulations, the CC shall be issued or revalidated till completion of development in accordance with the plans approved, in respect of the said IOD including minor amendment thereof as per the then Regulations.

(6) Applicability to ongoing partially completed works:

(a) For works where IOD/IOA has been issued or for ongoing partially completed works, started with due permission before these Regulations have come into force, the developer/owner may continue to complete the said works in accordance with the conditions under which permission stood granted. However, the period of the development permission granted shall not exceed that specified in section 48 of the MR&TP Act, 1966 or at the option of owner/developer, the proposal can be converted as per DCPR-2034 in to.

(b) In case of such plots or layouts that started with due permission before DCPR 2034 have come into force and if the owner /developer, at his option, thereafter seeks further development of plot/layout/buildings as per DCPR 2034, then the provisions of DCPR 2034 shall apply to the balance development. The development potential of such entire plot shall be computed as per DCPR 2034 from which the sanctioned FSI of buildings / part of buildings which are proposed to be retained as per approved plans as per then Regulations, shall be deducted to arrive at the balance development potential of such plot or layout.

Note:

For smooth implementation and removal of difficulties in transitional proposals, the Municipal Commissioner may formulate a policy.

10. Procedure for obtaining Development Permission and Commencement Certificate.

(1) ***Notice of intention:*** Every person who intends to carry out development or redevelopment, erect or re-erect a building or alter any building or part of a building shall give notice in writing to the Commissioner of his said intention in the form in Appendix II and such notice shall be accompanied by plans and statements with sufficient number of copies, as required by sub-Regulations (2) and (3) hereunder. The plans may be ordinary prints. One set of such plans shall be retained in the office of the Commissioner

for record after the issue of permission or refusal. The Commissioner may set a policy by which all submissions, approvals and communication in regard to development permission shall be online.

(2) Copies of plans and statements:

(i) ***Notice:*** The notice referred to in sub Regulations (2) of Regulation No 11 shall be accompanied by as many copies of plans as the Commissioner may prescribe after taking into consideration the clearances required from other agencies.

(ii) ***Size:*** The size of drawing sheets shall be any of those specified in Table 1 hereunder

TABLE1 **Drawing sheet sizes**

Serial No.1 (1)	Designation (2)	Trimmed Size (mm) (3)
1	A0	841-1189
2	A1	594-841
3	A2	420-594
4	A3	297-420
5	A4	210-297

If necessary, submission of plans on sheets bigger than A0 size is also permissible.

(iii) ***Colouring notations for plans:*** The plans shall be coloured as specified in Table 2 hereunder. The prints of the plans shall be on one side of the paper only.

TABLE: 2

Colouring of Plans

Sr. No. (1)	**Item (2)**	**Site Plan (3)**	**Building Plan (4)**
1.	Plot Lines	---------- Thick Black----------	
2.	Existing Street	Green	----------
3.	Future Street	Green Dotted	----------
4.	Permissible Building	Thick Dotted Black	----------
5.	Open Spaces	---------- No Color----------	

Sr. No. (1)	Item (2)	Site Plan (3)	Building Plan (4)
6.	Work proposed to be demolished	---------- Yellow hatched ----------	
7.	Proposed work	---------- Red filled in ----------	
8.	Drainage and Sewerage work	---------- Red Dotted ----------	
9.	Water Supply Work	---------- Blue Dotted thin ---------	
10.	Deviations	---------- Red Hatched ----------	
11.	Recreation Ground	---------- Green Wash ----------	
12.	Roads and Set backs	---------- Burnt sienna ----------	
13.	Reservation	---- Appropriate colour code –	

Note. - (i) Site plans/building plans may be submitted in the form of Ammonia prints/Blue prints or White plans.

(ii) Existing work to be hatched black; for land development/sub-division/lay-out, suitable colouring notations shall be used duly indexed.

(3) ***Information accompanying notice*:**

(i) Key plan, site plan, etc. to accompany notice. The notice shall be accompanied by the key plan (location plan), a site plan, sub-division/layout plan, building plan, specifications and certificate of supervision, ownership, title, etc. as prescribed in clauses (ii) to (xiii) below.

(ii) *Ownership title and area.*- Every application for development permission and commencement certificate shall be accompanied bya copy of certificate of the title of the land under development, obtained from an Advocate who has experience in this field of a minimum 10 years. In case the application for Development Permission or Commencement Certificate is submitted by the holder of power of attorney, then a certificate from an Advocate certifying that the power of attorney in favour of the applicant is valid and subsisting shall be accompanied. In addition to abovethe certificate, the following documents for verifying the area of the land shall be submitted, accompanied by an Indemnity Bond

indemnifying MCGM and its officer against legal consequences on account of ownership disputes, if any.

a) Property register card of a date not earlier than twelve months prior to the date of submission of the development proposal;

b) Statement of area of the holding by triangulation method from a licensed surveyor or architect with an affidavit from the owner certifying the boundaries of the plot and area in the form prescribed by the Commissioner;

c) Affidavit from the owner regarding non-holding of contiguous land to the site under development.

d) CTS/CS plan in original. If there is any sub-division due to ownership, documents related to sub-division.

e) In case of property owned by more than one owner, certificate from an advocate who has experience in this field of a minimum 10 years, certifying that all co-owners have consented for development.

f) In case of tenanted properties to be Redeveloped under Reg. No. 33(7), certificate from MHADA/Land owning public authority, certifying that at least 51% of the certified and eligible tenants of the property/each building have granted irrevocable consent for redevelopment in favour of owner/developer & in case of tenanted properties to be redeveloped under Reg. No. 33(9) certificate from MHADA/Land owning public authority, certifying that at least 51% of the certified and eligible tenants of the property/each building or overall 60% eligible tenants have granted irrevocable consent for redevelopment in favour of owner/developer.

g) In case of properties owned by co-operative societies, certificate from an Advocate who has experience, in this field, of a minimum 10 years, confirming that the registered society/society on the plot of redevelopment have entered into registered agreement with the developer wherein it has granted permission for redevelopment of the project and at least 70% of member of the society present in a Special General Body Meeting convened for the purpose, have approved redevelopment and have consented in favour of the redevelopment by the applicant as per provision of relevant Act.

h) In case of properties situated in the layout and owned by MHADA/Land owning public authority, a certificate from MHADA or land owning public authority certifying that minimum 51% of the certified and legal occupants of the property have granted consent in favour of developer.

i) In the case of land leased by the Government or local authorities, clearance of Government or such authorities regarding observance of the lease conditions shall be obtained and attached to the application for development permission in respect of such land.

j) Any other documents as may be prescribed by the Commissioner;

k) Declaration cum affidavit from the owner/developer/applicant stating therein that construction materials likes and/aggregate will be obtained from the authorized quarry.

(iii) *Key plan or location plan*-A Key plan drawn to a scale of not less than 1: 4000 shall be submitted along with the application in Appendix II for development permission and commencement certificate showing the boundary, location~~s~~ of the site with respect to neighborhood land-marks.

(iv) *Site plan*-The site plan sent with an application for permission drawn to a scale of 1:500 shall be duly signed by the Owner & licensed Surveyor or architect showing in addition to the details in Form-II of Annexure I the following:-

a) The boundaries of the site and of any contiguous land belonging to the owner of the site;

b) The position of the site in relation to neighboring streets;

c) The names of the streets on which the building is proposed to be situated if any;

d) All existing buildings contained in the site with their names (where the buildings are given names) and their numbers;

e) The position of the building and of other buildings, if any, which the applicant intends to erect upon his contiguous land referred to in(iv)(a) above in relation to-

i. the boundaries of the site and in a casewhere the site has been partitioned, the boundaries of the portions owned by others;

ii. all adjacent streets, buildings (with number of stories and height) and premises within a distance of 12 m of the work siteand of the contiguous land(if any) referred to in (iv)(a); and

iii. if there is no street within a distance of 12m of the site, the nearest existing street with its name;

f) The means of access fromthe street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (iv)(a)above;

g) The space to be left around the building to secure free circulation of air, admission of light and access for service purposes;

h) The width of the street (if any) in front and of the street (if any) at the side or near the building;

i) The direction of the north line relative to the plan of the building;

j) Any existing physical features, such as wells, tanks, drains or trees;

k) The ground area of the whole property and the back-up of the covered area on each floor with the calculations;

l) Overhead electric supply lines including space for electrical transformer sub- station according to the requirements of the electric distribution licensees, water supply and drainage line;

m) Contour plan of site, wherever necessary.

n) Such other particulars as may be prescribed by the Commissioner.

(v) *Sub-division/Lay-out Plan*- Where development is proposed in a sub-division or involves a layout plan, the notice shall be accompanied by a key-plan showing the location of the plot in the ward at a scale of not less than 1:4000 and a sub-division layout plan to a scale of not less than 1:500, which shall be dulysigned by the Owner & licensed surveyor or architect containing the following:-

a) Scale used andthe direction of the north line relative to the plan of the building;
b) The location of all proposed and existing roads with their names, existing/proposed/prescribed width within theland;
c) dimensions of the plot along with the building lines showing the set- backs with dimensions of each plot;
d) Thelocation of drains, sewers, STP, tanks, wells, trees, public facilities and services, electric lines,etc.;
e) A table indicating the size,area and use of all the plots in the sub- division/lay-out plan;
f) A statement indicating the total area of the site, area utilized under roads, open spaces for parks, playgrounds, recreation spaces and development plan designations, reservations and allocations, amenity space, school,

shopping and other public places along with their percentage with reference to the total area of the site;

g) In the case of plots which are sub-divided in built-up areas, in addition to the above, the means of access to the sub-division from existing streets and in addition, in the case of plots which are sub- divided in built up area, the means of access to each sub-plot from existing streets.

h) Contour plan of site, wherever necessary.

(vi) *Building Plan* –The plans of the building with elevations and section accompanying the notice shall be drawn to a scale of 1:100 and shall-

a. Include floor plans of all floors together with the covered area clearly indicating the size of the rooms, the positions and width of staircases, ramps and other exit ways, lift wells, lift machine rooms and lift pit details, meter room and electric sub-station. It shall also include the ground floor plan as well as the basement plan and shall indicate the details of parking spaces, loading and un-loading spaces, if required to be provided around and within the building, as also the access ways and appurtenant open spaces with projections in dotted lines, the distance from any building existing on the plot in figured dimensions along with the accessory building. These plans will also contain the details of FSI calculations.

b. Show the use or occupancy of all parts of the buildings;

c. Show the exact location of essential services, e.g. water closet (WC), sink, bath,

d. Include sectional drawing showing clearly the sizes of the footings, thickness of basement wall, wall construction, size and spacing of framing members, floor slabs and roof slabs with their materials. The section shall indicate the heights of the building and rooms and also the height of the parapet and the drainage and the slope of the roof. At least one section should be taken through the staircase & Lift well. The certifiedstructural plan by Structural Engineer/Consultant giving details of all structural elementsand materials used along with structural calculations can be submitted separately, but under any circumstances, before the issue of the development permission/commencement certificate;

e. Show relative levels of streets;

f. Give dimensions of the portions projecting beyond the permissible building line;

g. Include a terrace plan indicating the drainage and the slope of the roof;

h. Indicate the north line relative to theplans;

i. Give a schedule of doors, windows andventilators;

j. Show the pump rooms, Rain Water Harvesting System, Sewage

Treatment Plant, if any.

k. Provide such other particulars as may be prescribed by the Commissioner; Provided that with the building plans for high rise or special buildings, the following additional information shall be furnished or indicated on the building plans;

l. Access to fire appliances/vehicles with details of vehicular turning circle and clear motor able access way around the building;

m. Size (width) of main and alternate staircases along with the balcony approach, corridor, ventilated lobby approach;

n. Location and details of lift enclosures;

o. Location and size of firelift;

p. Smoke stop lobby door/Fire resistant door, where provided;

q. Refuse chutes, refuse chamber, service duct,etc.

r. Vehicular loading and unloading and parking spaces;

s. Refuse area ifany;

t. Details of air-conditioning system with position of fire dampers, mechanical ventilation system, electrical services (with dimensions of electrical transforming sub-stations etc.) boilers, gas pipes, meter roomsetc.;

u. Details of exits, including ramps, etc. for hospitals and special risks;

v. Location of generator, transformer and switch gear room;

w. Smoke exhaust systems, if any;

x. Details of fire alarm system;

y. Location of centralized control, connecting all fire alarms, built-in fire protection arrangements and public address system, etc.; location and dimensions of static water storage tank and pump room along with fire service inlets for mobile pump and water storage tank;

z. Location and details of fixed fire protection installation such as sprinklers, wet hose reels, drenchers, carbon-dioxide (CO_2) installations, etc.;and.

aa. Location and details of first aid and firefighting equipment/ installations.

(vii) *Service plan*- Plan and sectional elevations of private water supply, sewage disposal system and details of building services, where required by the Commissioner, shall be made available on a scale of not less than 1:100 before undertaking such work.

(viii) *Specifications*.- General specifications of the proposed construction, giving the type and grade of materials to be used in the form in Annexure 2 to 9 signed by a licensed surveyor/ engineer/structural engineer, supervisor, architect, town planner or qualified professional as the case may be, shall accompany the notice. It shall be ensured that the construction materials to be used shall be in accordance with the relevant IS Codes, by the developer/owner.

(ix) *Supervision Certificate.* - The notice shall be further accompanied by a certificate of supervision in the form in Annexure 2 to 8 by the licensed surveyor/engineer/structural engineer/supervisor or architect/Professional on Record as the case may be. If the said licensed technical person or architect ceases to be employed for the development work, further development shall be suspended till a new licensed technical person or architect is appointed and his certificate of supervision along with a certificate for the previous work erected, if any, is accepted by the Commissioner.

(x) *Development permission fee receipt* - The notice shall be accompanied by an attested copy of the receipt of payment of the development permission application fee.

(xi) *Security deposit* - To ensure compliance with these Regulations and the directions given in the sanctioned plan and other conditions, a security deposit, shall be charged at rates specified by the Commissioner. It shall be returned to the owner immediately after the issue of the full occupancy certificate and after the Commissioner is satisfied with the compliance with various conditions stipulated in the said full occupancy certificate.

(xii) *Clearance certificate for tax arrears* - The notice shall also be accompanied by self-certification by the owner/developer regarding payment of tax up to date with certified copies of latest payment receipt.

(xiii) *No objection certificate* - For occupancies requiring clearance from authorities like the Civil Aviation Department, Directorate of Industries, Maharashtra Pollution Control Board, Inspectorate of Boilers and Smoke Nuisances, electrical distribution licensers regarding requirements of electrical transforming stations, the no objection certificate from these authorities, applicable to the occupancy, shall also accompany the notice.

(xiv) *Other facilities to be provided during construction.* - The notice shall also be accompanied by an undertaking from the owner/developer/contractor to the effect that during the period of construction facilities will be made available for day-care centre, crèche, adult-literacy and non-formal education programs for the construction workers, directly by him or through a voluntary agency.

(4) Signing of plans by owners and licensed personnel/architect:

(i) *Signing of Plans*- All the plans shall be signed by the owner and the licensed surveyor/engineer/structural engineer/supervisor or architect or any Professional on Record as the case may be, and shall indicate their names in block capital letters, addresses and license numbers when so

licensed, allotted by the Commissioner. The list of Professionals on Record is as per Annexure 10.

(ii) *Qualification and competence of the licensed surveyor/ engineer/ structural engineer/supervisor/Professional on Record*-The Commissioner may grant license to surveyors, engineers, structural engineers and supervisors with the qualifications listed in Annexure 10 to perform the tasks mentioned in that Annexure.

(5) Processing of the development permission application:

(i) *Grant of permission or refusal.* - The Commissioner may either sanction or refuse to sanction the plans and specifications or may sanction them with such modifications or directions as he may deem necessary, and there upon, he shall communicate his decision accordingly to the person giving the notice in the formats specified in Annexure 11 and12

(ii) *Fire brigade scrutiny.* -The plans for all high rise and special buildings shall also be subject to the scrutiny of the Chief Fire Officer, and development permission shall be given by the Commissioner only after clearance by the ChiefFire Officer.

(iii) *Deemed permission*.-If within sixty days of the receipt of the notice under sub- Regulations (1) of Regulations 10, the Commissioner fails to intimate in writing to the person who has giventhe notice, his refusal or sanction, or sanction with modifications or directions, the notice with its plansand statements shall be deemedto have been sanctioned, provided that this shall not be construed to authorize any person to do anything on the site of the work in contravention of or against the terms of lease or titles of the land, development plan, these Regulations or any law in force.

(iv) *Revised plans*. - Once the plans have been scrutinized and objections have been pointed out, the owner giving notice shall modify the plans to comply with the objections raised and resubmit them. The plans submitted for final approval shall not contain superimposed corrections. The Commissioner shall scrutinize the revised plans and shall grant or refuse development permission/commencement certificate within sixty days from the date of resubmission.

(6) Commencement of work:

A development permission/commencement certificate shall remain valid for four years in the aggregate, but shall have to be renewed before the expiry of one yearfrom the date of its issue. The application forrenewal shall be made before expiry of one year, if the work has not already commenced. Such renewal can be done for three consecutive terms of one year each, after which proposals shall have to be submitted to obtain development permission a fresh.

For the purpose of this Regulation, `Commencement` shall mean as under: -

(a)	For a building work including additions and alterations	Upto plinth level or where there is no plinth, upto upper level of lower basement or stilt, as the case may be.
(b)	For bridges and overhead Tanks	Foundation and Construction work upto the base Floor.
(c)	For Underground works	Foundation and Construction work upto floor of underground Floor.
(d)	For lay-out, sub-division and amalgamation proposals	Final demarcation and provisions of infrastructure and services upto the following stages: (i) Roads: Water bound macadam complete.
		(ii) Sewerage, Drainage and water supply excavation and base concreting complete.

(7) Payments of the development charges/ premium/ development cess/off-site infrastructure charges/fees:

Development permission/ Commencement certificate shall be granted only on payment of the requisite fees, development charges, premiums, Development cess/off-site infrastructure charges, as applicable for the proposal. The development shall be considered unauthorized if carried out without requisite payments to the Government/ MCGM/ Planning Authority.

NOTE: The Commissioner with special permission may decide the modalities of procedure for Development Permission, including online approval process, from the point of view of Ease of Doing Business.

11. Procedure during Construction

1. ***Construction to be in conformity with Regulations*****:** Owner`s liability- Neither the grant of permission nor approval of the drawing and specifications nor inspections by the Commissioner during erection of the building, shall in any way relieve the owner of such building from full responsibility for carrying out the work in accordance with these Regulations.

Therelevant provisions of the Noise Pollution (Regulation and Control), Rules 2000 as amended up to date be adhered to in letter and spirit.

2. ***Notice to start of work:*** The owner shall give notice to the Commissioner of his intention to start work on the building site in the format given in Annexure 13 The owner may start the work after 7 days have elapsed from the date of the service of such notice to the Commissioner or earlier, if so permitted.

3. Documents at site:

i. Results of tests- Where tests of any material are made to ensure conformity with the requirements of these Regulations, record of the test data shall be kept available for inspection during the construction of the building and for such period thereafter as required by the Commissioner.

ii. Development permission - The person to whom development permission is issued shall during construction,keep-

1. posted in a conspicuous place, on the site for which permission has been issued, a copy of the development permission/ commencement certificates; and
2. a copy of the approved drawings and specifications referred to in Regulations 10 on the site for which the permission was issued.
3. list of Professionals on Record with their contact details.
4. copies of various remarks obtained from various departments related to the development.

4. ***Checking of plinth columns upto plinth level:*** The owner through his licensed surveyor, or his architect shall give notice in the form given at Annexure 14 to the Commissioner on completion of work upto plinth level to enable the Commissioner to ensure that the work conforms to the sanctioned plans. The Commissioner may inspect the work jointly with the licensed technical personal or architect within fifteen days from the receipt of such notice and either give or refuse permission for further construction as per the sanctioned plans in the form given at Annexure 15. If within this period, the permission is not refused, it shall be deemed to have been given provided the work is carried out according to the sanctioned plans.

5. ***Deviation during constructions*****:** If during the construction of a building, any departure of a substantial nature from the sanctioned plans is intended by way of internal or external additions, prior sanction of the Commissioner shall be mandatory. A revised plan showing the deviations shall be submitted and the procedure laid down for the original plans here to shall apply to all such amended plans. Any work done in contravention of the sanctioned plans, without prior approval of the Commissioner, shall be deemed as unauthorized.

6. ***Completion certificate:*** The owner, through his licensed plumber, shall furnish a drainage completion certificate to the Commissioner in the form given at Annexure 17. The owner through his licensed surveyor/engineer/ structural engineer/supervisor or his architect, or any professional on record, who has supervised the construction, shall furnish a building completion certificate to the Commissioner in the form given at Annexure 18. These certificates shall be accompanied by three sets of plans of the completed development. The Commissioner shall inspect the work and, after satisfying himself that thereis no deviation from the approved plans, issue a certificate of acceptance of the completion of the work in the form given at Annexure 19. Further on receipt of development completion certificate for entire development in the form of Annexure 16, and after satisfying himself that there is no deviation from the sanctioned plans, may issue Building Completion certificate in the form given at Annexure 22 or refuse the Building Completion Certificate within 21 days from the date of receipt of the request for the said Building completion certificate. Deviation in outer dimension to the extent of 25 mm shall be tolerated subject to condition that carpet area shall remain unchanged.

7. ***Occupancy certificate:*** On receipt of the acceptance of completion certificate in the form given at Annexure 19, theowner, through his licensed surveyor or his architect shall submit to the Commissioner a development completion certificate in the form given at Annexure 16 with three copies of the completion plan, one of which shall be cloth mounted for record. The Commissioner may inspect the work and aftersatisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate in the form given at Annexure 20 or refuse to sanction the occupancy certificate within 21 days from the date of receipt of the said completion certificate, falling which the work shall be deemed to have been approved for occupation, provided the construction conforms to the sanctioned plans. One set of plans, certified by the Commissioner as the completed plans, shall be returned to the owner along with the occupancy certificate. Where the occupancy certificate is refused, or rejected, the reasons for refusal or rejection shall be communicated to the owner in writing.

8. ***Part occupancy certificate /partbuilding completion certificate:***When requested by the owner, the Commissioner may issue a part occupancy certificate /acceptpart buildingcompletion certificatefor a building or part thereof, before completion of the entire work as per the development permission, provided sufficient precautionary measures are takenby the holder to ensure public safety and health. The part occupancy certificate/part building completion certificate shall be subject tothe owner's indemnifying the Commissioner in the format given at Annexure-21.

12. Inspection –

1. ***Inspection at various stages:*** The Commissioner may at any time during

erection of a building or the execution of any work or development, make an inspection thereof without giving previous notice of his intention to do so.

2. ***Inspection by Fire Departmental:*** For all high-rise and special buildings, the work shall also be subject to inspection by the Chief Fire Officer, and the Commissioner shall issue the occupancy certificate/accept building completion certificate only after clearance by the said Chief Fire Officer.

3. ***Unsafe building:*** All unsafe buildings shall be considered to constitute danger to public safety, hygiene and sanitation and shall be restored by repairs or demolished or as otherwise directed by the Commissioner.

4. Unauthorized development:

(a) In case of unauthorized development, the Commissioner shall take suitable action which may include demolition of unauthorized works as provided in section 53 of the Maharashtra Regional and Town Planning Act, 1966 and the relevant provisions of the Mumbai Municipal Corporation Act, 1888.

(b) It will be the responsibility of the Architect/Licensed Surveyor on Record, to inform the Commissioner, immediately, regarding any unauthorized work/ development and also to inform the owner/ developer, in writing, to stop the work, failing which suitable action against Architect/ licensed surveyor will be taken.

5. ***Safety Precautions:*** It shall be responsibility of the Owner/Developer and the respective professionals on record appointed by Owner/Developer, to ensure that all the necessary safety measures are taken on site and its immediate surroundings, especially in regard to workmen engaged, as directed in part -7, Constructional Practices & Safety, National Building Code of India, as amended up to date.
Grant of IOD/C.C/O.C. or issuance of any written instructions to ensure public safety or reduce nuisance/inconveniencedoes not render MCGM liable for any injury, damages or loss whatsoever that may be caused to anyone in and around the construction area/site.

6. Revocation of permission:

i. Without prejudice to the powers of revocation conferred by Section 51 of the Maharashtra Regional and Town Planning Act, 1966, Municipal commissioner may, after giving the opportunity of being heard, revoke any development permission issued under these regulations where it is noticed by him that there had been any false statement or any misrepresentation of material fact in the application on the basis of which the development permission was issued and there upon such work carried out in pursuance of such permission shall be treated as unauthorized.
ii. In the case of revocation of permission under sub-regulation (i) above, no compensation shall be paid.

PART III LAND USES AND MANNER OF DEVELOPMENT

13. Development Stipulations.

1. ***General:*** In every case of development/re-development of any land, building or premises, the intended use shall conform to the use zones, purpose of designation, allocation or reservation as the case may be, unless specified otherwise.

2. ***Development of the existing amenity/reservation/partly existing amenity /partly reserved/amenity Plot:***

a) Development of the existing amenity: Where a building on a site comprises a existing amenity, the development of such land shall necessarily comprise minimum BUA equal to the existing amenity. Any balance permissible BUA, thereafter, may be put to use in conformity with development otherwise permissible in these Regulations.

In Development Plan if plot is shown as existing amenity for a public purpose with plus (+) sign, then existing authorized BUA which is being used for the said public purpose shall be maintained during reconstruction/ redevelopment of said plot.

Provided that where the Commissioner with special written permission, decides that the buildable existing amenity is no longer required in view of the available amenity in the vicinity, then the amenity shall be developed for other buildable public purpose considering the deficiency in the administrative ward.

Provided further that if a land is shown as existing amenity pursuant to valid development permission (except in case of PPL), as per LOI issued/ granted under the principle of AR/I to R &C, prior to coming into force of these Regulations, and when such amenity is not developed/under development on site, then at the option of owner /developer, the land under reference shall be developed as per the development permission granted or may be developed under these regulations considering reservation area as per then DP. The Commissioner with the special written permission may decide that the said amenity if no longer required in view of the available amenity in the vicinity, then the amenity shall be developed for other public purpose considering the deficiency in the administrative ward.

Provided further that~~,~~ on surrender of tenancy by MCGM/Appropriate Authority in a private existing amenity plot, the existing amenity on the said plot shall be deemed to be lapsed. If the use of the existing amenity on the private land is stopped with due permission from competent authority then

such private land can be developed with the special permission of the Commissioner for the permissible land uses in the said zone.

If schools which have been developed on unreserved plots and are now shown as existing amenity in DP 2034 considering their land use, can be redeveloped in future with the additional benefits of FSI available in DCPR, provided that they shall comply with all other regulations of DCPR/ terms & conditions / policy of Govt. Merely by virtue of showing the existing land use as existing amenity in respect of school will not give the status of authorization unless it is constructed authorisedly as per the prevailing Regulations/ terms & conditions / policy of Govt.

Provided further that if a land is shown as existing amenity and such existing amenity is spread over a number of adjoining plots as perDP 2034 and if any of such plot has not contributed towards its reservation as per DP 1991 now forming part of existing amenity,then suchplot will be deemed to be reserved for such purpose and shall be developed as per Regulation No 17.

Exception: Traffic Islands constituting part of the road may be merged with carriageway in order to improve the traffic movement with the special written permission of Commissioner.(Unless these are shown in open space calculation)

b) Development of Reservations: Land reserved in the DP shall be developed as per the provisions of Regulation No.17, Table No.3, 4&5 for land use and manner of development.

c) Development of land~~/reserved/~~partly shown as of existing amenity: Where a building existson a site shown as existing amenity in the DP, only its appropriate partof landas used for such existing amenityshall be used for the said purpose and the remaining part of the land/building of the developable land may be put to use in conformity with the purpose of development as otherwise permissible in these Regulations.

d) Development of Amenity plot: Wherever possession of land is obtained by the Planning or Appropriate Authority as an amenity plot as per the provisions of these Regulations, such entire plot shall be used exclusively for public purpose as decided by the Municipal Commissioner, without applying provisions of Accommodation Reservation (AR) under Regulation No. 17.

3. ***Combination of public purposes/uses in reserved sites*:** Where the Corporation or the Appropriate Authority proposes to use land/building/ premises reserved for a specific public purpose/purposes, for a different public purpose/purposes, it may do so, with theprevious approval of the

Government, provided that the combination of such different uses conform to these Regulations and the permissible use in the zone in which the site falls. Provided further that this shall notapply

(a) to any site being developed for education, wherein a branch of a bank/ATM may beallowed,

(b) to any site being developed for health, wherein shops of pharmacistsor chemists / ATM may bepermitted,

(c) to any site encumbered by another non-educational user and being redeveloped for educational purposes, in which case the existing non- educational uses may be allowed to continue without any increase in the net floor area covered by them,and

(d) to any site Public Open Space (POS)

4. ***Reservation for Multiple Public Purposes:*** Where land is reserved for multiple public purposes in the DP, the distribution of land area/BUA under reservation for each public purpose shall be preferably equal.

Provided that, if the plot is reserved for some public purpose with plus (+) sign, then at least 50% of the plot area shall be developed for the purpose for which it is reserved in DP and rest of the plot can be developed for other purposes related to plus (+) sign considering the deficiency in that ward.

Provided further that where specific percentages of multiple public purposes are specified in DP, the said percentage shall prevail.

Provided further that where reservations for public amenities are proposed on plots already designated (with developed amenity, but with potential of the land not fully utilized), then in such cases, the areas of reservation/s will be as decided by the Municipal Commissioner, if not defined by DP.

5. ***Area of reserved land:***The area of the reservation shall be considered after deduction of area under proposed DP Road/Prescribed Regular line/ Existing Municipal Road affecting the reservation

6. ***Shifting and/or interchanging the purpose of existing amenity /reservations****:* In the case of specific existing amenity /reservations in the DP, the Commissioner, with the consent of owners may shift, interchange the existing amenity /reservation in the same or on adjoining land in the

same zone, provided that the relocated existing amenity/reservation abuts a public street of same or more width as per DP and shall have the same amount of visibility from the road and it is notencumbered and the area of such existing amenity /reservation is not reduced.

The Municipal Commissioner shall pass the reasoned order for the aforesaid changes and intimate the same alongwith certified copy of plan to the Director of Town Planning, Pune & State Govt.

Provided that no such shifting of reservation/ existing amenity shall be permissible

(a) If the reservation/ existing amenity proposed to be relocated is in parts;
(b) Beyond the same holding of the owner in which such reservation/ existing amenity is located;
(c) Unless the alternative location and area is similar to theoriginal location and area of the original DP reservation/ existing amenity.

7. ***Artand Culture:***The Commissioner maypermit temporary use of POS such as Gardens,Leisure Parks, multi-purpose community centers, libraries, reading rooms, public halls,Heritage area and Heritage Precincts, educational complexes, parking lots, institutional areas and the like for the purpose of Art and Culture including circus, jatra, folk dance, meditation and related activities in defined time slots, when the primary functions and uses of such spaces are not being performed. In allowing such use, it should be ensured that the primary use is not compromised/ impaired.

8. ***Temporary Vending Zone:*** The Commissioner may,by special permission, allow certain existingamenity lands or premises,as determined by the Commissioner, such as public parking lots, to be brought undervending zone. During such time slots (not more than one to four hours per week on weekends), the primary user of the existing amenity land/premises shall remain temporarily suspended. In allowing such use, it should beensured that the primary use is not compromised/impaired.

9. ***Art & Culture, Temporary Vending Zone/Bajar-hat/Athawadi Bazar/Equal Street:*** The Municipal Commissioner shall identify and provide space for Art & Culture, Recreational/Play area/Temporary Vending Zone or Bazar-hat/ Athawadi Bazar/Equal Street, on street/road, on weekend/holidays etc. on such days, as specified by the Municipal Commissioner, such streets/roads or stretch of streets/roads, can be used as recreational/play area & space for activity as stated herein above. The Municipal Commissioner shall also identify public spaces,including roads for night bazar to be conducted. The powers of identification of such spaces shall not be delegated.

14. Amenities

(A) ***In Plots/lay-outs of the land admeasuring 4000 sq. m or more*:**
In case of development of land admeasuring 4000 sq.m and more (excluding the area underRoad set back/DP Road) in Residential and Commercial Zones, amenity areas as specified below shall be provided fronting, on public roador shall be providedwith a perpetual independent right of way. Such amenity area shall be exclusive of area under perpetual independent right ofway and shall be handed over to MCGM.

(i) Development of plots with area 4,000 sq.m and more and up to10,000 sq. m shallrequirehandingover5%ofplotareatoMCGMasPOS.

(ii) Developments of plot with area exceeding 10,000 sq. m shall require handing over of 500 sq. m plus10% of plot areain excess of 10000 sq. mto MCGM as amenity.50% of suchamenity shall be used exclusively for POS and the balance 50% shall be used for provision of such amenities as education, health, social and other amenities as approved with the special permission of the Commissioner. In determining the amenity, the Commissioner shall give due regard to amenity deficits inthe ward.

(iii) Such amenities or facilities (i) and (ii) above shall be deemed to be designations or reservations in the DP thereafter**.**

Provided further that, in cases where DP has provided any reservation on the plot under development excluding the D P Road /Road set back, the following criteria would be applicable:

a) If the area under DP reservation to be handed over to MCGM (excluding the DP Road/Road set back) is less thanthe required area of amenity as per this Regulation, then only the additional area required shall be provided for amenity.

b) If the area under DP reservation to be handed over to MCGM (excluding the DP Road/Road set back) is more than the required area of amenity as per this Regulation, then the provision for amenity shall not be necessary.

c) Such amenity shall be deducted from the plot for the calculation of FSI permissible on the balance plot.

d) These areas will be in addition to the Layout Recreational Open Space (LOS) as required under Regulation No.27.

e) The minimum dimension of any side of such amenity shall not be less than 7.5 m and if the average width of such amenity is less than 16.6 m, the length there of shall not exceed 2 1/2 times the average width.

Note:

(i) No amenity plot will be carved out of any land entirely reserved for public purpose.

(ii) In case of redevelopment under 33(7), 33(7)(A), 33(10) amenity as per this Regulation shall be reduced to 35%.

(iii) In case of amalgamation of plots, no amenity shall be required for the original plot having area less than 4000 sq.mt. However, if area of such amalgamated plots is more than 20000 sq.mt. then the amenity as per this Regulation shall apply.

(B) Conversion of Industrial Zone to Residential or Commercial Zone for the Uses permissible in Residential or Commercial Zone

With the previous approval of the Commissioner, any open land in the Industrial Zone, (I- Zone) (including industrial estates), excluding lands of cotton textile mills, may be permitted to be converted into Commercial or Residential zone for permissible uses in the Residential Zone (R- Zone) or Commercial Zone (C-Zone) The area for conversion shall be considered after deduction of area under proposed DP Road/Prescribed Regular line/Existing Municipal Road affecting the plot/s.

Such conversion shall be subject to payment of the premium at the rate of 20% of Annual Schedule of Rates (ASR rate) of developed land or as may be decided by Government from time to time out of which 50% amount towards Government share shall be deposited in the office of the Deputy Director of Town Planning, Greater Mumbai and subject to the following:

(a) Conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall be permitted subject to NOC from Labour Commissioner, GoM. Provided that where conversion has been permitted on the basis of this certificate, Occupation Certificate will not be given unless a no dues certificate is granted by the Labour Commissioner.

(b) However, in respect of any open land in the Industrial Zone where industry never existed, NOC from Labour Commissioner will not b erequired.

(c) If the land under such conversion admeasures

(i) less than 2000 sq. m, either 10% amenity in the form of open land or 5% of built up area worked out at Zonal (basic) FSI in the proposed construction and appropriate location preferably on ground floor shall be handed over to MCGM free of cost in the form of residential or commercial premises. Such areas shall be over and above the FSI permissible on the plot. BUA in lieu of cost of construction of built up amenity to be handed over shall be as per the provisions of Regulation 17(1) note 1(d).

(ii) Equal to 2000 sq. m or more amenity area to be handed over to MCGM shall be as detailed below-

Sr. No	Plot Area for conversion	% of land area as Amenity to be handed over to MCGM	Condition
1	2000 sq. m or more, but less than 2 ha	10	Entire amenity shall be designated as POS
2	2 ha or more, but less than 5 ha	2000 plus 20% of plot area in excess of 2 ha	At least 50% of the amenity shall be designated as POS reservation.
3	5 ha or more	8000 plus 25% of plot area in excess of 5 ha	

However, if the Developer provide constructed amenity as decided by the Commissioner on the plot to be handed over and Commissioner shall give due regard to amenity deficits in the ward. In such cases, TDR in lieu of cost of construction of built up amenity to be handed over shall be as per the provisions of Regulation 17(1) note 1(d).

(d) These areas will be in addition to the LOS as required to be provided under Regulation No.27.

(e) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercialpurposes.

(f) Such residential or commercial development shall be allowed within the permissible FSI of the adjoining Residential or Commercial Zone.

(g) Such provisions for public utilities, amenities shall be considered to be reservations in theDP.

(h) Public utility and amenity shall not be developed under AR as per Regulation No.17. The entire plot of amenity shall be developed for the purpose of public amenity/ POS as per sub regulation No. 14(B)(c)(ii) above of this regulation.

Note:

I. Conversion from industrial zone to residential/commercial zone shall be applicable to the part area of land holding subject to the condition that total area of the entire land holding shall be considered for deciding the payment of premium andpercentage of land to be reserved for amenity, as per this Regulation.

II. In the event of DP having provided a reservation/reservations on a plot desiring conversion from Industrial Zone to Residential/Commercial Zone, the following shall apply:

a. If the area under DP reservation to be handed over to MCGM(excluding the areas under DProads/ road setback) is less than the required area of amenity as per this Regulation, only the additional land area shall be provided for amenity.

b. If the area under DP reservation to be handed over to MCGM, (excluding the areas under DP roads/ road setback), is more than the required area of amenity as per this Regulation, then the provision for amenity is not necessary.

c. In case plot area under conversion is less than 2000 sq. m, land component either 10% amenity in the form of open land or 5% built-up amenity shall be considered for the purpose of calculation of amenity as per note (a) and (b) above.

III. Out of the total floor area proposed to be utilized forresidential development, as per basic FSI, 20% of the same shall be built for residential tenements,each having carpet area up to 50 sq.m

IV. If the development is already in progress and if full Occupation Certificate has not been granted to any of the buildings in the layout, then the land owner/developer may convert the proposal in accordance with the provisions of this Regulation subject to the following conditions:

Conditions:

a) The revised provisions will be applicable in totality. The benefit of both old and revised Regulations shall not be allowed.

b) The benefit of revised Regulations will be applicable only in cases where
(a) full Occupation Certificate has not been granted to any of the buildings in the layout and
(b) required amenity or DP reservation, if any, has not been handed over to theCorporation.

V. Out of the built up area proposed to be utilized for residential purpose as per zonal basic FSI, minimum 20% built up area shall be used for commercial purpose as permissible in these regulations.

VI. If the lands for industrial units are acquired under the provisions of part VII of the land acquisition Act 1894, then prior permission of the Government is necessary before permitting residential / commercial use in such lands and additional terms and conditions mentioned in Revenue Department, G.R. No. MISC-01/2017/C.R.11/A-2, Dated. 11/01/2018 shall be applicable.

15. Inclusive Housing (IH)

In case of any residential development partially or fully consisting of sub-division/amalgamation/layout or single plot of land having gross plot area admeasuring 4000 sq.m. or more (excluding the area under Road set back/DP Road/existing amenity/reservation) shall have the provision of IH as described below:

1 a) For construction of EWS/LIG tenements, minimum 20% of the plot area (excluding the area under Road set back/DP Road/existing amenity/ reservation)shall be handed over to MCGM free of cost.The FSI of the plot handed over to MCGM shall be allowed to be utilized on the remaining plot.

b) The aforesaid plot shall be handed over to MCGM within 24 months from the date of approval /approval of the layout. The FSI of such plot can be utilized on remainder plot only after handing over of such plot to MCGM or before availing Zonal (basic) FSI beyond 75% of plot area or granting Occupation Certificate to last 25% of Zonal(basic) FSI in any of the building, whichever is earlier. The ownership of such plot shall be transferred in the name of MCGM in Revenue records before seeking occupation to any of the buildings in the layout other thanIH.

c) MCGM after receipt of such plot shall immediately formulate a scheme of development for IH wherein the size of tenement shall have carpet area for EWS/LIG Housing as decided by the Housing Department, Government of Maharashtra, from time to time. Between 25 sq. m. and 27.88 sq. m.Further, such plots shall not be used for any otherpurpose.

Provided that in case the Landowner/Developer desires not to utilize such FSI in the same land, fully or partly, then he shall be eligible for TDR in lieu of such unutilized FSI. The utilization of this TDR shall be subject to the prevailing provisions of DCR and as per the followingformula.

Formula:

X= (Rg/Rr) *Y

Where, X = Utilization of Development Right (DR) on the receiving plot.

Rg = Land Rate in Rs. per sq. m as per the Annual Schedule of Rates (herein after referred to as “ASR") of generating plot in the year when IOD/IOAisissued.

Rr = Land Rate in Rs. per sq. m as per ASR of the receiving plot of the same year of generating plot.

Y = Unutilized FSI.

d) In case the owner/developer opts to utilize the FSI on the remainder plot/within layout, the permissibility of the FSI for the purpose of development on balance plot shall be considered on the plot area excluding the area to be handed over to MCGM for IH.

OR

2) EWS/LIG Housing in the form of tenements of size ranging between carpet area of size 25 to 27.88 sq.mt. or as decided by the Housing Department, Government of Maharashtra, from time to time. (hereinafter referred to as 'IH tenements') and shall be constructed at least to the extent of 20% of the Zonal(basic) FSI. Such housing shall preferably be in separate wing/building and shall be handed over to MCGM subject to the following conditions: -

(a) The BUA of the IH tenements constructed under the scheme shall not be counted towards FSI and such built up area shall be allowed over & above the permissible BUA under these regulations.

(b) The Landowner/Developer shall construct the stock of IH tenements in the same plot and the Planning Authority shall ensure that the Occupation Certificate for the rest of the development under the said Scheme is not issued till the Occupation Certificate is issued for IH tenements under the said Scheme and handed over to MCGM.

"Provided that the BUA of IH i.e. 20% of the Zonal (basic) FSI of the plot canalso be provided at some other location (s) within the same Administrative Ward of the Municipal Corporation provided that the BUA to be handed over to MCGM shall be of equivalent value as per ASR of that year. Such construction shall be free of' FSI to the extent of 40% of Zonal (basic) FSI over & above of the permissible BUA of' such plot/alternative plot

Built up Area B= Built up Area A X (RR-A / RR-B)

Where:

Built up Area A= BUA of IH units proposed to be transferred from plot A

Built up Area B= BUA of IH units to be handed over to MCGM at plot B in lieu of BUA of plotA

Where plot A and plot B are situated in the same Municipal Ward RR-A= Ready Reckoner Ratefor BUA at Plot A

RR-B = Ready Reckoner Rate for BUA at Plot B

c) The completion of IH tenements under the said Scheme, along with necessary particulars, including a copy of the Occupation Certificate granted by the Planning Authority in respect thereof, shall be immediately intimated by the Landowner/Developer to concerned department of MCGM. The disbursement of such 20 % IH tenements shall be asunder:

i) 20% of such tenements shall be allotted to PAPs of vital infrastructure projects, preferably from the same ward.

ii) Balance 80% of such tenements shall be allotted to EWS/LIGhouseholds on outright sale. The allotment of tenements shall be as per the lottery system adopted by MHADA.

If MCGM does not require tenements as per sr. no (i) above within six months from the date of receipt of such intimation, then the same may be sold as per sr. no ii) above.

iii) Money so received from proceeds of the sale shall be utilized by MCGM for implementation of DP.

iv) The developer/owner shall be entitled for the BUA in lieu of cost of construction of tenements as stated below:

v) BUA in lieu of cost of construction of IH = 1.5 [Rate of construction per sq. m as per ASR rate/Rate of developed land per sq. m as per ASR (for FSI 1)]* BUA of IH

Note:

1) BUA in lieu of cost of construction of IH shall be allowed over and above the permissible FSI as specified in Regulation No.30, table 12 or can be adjusted against permissible TDR/Additional FSI on payment of premium.

2) Commencement Certificate in lieu of BUA of IH can be granted only after handing over of such BUA to MCGM or before availing Zonal (basic) FSI beyond 75% of plot area or granting Occupation Certificate to last 25% of admissible FSI in any of the building other than IH, whichever is earlier.

3) For arriving at number of tenements, ratio of BUA to carpet area shall be considered as 1.2 (including requirements as per provision of these Regulations). No separate compensation shall be given for areas under Regulation No. 31(1). BUA for the construction of staircase/lift/staircase and lift lobby & other areas as per 31(1) shall not be counted in BUA to be handed over and shall be without charging premium for the provision of IH tenements.

"Provided that there shall beno obligation to construct IH tenements in the redevelopment project of any Co-operative Housing Society/federation of societies/association/condominium/apartment owner's association in which the carpet area of all existing individual residential tenements does not exceed 80 sq.m.

Provided further that, if existing carpet area of some of the residential tenements, in Co-operative Housing Society/federation of societies/ association/ condominium/apartment owners association is more than 80 sq. m, then the obligation to hand over the BUA in the form of IH tenements/plot area would be proportionate to the ratio of BUA of such tenement having carpet area more than 80 sq. m and existing BUA, otherwise required as per this Regulation considering plot area.

This provision shall not apply to redevelopment of individual bungalows in Bungalow Scheme. However, this provision shall be applicable if redevelopment in Bungalow Scheme or plot having area more than 4000 sq. m. under layout is proposed,

There shall be no obligation to construct IH tenements in accordance with these provisions in redevelopment project under Regulation No. 33(2), 33(3)(A), 33(3)(B), 33(5), 33(6), 33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(11), 33(20), development under Regulation No 35 and specified under Regulation No.14(B) as well as any Housing scheme or residential development project wherein owing to the relevant provisions of the DCPR, more than 20% of the Zonal (basic) FSI is required to be utilized towards construction of residential EWS/LIG tenements and development of land situated in SDZ as per the regulation no 33(8) and also for the development/redevelopment of any land owned bythe Govt. or Semi-Govt. Organization, provided such development / redevelopment is undertaken by Govt. or Semi-Govt. organization itself.

(3) Amalgamation of IH plots/IH tenements shall not be allowed.

(4) After layout approval, the area may be further subdivided if necessary to earmark separate plots for the IH component and the other component. The Plot area and the BUA in terms of square meters on the said plot shall be separately mentioned in the lease agreements and Record of Rights. The CTSO/SLR, of the district on payment of such fees as may be decided by the Govt. ensure that the City Survey sheet and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property and TDR given that is, the FSI used on that plot.

16. Road /Road Widening

The Owner shall hand over the area required for road widening or roads proposed under the DP or the MMC Act, 1888 to MCGM free of cost and free of encumbrances by leveling the land to the surrounding ground level and after constructing 1.5 m. high compound wall leaving the setback area as directed by the Commissioner.

Thereafter, the road land shall be transferred in the Revenue records (P.R. card) in the name of the Corporation and shall vest in it becoming part of a public street as defined in sub-section (3) of section 288 of the MMC Act, 1888.The FSI/TDR in lieu of land so surrendered shall be permissible as per Regulation No.30 & 32 except in respect of proposal processed under Regulation No 33(5),33(7), 33(7)(A), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(20)(A), 33(21).

In case where the development of plot/layout is already completed in all respects and the road is proposed to be widened subsequently as per the sanctioned road line prescribed under MMC Act 1888, plot owner shall be entitled for BUA as per the Zonal (basic) FSI/TDR of plot so surrendered to MCGM/ Appropriate Authority free of cost/ without monetary compensation and free of encumbrances as decided by the Competent Authority.

Herein after, wherever Flyover are constructed by Govt./MCGM/Appropriate Authority, the same shall be provided with noise barriers as defined in Regulation No. 2(IV) (85), wherever necessary.

17. (1) Development of Reserved land for Public Purposes

Reservations which shall be exclusively developed by the MCGM or the Appropriate Authority(acquired by way of monetary compensation or TDR or any other means), orby owner, wherever permissible, entirely for the intended purpose are described in Table Nos. 4 & 5 with appropriate conditions or allow owner to develop under Accommodation Reservation (AR) subject to conditions mentioned below & further as described in Table No.5

Conditions for Development of reserved land under Accommodation Reservation (AR)

1) For plot having reservation area 1000 sq. m. or more

i. The owner will be allowed to develop the land if he agrees to construct BUAequivalent to‘X’% of Basic (zonal) FSIand agrees to hand it over to

MCGM/Appropriate Authority in lieu of FSI/TDR, as specified in this regulation along with 'Y'% of area of reserved plot, free of cost as per the designs, specifications, terms and conditions duly approved by the Commissioner.

ii. The owner will be entitled to avail the permissible BUA of Y% of the reserved plot for other permissible uses in the zone under these Regulations on the remaining land [(100- 'Y') % of the land] as permitted under this regulation.

iii. The values of 'X' and 'Y' for the respective reservations as mentioned in Sr. No. I and ii above are given in Table No.5 below.

iv. The construction of built up amenity (with all requirements as per the provisions of these Regulations) to be handed over to MCGM along with the land as stated above under AR may be allowed to be developed in independent building/semi- detached to the structures of other permissible development on the same plot or layout proposed by the owner/developer on the remaining land. The ownership of such plot along with BUA to be handed over to MCGM shall vest with MCGM. Immediately an application to Revenue Authority for making a mutation entry shall be submitted by owner/developer.Thereafter, Commissioner shall also take up the matter with Revenue department for the necessary mutation entry. Revenue department shall enter in other rights column a mutation entry of plot along with BUA handed over to MCGM andcorrect the revenue records accordingly on receipt of such intimation and on payment of such fees by owner as may be decided by the Government. A separate property register card thereof in the name of MCGM shall be submitted by owner before seeking Occupation Certificate for any part of building/buildings beyond 75% of permissible BUA as per Zonal (basic) FSI or granting Occupation certificate to any of the building, other than amenity, whichever is earlier

2) For plot having reservation area less than 1000 sq.m

i)(a)The owner may exercise the option to construct BUA equivalent to 'X'% of Basic (zonal) FSI and agrees to hand it over to MCGM/ Appropriate Authority in lieu of FSI/TDR, as specified in this regulation along with 'Y'% of area of reserved plot, free of cost as per the designs, specifications, terms and conditions duly approved by the Commissioner as per 1)above.

or

(b)The owner will be allowed to develop the land if he agrees to construct BUAequivalent to 'X'% of Zonal (basic) FSI and agrees to hand it over to MCGM without insistence of separate plot as mentioned in the table no 5 subject to payment of premium at the rate as specified in the note no. 20(i)

below table 5 or at the rate as may be decided by Government and amended from time to time, for the optional non handing over Y% of area of reserved plot and following conditions ii) and iii).

ii) The construction of built up amenity (with all requirements as per the provisions of these regulations) to be handed over to MCGM as stated above under accommodation reservation may be allowed to be developed in independent building/wing/ semi-detached to the structures/in the building premises of other permissible development proposed by the owner/ developer, preferably with independent access.

iii)The ownership of such BUA to be handed over to MCGM/ Appropriate Authority shall vest with MCGM/ Appropriate Authority. Immediately an application to Revenue Authority for making a mutation entry shall be submitted by owner/developer. Thereafter, Commissioner shall also take up the matter with Revenue department for the necessary mutation entry. Revenue department shall enter in other rights column a mutation entry of BUA handed over to MCGM in property register card/Revenue records.

On receipt of such intimation and on payment of such fees by owner as may be decided by the Government, Revenue department shall correct the revenue records accordingly. The owner shall submit property register card with the mutation entry before seeking Occupation Certificate for any part of building/ buildings beyond 75% of permissible BUA as per Zonal (basic) FSI or granting Occupation Certificate to any of the building, other than built up amenity whichever is earlier.

3) The Commissioner may entrust theoperation and maintenance of such developed amenity to an appropriate agency as per the prescribed guidelines.

4) In cases, where proposals are already approved as per the provisions of Regulations in force prior to these Regulations, the lands/BUA which are required to be handed over to MCGM or the Appropriate Authority, as the case may be, for public purpose, as per the provisions of regulations in force prior to these Regulations, such lands/BUA shall be deemed to be reservations/ existing amenityof DP and shall be developed for the intended purposes, even if such reservations/ existing amenity/amenities are not reflected on the DP.

5) Constructions required for ingressand egressof passengers using Public Mass Transit Facilities shallbe permitted on any land reserved/existing amenity for any public purpose irrespective of its permissibility given in any land use classification.

Table No: 3

Common set of conditions for development of Reservations and Authority/Person who may develop Reservation

Symbol	Applicable Conditions for Development
1	The Corporation or Appropriate Authorities may entrust the development, operation and maintenance of the entire reservation to an appropriate agency
2	The Owner will be allowed to develop the reservation only for its intended purpose
3	The Owner will be allowed to develop the reservation on AccommodationReservation basis.
Za	Maximum % of plot area that can be used for ancillary uses.
Zb	Maximum % of permissible built up area as per Zonal (basic)FSI of the reservation area that can be used for ancillary users.
X	Maximum % of development rights, permissible at Zonal (basic) FSI, of the reservation area affecting the plot, to beconstructed as built-up amenity/amenity for reservation underAR.
Y	Maximum % of reserved plot to be set aside for built-up amenity developed under AR and to be handed over to MCGM, along with the built-upamenity.

Table No: 4

Reservations to be developed for the intended purposes along with permissible uses & ancillary activities.

Sr. No	Reservation on main Category	Reservation Sub Category		Users Permitted		Applicable conditions for development
		Code	Name	Permissible uses	Ancillary Activities	
1	Public Open Spaces	ROS1.2	Promenades	Coastal Road, Promenade/Promenadesalong periphery of water body/ river/sea/pipeline	Watchman cabin, Gardenerchowky, toilet block, Art and culture related uses, Public Toilet facilities	1
2		ROS 2.3	Zoo	Zoo, Aquarium with permissible FSI of 0.025		1

3		ROS2.4	Municipal Sports Complex	Sports Complex for various or individual sports activity, Enclosed Sports Facility for indoor games, Facility for Indian sports, Gymnasium, Swimming Pool, Drama Theater, Public Toilet facilities, Changing Rooms, LockerRoom	Open air stage, cafeteria, restaurant, rest rooms,welfare activities, social and cultural activity\ amenities, Art and culture related uses, hostel rooms and other ancillary facilities watchman's cabin, gardener's chowky, instrument room, Sport Store/Shop etc.	1, Zb=15
4		ROS 2.7	Green Belt	Green belt / Promenades and Substation, Distribution Facility	Watchman cabin, Gardener chowky, toilet block. (at suitable location)	
5		*ROS 2.8*	*Botanical Garden*	*Botanical Garden*	*Watchman cabin, Gardener chowky, toilet block. (at suitable location*	*1,*
6	Public Utility and Facilities	RPU2.1	Fuel Station	Fuel filling station with vehicle washing, City gate station, Gas distribution station and battery charging facility.	Administrative building, area, Ancillary uses of ATM, book shop, cafeteria, canteen (without cooking with open flame) with subject to NOC from CFO and NOC from controller of Explosive.	1 or 2 Za=10 Zb=10
7	Social Amenities	RSA5.1	Exhibition Centre	Exhibition Center cum Convention Hall, along with other uses if any, such as, Organizers office, Protocol Lounge, VIP Lounge,	Branch of a Bank, ATM,Information Kiosk, CFC, police chowky,etc.	1 or 2 Zb=10

				Press Lounge, Registration Area, Pre- function Area, Canteen cum refreshment area, surveillance and security rooms, strong room, first aid and emergency response room with supporting activities as Hotels not less than 3-Star category, Food court, fine dining, restaurant area, shopping, ATM, recreation area, Art and culture related uses, Indoor games area, fitness center, fire services		
8		RSA 7.1	Film Studio/ TV Studio	Film Studio/ TV Studio/Dubbing &Recording Studio/ Preview Theater with administrative office, Art and culture related uses	ATM, shops, Dispensary, Canteen,	1 or2 Zb=10
9		RSA 8.1	Animal shelter	Animal shelter, shed for animals with animal eating & drinking facilities	Chowky & toilet block	1 or 2 Zb=10
10		RMS3 .2	Land Fill Site	Solid Waste Disposal, Facility, Land Fill Site		1, Za=10 Zb=10
11		RMS4 .1	Sewage Treatmen t Plant/Facil ities	Sewerage Treatment Plant, Aerated Lagoons, ETP & Allied Services along with other uses if any, such as Municipal Chowky,	Canteen, Dispensary Unit, Branch of a Bank	1, Za = 10, Zb = 10

				Municipal Store, Municipal Office, Workshop with Staff Quarters		
12		RMS4.3	Sewage Pumping Station	Sewage Pumping Station along with other uses if any, such as, Municipal Chowky, Municipal Store, Municipal Office, Municipal Workshop, Staff Quarters	Canteen, Dispensary Unit, Branch of a Bank	1, Zb=10
13	Municipal Services	RMS5.1	Reservoir	Water Reservoir, Overhead Service Reservoirs, Garden and Play Ground Pumping Station along with other uses if any, such as, Municipal Office, Municipal Chowky, Municipal Store, Staff Quarters	Canteen, Dispensary Unit, Branch of a Bank	1, Zb=10
14		RMS5.2	Water Pumping Stations	Water Pumping Stations along with other uses if any, such as, Municipal Office, Municipal Chowky, Municipal Store and Staff Quarters.	Canteen, Dispensary Unit, Branch of a Bank	1, Zb=10
15		RMS5.3	Water Treatment Plant	Water Treatment Facility and Allied Services, Municipal Chowky, Municipal Store, Municipal Office, Staff Quarters.	Canteen, Dispensary Unit, Branch of a Bank	1, Zb=10
16		RMS6.1	Storm Water Pumping Station	Storm Water Pumping Station		1, Zb = 10
17	Transport	RT1.2	State Transport Depot	State Transport Depot along with other uses if any, such as Tracks for	Branch of a bank	1, Zb=10

				Vehicle Testing, Regional Transport Office, Staff Quarters, Canteen.		
18		RT2.1	Water Transport Terminal	Water Transport Station Parking Lot for Public, Bus Stops, Sheds, Helipads, Repairing Facilities, Rickshaw and Taxi Parking	Canteen, ATM of bank, other ancillary uses with facilities for staff and visitors	1, Zb=15
19		RT2. 2	Jetty	Jetty, along with other uses if any, such as, Office, Parking, Emergency Medical Centre	Other ancillary uses with facilities for staff and visitors	1, Zb=15
20		RAM	Reservation Amenity	Social/Education/Health services & facilities as decided by Municipal Commissionerconsidering deficiency in Amenity in ward/ Appropriate Authorities		1

Table No. 5
Reservations to be developed for the intended purposes or as per Accommodation Reservation.

Sr No	Reservation main Category	Reservation Sub Category		Users Permitted		Applicable conditions for development
		Code	Name	Permissible uses	Ancillary Activities	
1		RE1.1	Municipal School	Primary school, Secondary School, Higher Secondary School, High School, College , Integrated School with hostel, Pre-School Centre, Nursery or Other educational purposes Auditorium, art and culture related users After hours of principal uses, other educational / permitted uses including Aadhar Kendra with skill development center, Yogalaya, welfarecentre	Other non-educational compatible uses such as branch of a Bank, Stationery Shop, Dispensary, Canteen,	1 or 2 or 3 Zb = 10 In case of 3 a) X=50 b) Y=50
2		RE1.2	Primary and Secondary School	Primary School, Secondary School, Higher Secondary School, High School, College, Integrated School with hostel, Pre-School Centre, Nursery or other educational	Other non-educational compatible uses such as branch of a Bank, Stationary Shop, Dispensary, Canteen,	1 or 2 or 3 Zb = 10 In case of 3 a)X= 50 b)Y=50

				purposes Auditorium and art and culture related users. After hours of principaluses, other educational / permitted uses including Aadhar Kendra with skill development center, Yogalaya,welfare centre		
3	Education	RE 1.3	Special School	Institute for Differently abled, hostel or other educational purposes, Auditorium. Other facilitiesfor children with special needs, such as soft play areas, sensory rooms or swimming pools which Are necessary for treating students with certain conditions. After hours of principal uses other educational / permitted uses including Aadhar Kendra with skill development centre, Yogalaya, welfare centre	Other non-educational compatible uses such as branch of aBank, Stationary Shop, Dispensary, Canteen.	1 or 2 or 3 Zb = 10 In case of 3 a)X= 50 b)Y=50

4		RE 2.1	Higher Education	Primary School, High School, Bachelors and higher degree colleges including Technical, Medical, Architecture, Management Institutions with/without hostel, hostel for Girls Student,or other educational purposes auditorium and art and cultural related users. After hours of principal uses, other educational/ permitted uses including Aadhar Kendra with skill development center, Yogalaya, welfare centre	Sports Center, Gymnasium, Canteen, Banks, Post Office, Dispensary, Shops.	1 or 2 or 3 Zb = 20 In case of 3 a) X=50 b) Y=50
5		RE 3.1	Other Education	Primary School, Secondary School, Higher Secondary School, High School, College, Integrated School General CollegeVocational Training Institutes Training Centre, Industrial Training Institute,etc.,	Sport Center, Gymnasium, Canteen, Banks, Post Office, Dispensary, Shops.	1 or 2 or 3 Zb = 20 In case of 3 a) X=50 b) Y=50

				Medical College (Including General Hospital), Sports School, Skill Development Center, Hostel, or other educational purposes, hostel for Girls Student, Auditorium and art and culture relateduses. After hours of principal uses other educational / permitted uses including Aadhar Kendra with skill development centre, Yogalaya, welfare centre		
6		RE 4.1	Urban Planning Institute	Urban Planning, Environmental Planning and other related Institutes Viz. Transportation, Housing, Public Policy, Infrastructure Planning, GIS and Geography with/without hostel facilities and art and culture related uses	Sports Center, Gymnasium, Canteen, Banks, Post Office, Dispensary, Shops.	1 or 2 or 3 Zb = 20 In case of 3 a) X=50 b)Y=50

7		RE 4.2	Medical Institute	Institutes for Medical Institutions Education as defined by Medical Council of India with/without hostel facilities, and art and cultural relateduses	Sports Center, Gymnasium, Canteen, Banks, Post Office, Dispensary, Shops.	1 or 2 or 3 Zb = 20 In case of 3 a) X=50 b) Y=50
8		RE 4.3	Financial Institute	Institutes devoted to the study of Financial, Economics and such other field with/without hostel facilities and art and culture related uses	Sports Center, Gymnasium, Canteen, Banks, Post Office, Dispensary, Shops.	1 or 2 or 3 Zb = 20 In case of 3 a) X=50 b) Y=50
9		RE 4.4	Other Institutes	Institutes for Art, Culture, Fine Arts, Social education with/without hostel facilities and art and culture relateduses, Research & Testing laboratories.	Sports Center, Gymnasium, Canteen, Banks, Post Office, Dispensary, Shops.	1 or 2 or 3 Zb = 20 In case of 3 a) X=50 b) Y=50
10		RH 1.1	Municipal dispensary/ Health Post	Dispensary, Health Post, Urban Primary Health Centre, Urban Community Health Centre, Pathology Lab,	Nurses Quarter Post-Partum center, Recovery centers, Generic Medicine	1 or 2 or 3 Zb =30 In case of 3 a) X= 50 b)Y=40

				Physiotherapyet c.	dispensing facility. Medical Stores/Shops, Public toilet facilities	
11		RH 1.2	Hospital	Hospital, Dispensary, Maternity Home, Municipal Health Facility, Diagnostic centre, Rehabil itation Centre, Peripheral /General Hospital, Specialty Hospital, Multi-specialty/ Tertiary Hospital, Peripheral / Intermediate Hospital, Dharmashala.	Nurses and other staff Quarters, Care taker Shelters, Generic Medicine dispensing facility and built up area of commercial uses such as Branch of a bank, Medical Stores/ Shops,Public toilet facilities shall notexceed 10% of the Zonal (basic) or 5% of permissible FSI whichever is more	1 or 2 or 3 Zb =30 In case of 3 a) X= 50 b)Y=40
12		RH 1.3	Municipal Maternity Home	Maternity Hospital, Dispensary, Post-Partum Centre, Recovery Centre, Rehabilitation Centre, Physiotherapy Centre.	Nurses and other staff Quarters, Care taker Shelters for staff, Generic Medicine dispensing facility and built up area of commercial	1 or 2 or 3 Zb =30 In case of 3 a) X=50 b)Y=40

					uses such as Medical Stores/ Shops & Public toilet facilities shall not exceed 10% of the Zonal(basic) FSI	
13		RH 3.1	Rehabilitation Centre	Rehabilitation Centre, Dispensary, Health Post, Physiotherapy Centre Sanitarium, Hospiceetc.	Nurses and other staff Quarters, Generic Medicine dispensing facility, Commercial uses such as Medical Stores/ Shops & Public toilet facilities.	1 or 2 or 3 Zb=20 In case of 3 a)X=50 b)Y=40
14		RH 3.4	Veterinary Hospital	Veterinary hospital	Other compatible uses, Medical Stores/Shops	1 or 2 or 3 Zb=20 In case of 3 a)X=50 b)Y=40
15	Public Open Spaces	ROS 1.4	Play Ground	Play Ground	Art and culture related uses, Vipassana/ yoga meditation, Watch man cabin, Gardener chowky, toilet block.	1 or 3 In case of 3, Y=70 and minimum area of reserved plot shall be 1000 sq. m.

16		ROS 1.5	Garden/ Park	Garden, Parks, Botanical Garden, Children Park with Waking Track, Wooded Areas Water Body	Art and culture related uses, Vipassana/ yoga meditation, Watch man cabin, Gardener chowky, toilet block	1 or 3 In case of 3, Y=70 and minimum area of reserved plot shall be 1000 sq. m
17		ROS 2.1	Club/ Gymkhana	Club/Gymnasium / Yogalaya, swimming pool	Art and culture related uses, Vipassana/ yoga meditation,Watchman cabin, Gardener chowky, toiletblock.	1 or 2 o 3 In case of 3 a)X=50 b)Y=40
18		ROS 2.5	SportsComplex/Stadium	Sports Complex for various or individual sports activity, Enclosed Sports facility for indoor games, Facility for Indian sports, Gymnasium, Swimming Pool,Changing Rooms, Locker Room	i)Hostel rooms and other ancillary facilities, welfare activities, social and cultural activity\ amenities, watchman's cabin, gardeners chowky, instrument room. Art and culture related uses, etc. ii) Banks, Restaurants	1 or 2 or 3 a) Za= 25 b) Zb= 50 In case of 3Y=70 andminimumarea ofreserved plotshall be50000 sq. m.

					rest rooms, Sport Store/Shop.	
19	Housing	RR1.1	Municipal Staff Quarters	Municipal Staff Quarters, Municipal chowky, Administrative area		1 or3, Zb=10 In case of 3 a) X=50 b) Y=40
20		RR1.2	Police Staff Quarters	Police Staff Quarterswith Police Station		1or 3, Zb=10 In case of 3 a) X=50 b) Y=40
21		RR1.3	Government Staff Quarters	Govt. Staff Quarters, Administrative Area		1 or 3, Zb=10 In case of 3 a) X=50 b)Y=40
22		RR1.5	Municipal Housing	Municipal Housing/ Municipal facilities, Rehabilitation of PAPS		1 or3, In case of 3 a) X=50 b)Y=40
23		RR1.6	Police Housing	PoliceHousing		1 or3, In case of 3 a)X=50 b) Y=40
24		RR1.7	Government Housing	Government Housing, Staff Quarters, Guest House/ Hostel		1 or 3, In case of 3 a) X=50 b) Y=40

25		RR2.1	Rehabilitation & Resettlement	Rehabilitation Tenements.		1 or 3, In case of 3 a)X=50 b)Y=40
26		RR2.2	Affordable Housing	Affordable Housing		1 or 3, In case of 3 X=50 b)Y=40
27		RR3.1	Koli Housing	KoliHousing	Art and Culture relateduses,	1 or 3, In case of 3 a) X=50 b) Y=40
28	Public Utilities & Facilities.	RPU 1.1	Fire Station	Fire Brigade Station, Training center, staff quarters, Municipal office.		1 or 3, In case of 3 a) X=50 b) Y=50
29		RPU 3.1	Police Station	Police station, Police Chowky, lock up Facility, Canteen, Toilet Blocks, Rest Rooms, Residential Quarters	Branch of Bank, Bill payment Kiosk	1 or 3 Zb=10 In case of 3 a) X=50 b) Y=40
30		RPU 3.2	Police Chowky	Police chowky, Toilet Blocks, Rest Rooms		1 or 3, In case of 3 a) X=50 b) Y=40
31		RPU 3.3	Correction Facilities	Jail, Juvenile Home, Police Station etc.	Bank ATM	1 or3 Za= 10 , Zb=10 In case of 3 a) X=50 b) Y=40

32		RPU 3.4	Police Facilities	Police Station, Police chowky, Lockup Facility, Canteen, Toilet Blocks, Rest Rooms, Residential Quarters, Marching ground, court, Fuel Station for Police Facilities	Canteen, branch of a bank, stationary shop, meeting rooms for lawyers, photo copyingshop	1 or 3 Zb=15 In case of 3 a) X=50 b) Y=40
33		RPU 3.5	Courts	Court, along with other uses if any, such as Library, Canteen, Meeting Rooms for Lawyers, Administrative Office, judicial quarters	Branch of a bank, stationaryshop, cafeteria, Photocopying shop, bookstore	1 or 3, Zb=10 3 subject to NOC from Law and Judiciary Departme nt. In case of 3 a) X=50 b) Y=40
34		RPU4 .1	Post & Telegraph ic Office	Post & Telegraphic Office along with other uses if any, such as Staff Quarters	ATM of a Bank, Information Kiosk, CFC, police chowky, electric/teleph one bill payment center etc.	1 or 3, Zb =10 In case of 3 a) X=50 b) Y=40
35		RPU5 .2	Electricity Transmission & Distribution Facility	Sub Station, Receiving station, Bill Collection Centres, Administrative Office	Emergency/ essential staffquarters	1 or 3 Zb=20 In case of 3 a) X=50 b) Y=40 and minimum area of

						reserved plot shall be 1000 sq.m
36		RPU 6.1	Service Industrial Estate	Service industrial users, shop/ commercial user permitted in service industrial Estate		1 or 3, In case of 3 a) X=50 b) Y=40
37	Public Offices	RO 1.3	Municipal Office	Municipal Office along with other uses if any, such as Staff Quarters, Disaster Management Facility	ATM of a Bank, Information Kiosk, CFC, police chowky, electric/ telephone bill payment center, Public toilet block.	1 or 3, Zb =10 In case of3 a) X=50 b) Y=40
38		RO2.1	Government Office	Government Office along with other uses if any, such as Staff Quarters	ATM of a Bank, Information Kiosk, CFC, police chowky, electric/ telephone bill payment center etc.	1 or 3, Zb =10 In case of 3 a) X=50 b) Y=40
39		RO 3.1	Disaster Management Facility	Administrative Office, Storage facility for materials/goods, Fire Station, Medical aid, any ancillary/Training Centre for Disaster Management/ Municipal/Govt. office/Home	Canteen, dispensary, ATM, Public toilet facilities.	1 or3, Zb=10 In case of 3 a) X=50 b) Y=40

				guard station & facilities thereof		
40		RSA 1.1	Municipal Market with Vending Zone	Markets for fruits and vegetables, Flower, Fish, weekly Markets, Organized informal Market and Shops for Rehabilitation of PAP's if required (Min. 15% vending area of which 50% for women)	Municipal office, Police chowky, Drama theatre, reading rooms, Branch of Bank, Refuse shed, Public toilet facilities.	1 or 3. Zb =30. In case of 3, a) X =50 b) Y= 50
41		RSA 1.2	Retail Market with Vending Zone	Markets for Fruits and vegetables, Flower, Fish and Shops for Rehabilitation of PAP's if required (Min. 15% vending area ofwhich 50% for women)	Reading rooms, Branch of Bank, Public toilet facilities	1 or 2 or3. Zb =20. In case of 3, a) X =50 b) Y= 50
42		RSA 2.1	Multi-Purpose Community Centre	Community Centre, Student Hostel, Dormitories, Library, Reading Rooms, Study Rooms for Students, Public toilets, Community hall, exhibition hall	Art and cultural relatedusers, Banks, Restaurants, bill payment kiosk, Citizen Facilitation Centre	1 or 2 or 3 Zb =30 In case of 3 a) X= 50 b)Y=50

43	Social Amenities	RSA 2.7	Students Hostel	Students Hostel including quarters for faculty and staff	Other non-educational compatible uses such as branch of a Bank, Stationary Shop, Dispensary, Canteen	1 or 2 or 3 Zb =30 In case of 3 a) X = 50 b) Y=50
44		RSA 2.9	Homeless Shelter	Night Shelter, Home for Destitute, Dormitory with toilet facility & other ancillary Facility	Dispensary, Watchman's cabin	1 or 2 or 3. Zb = 10 In case of 3 a) X=50 b) Y=50
45		RSA 3.3	Cultural Centre/Drama Theatre/ Theater	Cultural Centre/Drama Theatre Open Air Theatre, Art Gallery, Aquarium, Auditorium along with other uses if any, such as rest room, make-up room, welfare activity center, welfare activity center, Parking Lot	Recording rooms, dubbing rooms, restaurant, café, Reading halls, Library, hostel rooms forartists	1 or 2 or 3 Zb=30 In case of 3 a) X=50 b) Y=50
46		RSA 3. 5	Museum	Museum, Art Gallery, Exhibition Hall, Display Hall	Auditorium, Drama Theatre	1 or 2 or 3 Zb=30 In case of 3 a) X = 50 b) Y =50

47		RSA 3.6	Art Gallery	Art and cultural facilities	Public Toilet facilities. ATM	1 or 2 or 3 Zb=10 In case of 3 a) X=50 b) Y=50
48		RSA 3.7	Leisure Park	Garden, Semi Open areas, Food stalls with temporary roofing facility, Food courts with temporary roofing facility, Open spaces, Children play area, Art display area,Cultural spaces, Amphitheaters, water, sports facilities etc.	Watchman cabin, Gardener chowky, Public t	1 or 3 In case of 3 Y=70
49		RSA 4. 8	Cemetery	Cemetery, Cremation Ground, Burial Ground,Electric/ gas/ Diesel/ Petrol Cemation Unit, Pyre shed	Storage for Wood, Facilities for Mourners, For Performing Rituals, Prayer Hall, Religious Facility, Water Body etc.	1 or 3 Zb=15 In case of 3, Y=70 and minimum area of reserved plot shall be 1000 sq.m.
50		RSA 4.9	Old Age Home	Dormitories along with other uses if any, Health Clinic, Canteen, Recreational Area, Office, Day Care Centre For Elders, Geriatric	Branch of a bank, ATM, shops, Dispensary,	1 or 2 or 3 Zb=10 In case of 3 a) X=50 b) Y=40

				Care Centre, ActivityRoom, Day Care for Children		
51		RSA 5.2	Multi-Purpose housing for working Women	Hostel, Dormitories and guest rooms for working women, for women in distress, single Women/Student, dormitories for women, activityroom. Balwadi, Day Care for children, Old Agepeople, Counseling Centre, Care centre shall not be more than 10% of the zonal basic FSI.	ATM, shops, Dispensary,	1 or 2 or 3 Zb=10 In case of 3 a) X=50 b) Y=40
52		RSA 6.1	Care Centre	Care centre for Children and Women, Children Play area, Reading area, activity area	ATM, shops, Dispensary	1 or 2 or 3 Zb=10 In case of 3 a) X=50 b) Y=40
53		RSA 6.2	Adhar Kendra with skill development centre	Women Skill Development Centre & Livelihood Centre, Municipal Purpose	Art and culture related uses, ATM, CFC	1 or 2 or 3 Zb=10 In case of 3 a) X=50 b) Y=40

54		RSA6.3	Public Convenience	Public Toilet, Toilet for Women, Rest Rooms, Drinking Water Hubs		1 or 2 or 3 In case of 3 a) X=50 b) Y =40
55	Municipal Services	RMS1.1	Road Depot	Municipal Material Depot, Municipal Labour Chowky, Store, Workshop, Municipal Office	Public Toilet facilities	1 or 3, In case of 3 a) X=50 b) Y=40
56		RMS1.2	Municipal Chowky	Municipal Labour Chowky, Material Depot, Store, Workshop, Municipal Office	Public Toilet facilities	1 or 3, In case of 3 a) X=50 b) Y=40
57		RMS1.3	Municipal Facilities	Municipal Workshop, Municipal Central Store Municipal Labour Chowky, Material Depot, Store, Municipal Office	Public Toilet facilities	1 or 3, In case of 3 a) X=50 b) Y=40
58		RMS2.1	Transport Garage	Transport Garage, Repair Garage, Store, Related Municipal Office, Municipal Chowky, Municipal Office, Workshop	Auto-parts shop, ATM of bank, canteen, municipal store, Public Toilet facilities	1 or 3, Za= 10 Zb=10 In case of 3 a) X=50 b) Y=40
59		RMS3.1	Solid Waste Management Facilities and Allied Activity	Refuse Shed, Solid Waste Sorting Center, Refuse Transfer Station,		1 or 3 In case of 3 Y=60 and

				Municipal Chowky, Municipal Office, Municipal Store, Refuse Compactor, Rest Rooms, Workers or Rag Picker Shed and PSC Block		minimum area of reserved plot shall be 1000 sq. m.
60		RMS3.3	Scrap Yard	Scrap Yard	ATM of bank, canteen, store,	1 or 3, Za= 10 Zb=10 In case of 3 a) X=50 b) Y=40
61		RMS5.5	Hydraulic Engineering Store/Office	Municipal Store, Municipal Office, Municipal Chowky, Pumping station, Workshop with staff quarters	ATM, Information Kiosk, CFC, Public Toilet facilities	1 or3 Za= 10, Zb=10 In case of 3 a) X=50 b) Y=40
62	Primary Activity	RP1.1	Fish & Net Drying yards	Fish & Net Drying yards, fish drying related industries along with other uses if any, such as, diesel storage, Fish Godown, Fishing Related Industry	Art and culture related uses, Footstalls/ Restaurant, Bank Branch	1 or 2 or 3 a) Za=15 b) Zb=15 In case of 3, Y=70 and minimum area of reserved plot shall be 1000 sq. m.
63		RP2.1	Dhobi Ghat	Art and culture related uses	Public Toilet facilities	1 or 2 or 3 Za= 10, Zb=10 In case of 3 a) X=50 b) Y=40

64	Transport	RT1.1	Truck Terminus	Truck Terminus, along with other uses if any, such as Workshop, Store, Garage, Dormitory with toilet andbath	Restaurant, Branch of Bank, ATM, Information Kiosk, CFC, Police Chowky,PSC	1 or 2 or 3, Za= 10 Zb=10 In case of 3 a) X=50 b) Y=40
65		RT1.4	BESTBus Facilities	BEST Bus Depot, BEST Bus Station, Parking Lot for Public, Bus Stops, Sheds, Helipads without affecting traffic, Essential staff quarters for operational uses Rickshaw and Taxi Parking and Administrative office, fuel station	Cafeteria, Canteen, Police Chowky, CFC, ATM of aBank,	1 or 3, Zb=10 In case of 3 a) X=50 b) Y=40
66		RT1.6	Parking Lot	Parking Lot, Municipal Chawky	PSC Security Chowky	1 or 3 Zb=10 In case of 3 X=125
66A		RT 3.1	Metro / Mono Rail car shed	Metro / Mono car shed, along with other uses if any such as material depot store, workshop, officer.	As may be decided by MMRDA or Appropriate Authority	1 or 3 (Y-50)
67	Other Education	RE 3.1	Industrial Training Institute/Centre	ITI as per the Norms Prescribed by the concerned Technical Authority (Inclusive of provision for required parking space)	Art and culture, Cafeteria, Canteen, ATM of a Bank	1 or3 Zb=10 In case of 3 a) X= 50=% b) Y=40%

				for the designated amenity.		
68	Higher Education	RE 2.1	National Law University of Maharashtra	Education etc.	As required by National Law University	1 or 3 (Y=-50)

Note:-

1) a) The plot area to be handed over to MCGM / appropriate Authority under AR shall be deducted from the plot area for the purpose of calculation of full permissible BUA under these regulations except in respect of proposal processed under Regulation No 33(5), 33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10) (A), 33(20) (A), 33(21).

b) The BUA handed over to MCGM shall be free of FSI and balance plot will be allowed to be developed as per these Regulations, without taking into account said BUA so handed over

c) BUA of staircase, lift &lift lobby and BUA permissible free of FSI as per the provisions of Regulation no 31(1) shall not be counted in BUA to be handed over to MCGM and the same shall be without charging premium for the provision of built up amenity under AR.

d) The developer/owner shall be entitled for the BUA / TDR in lieu of cost of construction of built up amenity under AR as follows:

BUA/TDR in lieu of cost of construction of built up amenity handed over under AR

= 1.50 (Rate of construction per sq. m as per ASR rate /Rate of developed land per sq. m as per ASR) * BUA of constructed built up amenity handed over under AR.

(e) In case of Sr. N0 66(PPL), the incentive BUA shall be 50% of the above cited BUA as calculatedabove.

(f) No separate compensation shall be given for areas under Regulation No.31 (1). BUA for the construction of staircase/lift/staircase and lift lobby & other areas as per 31(1) shall not be counted in BUA to be handed over and shall be without charging premium for built up amenity under AR.

(g) In case of residential amenity for arriving at number of tenements, ratio of BUA to carpet area shall be considered as 1.2

(h) The applicable rate of ASR shall be ASR rate of the year in which IOD/IOA is issued.

(i) The constructed built up amenity along with plot to be handed over to MCGM under AR shall have structural provisions for vertical extension in order to consume additional FSI permissible as per provisions of these Regulations in future.

(j) The Owner/Developer shall be eligible for grant of TDR against unutilized BUA including that of Zonal (basic) FSI.

Or

2) If the land is reserved as per the DP and owner desires to hand over the land without any encumbrances to MCGM/ Appropriate Authority, then he shall been titled for the grant of TDR as per Regulation No 32.

Or

3) Ifthe land reserved as per the DP is acquired by MCGM/Appropriate Authority, the Owner shall be entitled for the grant of TDR as per Regulation No 32 or monetary compensation.

4) The owner shall give advance possession of the land wherever applicable (to be handed over) to MCGM/Appropriate Authority at the time of seeking Approval for Development of plot. It shall be responsibility of the land owner to clear all the encumbrances and complete the formalities` towards transferring the land in the name of MCGM/Appropriate Authority. Proforma of possession receipt shall be as per Appendix V.

5) The area of built up amenity shall be counted in FSI initially and after handing over of said built up amenity the area of built up amenity shall be allowed free of FSI. Commencement Certificate in respect of BUA in lieu of the built-up amenity handed over to MCGM under AR can be granted only after handing over of such built up amenity.

6) In case where Principal and Ancillary users are not reflected in the above table but are compatible to the reservation development, such uses shall be permissible with the special permission of the Commissioner.

7) In case of development of the plot reserved for Public Open Spaces under AR as per Serial No. 15,16, 18, 48 & 49 of Table No 5, the provisions of Regulation No.27 may not be insisted.

8) In casea reserved plot under Sr No.1 of Table No 5 (Municipal School) is developed and run entirely by the private owner, then conditions, including admissions, stipulated by the Municipal Commissioner shall be applicable.

9) Where a private plot is notified by GOM or reserved in DP for infrastructure related facilities in respect of public transportation authorities (such as MRVC, MMRDA, BEST etc.) & specialized public amenity such as National Law University, the said authority shall have the option of acquiring plot under AR where 50% of plot shall be handed over to the authority.The balance plot will be available for development for the Owner as permissible under theseregulations.

10) In case of social amenities, the built-up amenities received under AR will be made available by the MCGM to GOM for operation, either through its own departments or through other institutions, only forthe intended purposeonterms & conditions as decided by GOM. MCGM shall have the option of running such facility wherever it decides to do so, by formulating the guidelines for the implementation.

11) In case of development, of unreserved plot, for the purposes mentioned in Table No 4 & 5, permissible uses and the ancillary activity as specified in Table No 4 & 5 will be permissible.

12) Structures constructed in existing POS, with due sanction of Competent Authority, before coming into force of these regulations stand protected.

13) Existing POS, with encumbered structures shall be cleared of the encumbrances and shall be maintained entirely for the intended purpose only and cannot be developed under any redevelopment scheme.

14) Existing Play Ground attached to Educational and Medical Institutions/ Museum/Trust and under same ownership, shown as Existing Play Ground in DP, shall not be subject to mechanical acquisition and shall be for the use of that Educational and Medical Institution/ Museum/Trust.

15) In case of development of plot affected by reservation under AR and where Appropriate Authority is other than MCGM, then NOC/remarks of the concerned Appropriate Authority shall be insisted before allowing development under AR. List of Appropriate Authorities is enclosed in Annexure 24.

16) Public Open Spaces in K/E Ward:

In accordance with, Govt. of Maharashtra, Urban Development Department notification no TPB4392/4716/CR-181/92/UD-11(RDP) dated 12.11.1992: - 50% of the lands from CTS Nos 1483, 1491, 1495, 1496, 1497, 1500, 1503, CTS Nos 1420, 1437, 1445, 1448, 1439, 1457, 1443, 1485 and S No.110(pt.),117(pt.),118(pt.),122(pt.),123(pt.) of Village Sahar be reserved for the Park not to be acquired, as shown on DP and remaining 50% of the land be deleted and included in C Zone only for Hotel plus commercial purpose subject to condition that the parties should develop and maintain the parks and shall keep it open for general public during restricted hours or the owner may at his option handover 20% of this area to MCGM to be kept permanently open as Park/ Play Ground for general public without any compensation in any form and maintain rest of the Park as Park always. No FSI/ TDR / Compensation in any from shall be allowed for the area kept permanently open as park and even for area to be handed over to MCGM.

17) Green belt (ROS 2.7) shall not be treated as reservation but it is the nature of restriction and shall not be subjected to acquisition.

18) Play Ground reservation/ existing playground attached to Educational Institutions shown as reservation in DP, and owned by such educational Institution, shall not be subject to acquisition and shall be used as 40 % play ground required for the existing Educational Institutions. Provided it shall also be accessible to the general public as per the policy.

19) On development of the land as per accommodation reservation and on handing over and transferring the land along with the built up amenity to MCGM/Appropriate Authority then the area of the plot along with the built up amenity shall be deemed to be existing amenity in the DP and the remaining land of the owner shall stand included in the land use zone.

Provided that when the development is composite and where it is not possible to hand over part of land to MCGM in such cases entire area shall be deemed to be marked as existing amenity with the + sign indicating other uses on the said plot.

20) General conditions to allow development under above regulations:-

i) If the area of reservation is not adequate to construct independent building as mentioned above OR When it is not possible to handover individual plot along with public amenity, then in such cases Municipal Commissioner may allow composite building on said land subject to condition that the built up area mentioned as above may be allowed to be handed over to the Planning

Authority or Appropriate Authority, as the case may be, preferably on ground floor and subject to premium at the rate of 35% and 40% of ASR of the develop land for the zonal (basic) FSI (In case of suburbs where FSI is 1 it shall be as per ASR of the developed land and in case of City it shall be 1.33 times of ASR of the developed land) for AH/R&R and for other reservations respectively or as may be decided by Government from time to time. If ground floor is utilised for parking, then the built up area menntioned above may be handed over on stilt/first floor with separate entry & exit from public street. In such cases, built-up area along with proportionate undivided share of land shall be handed over to the Planning Authority or Appropriate Authority, as the case may be. In such cases no compensation of proportionate undivided land share shall be permissible to the land owner / developer.

ii) It shall be obligatory on Municipal Commissioner to make registered agreement with the developer /owner at the time of granting the development permission subject to terms and conditions as it deem fit. Occupancy Certificate shall be issued only after compliance of all terms & conditions and getting possession of the constructed amenity**.**

iii) The above permissions for development of reservations shall be granted by the Municipal Commissioner as per the norms mentioned in these regulations.

iv) The area / built-up area to be handed over to the Planning Authority under these Regulations shall be earmarked on the sanctioned building plan clearly mentioning the same, and registered agreement to that effect shall be executed. After completion of construction, the said amenity shall be handed over by executing the deed of transfer in this respect and expenses thereon shall be borne by the owner. The occupation certificate to the construction belonging to owner shall be granted only after handing over said amenity to the Planning Authority. The constructed amenity shall be made available to the general public by the Municipal Commissioner within 6 months from possession as per the condition as the Municipal Commissioner may deem fit.

v) In cases, where permission for development under accommodation reservation principle is already granted as per earlier regulations, the same shall continue to be valid till as per provisions of Regulation 9(5).

vi) Provisions of Regulations of InclusiveHousing, Amenity Space if any, shall not be applicable for development of Reservation under this Regulation.

vii) Not withstanding anything contained in these regulations, for development under Accomodation Reservation (AR) there shall be no cap on the remaining plot for utilization of permissible FSI as per column 7 of Table 12, regulation 30(A)1, of the plot to be handed over to MCGM/ appropriate Authority.

viii) Not withstanding anything contained in these regulations for development under Accommodation Reservation (AR) there shall be no cap for utilization of in-situ FSI/TDR potential/ additional FSI on payment of premium, in view of plot to handed over to MCGM/ appropriate Authority. If developed reservation is transferred in the name of MCGM within 5 years or such extended period as may be specified by Government, following (a) (b) (c) shall apply.

a) In case of reservation area less than or equal to 5 ha, additional BUA equal to area of the plot so transferred to MCGM/Appropriate Authority, free of cost and free of encumbrances, shall be permissible over and above the permissible FSI as per regulation 30(A), except in respect of proposals under Regulation No 33(5), 33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(20) (A), 33(21).

b)In case of reservation area more than 5 ha, additional BUA equal to 50% of area of the plot so transferred to MCGM/Appropriate Authority, free of cost and free of encumbrances, shall be permissible over and above the permissible FSI as per regulation 30(A) with prior approval of Government, except in respect of proposals under Regulation No 33(5), 33(7), 33(7)(A) 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(20) (A), 33(21).

c)The open space deficiency at the rate of 10% of Normal premium or 2.5% of the rate of land as per ASR (for FSI 1) whichever is higher shall be charged for the building on the remainder plot of reserved area.

ix) Once sanction is granted under this regulation, the owner /developer shall have to complete the development and hand over the developed reservation to Planning Authority within the period as specified by the Municipal Commissioner. The Municipal Commissioner may levy penalty for delay if any.

In case of composite development of Constructed amenity under AR as per Regulation 17(1), the opens space deficiency for the building of owner's share to the extent of development on reserved area, shall be charged at the rate of 10% of normal premium or 2.5% of RR rate of land as per ASR (for FSI 1) whichever is higher

(21) The existing amenity can be allowed by the Municipal Commissioner to be retained and run by the Owner, then the owner shall be allowed to develop the remaining site, up to the full permissible FSI of the plot under reservation by taking into account the FSI utilised for the construction of the amenity building.

Provided that in specific cases, where a clearly demonstrable hardship is caused and it is not possible to develop and /or handover individual plot alongwith built-up amenity, then in such cases Municipal Commissioner may allow composite

development on the said land subject to condition that the built up area mentioned as above may be allowed to be develop and / or handed over to the Public Authority as the case may be preferably in separate structure / wing or on the ground floor or composite building. If ground floor is utilized for parking then on stilt / above floors with separate entry and exit from public street. In such cases the Municipal Commissioner may recover the cost of 40 % land area as per prevailing Ready Reckoner Rate, as per policy of Municipal Corporation.

(22) The land bearing C. S. no 831 of Mazgaon Division, known as India United Mill No 2 & 3 notified & reserved for 'Recreation Ground cum Textile Museum" as per notification under No TPB4312/789/CR-27/2013/UD-11 dated 29th December 2016 , shall be developed in accordance with the said Notification.

17 (2) *Redevelopment of existing Cinema/Theater:*

Notwithstanding anything contained in these Regulations, existing cinema/ theater shall be redeveloped in the following manner:

1. In case of redevelopment of an existing cinema/Theater on allocated plot, the user for the cinema/ theater may be permitted in combination with the permissible uses in Residential/Commercial zone excluding the uses of Bakery/confectionery, coal & firewood shops, maternity home, hospitals, schools, trade school & colleges.

   In case of redevelopment of an existing cinema/theater on allocated plot in addition to other uses which are to be permitted, cinema/Theater having seating capacity to the extent of 33% of the last licensed number of seats in the old existing cinema/Theater and in any case not less than 150 seats or as may be decided by GOM from time to time shall be provided.

   Further for Cinema/Theater having number of seats 600 or more mentioned in the last license, in the old existing cinema/Theater may be developed with at least 200 seats without insisting provision of 33% of the number of seats mentioned in the last license, in the old existing cinema/Theater.

   BUA of such redeveloped theatre will be in addition to zonal (basic) FSI. However, it will be within the overall permissible FSI as mentioned in column 7 of table 12. No premium shall be charged for this BUA. Existing one screen cinema/Theater can be converted into multiple screens subject to observing above conditions and these Regulations.

   Provided further that if development of cinema/theater along-with other uses except residential use is proposed in single building then the open space requirement shall be considered as required for the special building. The residential uses shall be permitted in separate building/separate wing with separate access.

Or

2. The Owner/Developer may develop the entire plot for the purpose of entertainment of general public such as Drama theatre /Opera theatre /Mini-theatre/Multiplex/Art Gallery/Video Hall /Libarary/Reading rooms/ Hall for Musical events or Experiment Theatre or children Theatre/Acting Schools /Preview Theatre etc. along with ancillary uses.

Or

3. i) The plot of the cinema/theatre can be developed at par with AR. For the plot area, up to 2000 sq. m, 40 % of BUA as per Zonal (basic) FSI and incase of the plot area more than 2000 sq. m, 40 % plot area &built up amenities to the extent of 50% of the Zonal (basic) FSI of the plot shall have to be handed over to MCGM free of cost & free of FSI.

ii) The Built-up amenity shall be in the form of the activity related to the public entertainment as decided by the Commissioner such as Opera theater/Mini-theater/ Production studio for cinema & or Tele-serial/Dubbing & Recording studio/ Preview theater. In case of plots up to 2000sq. m, such activity shall preferably be located in a separate wing and with the separate access.

iii) The owner shall be entitled for the development of the balance potential as per the provision of Regulation No17(1) and uses permissible in residential/commercial zones. Provided further that residential use shall be allowed in a separate building.

iv) The owner shall be entitled for the development of the balanceplot as per the provisions of these Regulations.

17(3) Notwithstanding anything contained in these Regulations Development of Reserved land falling under the various provisions of Regulation No. 33 shall be as under:

(A) "Development of reservation in Development/Redevelopment of Housing Schemes of MHADA under Regulation No. 33(5).

All reservations to be developed entirely for the intended purpose.

(B) Development of reservation in Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation under Regulation No. 33(7).

(1) Redevelopment/reconstruction in any zone shall be allowed on site without going through the process of change of zone. For the Industrial user, the existing segregating distance shall be maintained from the existing industrial unit.

(2) Notwithstanding anything contained in these regulations, in case of redevelopment of plot/(s) having cessed structures/s and having reservation in the DP, the land component of the said cessed structure as per Zonal (basic) FSI shall be deemed to have been automatically deleted from reservation.

The reservation area beyond the land component of cessed structures/s may be developed as per provision of Regulation 17(1) under the principle 'Accommodation Reservation' for the intended purposes.

(3) In case of reconstruction/redevelopment of building of Corporation, for the area of plot having no reservation or having designation of Municipal Housing, then the BUA equal to 25% of such plot area as per Zonal (basic) FSI in the form of tenements or premium as may be decided by the Municipal Commissioner in lieu of said tenaments shall be made available to MCGM and the developer shall be entitled to BUA in lieu of cost of construction against handing over of built up amenity as per Note (d) of Regulation 17(1).

(4) Notwithstanding anything contained in any of these Regulations reconstruction/ redevelopment of buildings of Corporation existing prior to 30.09.1969, falling under reservation in Development Plan shall be permitted as under

(i) Any plot/layout having area under non-buildable/open space reservations admeasuring up to 500 sq. m shall be cleared by shifting the existing tenants from that site**.**

(ii) Where the area of site having non-buildable/open space reservation/Cemetry, is more than 500 sq. m & if the land component of existing structures is more than or equal to 65% such sites may be allowed for the redevelopment subject to condition that the ground area of the land so used shall not be more than 65% of the reservation and leaving 35% rendered clear thereafter for the reservation. If the land component of existing structures is less than 65% such sites may be allowed for the redevelopment subject to condition that the ground area of the land so used shall not be more than land component of existing structures and leaving balance reservation land rendered clear thereafter for the reservation

(iii) Existing structures on lands reserved for Municipal School (RE 1.1)/ Primary and Secondary School (RE1.2) or a Higher Education (RE2.1) may be developed subject to the following:

(a) In case of land reserved for Municipal School (RE 1.1), Primary and Secondary School (RE1.2) in the DP, a building for accommodating such number of students as may be decided by the Municipal Commissioner, but in any case, for not less than 500 students, shall be constructed. The BUA occupied by the constructed building shall be excluded for the purpose of FSI computation. Thereafter, the land may be allowed to be redeveloped with the full permissible FSI of the plot according to this Regulation.

(b) In the case of lands affected by reservation of a Higher Education (RE2.1) in the DP, a building for accommodating such number of students as may be decided by the Municipal Commissioner, but in any case, for not less than 800 students, shall be constructed. The BUA occupied by the constructed building shall be excluded for the purpose of FSI computation. Thereafter the land may be allowed to be redeveloped with full permissible FSI of the plot according to this Regulation.

(iv) In case of the plot reserved for the Parking Lot, 125%BUA as per Zonal (basic) FSI of such reserved area shall be constructed.

(v) Existing structures on lands reserved for Rehabilitation & Resettlement (RR 2.1) shall be treated as sites for development of such structures and shall be allowed for redevelopment according to this Regulation.

(vi) For other buildable reservations excluding (ii),(iii), (iv) & (v) above and reservations as reflected in the table no 4 of Regulation No 17(1), BUA equal to 25 percent of the area under that reservation in that plot, shall be constructed.

(C) (I)Development of reservation in Reconstruction or redevelopment of Cluster(s) of Buildings under Cluster Development Scheme(s) under Regulation No. 33(9):

a. Redevelopment/reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrialunit.

b. Any land under non-buildable/open space reservations, admeasuring up to 500 sq. m may be cleared by shifting the existing tenants from that site.

c. If the area under a non-buildable/ open space reservation is more than 500 sq. m, minimum 50% of the area under reservation shall be developed for the same purpose and handed over to MCGM, subject to a minimum of 500 sq. m and the remaining land shall be allowed for development.

d. All the reservations in the DP shall be rearranged, if necessary, with the same area and the same width of access road or as required under DCPR, whichever is more.

e. For the reservation of parking lot on a land included in CDS, 125% BUA as per Zonal *(*basic) FSI for the area under reservation in that plot shall be made available free of cost to the MCGM or to any other Appropriate Authority. Such BUA to be handed over shall be free of FSI.

f. For other buildable reservations on land, BUA equal to 60% of the Zonal (basic) FSI under such reservations or existing BUA of the amenity(existing) whichever is more, on that plot shall be made available free of FSI and free of cost to the MCGM or the Appropriate Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks, depending on the area and nature of such reservations and Municipal Commissioner may permit composite development of reservations in case of

such reservations. However, if the HPC/Planning Authority requires BUA under any Existing Amenity/reservation in excess of the Zonal (basic) FSI, then such excess area shall be considered as rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.

Provided that in case of development of reservations of Rehabilitation & Resettlement under the CDS, BUA equal to 30% of the Zonal (basic) FSI shall be handed over to the MCGM free of FSI and free of cost, in addition to the rehabilitation of the existing tenements or users if any.

In case of reconstruction/redevelopment of building of Corporation, for the area of plot having no reservation or having designation of Municipal Housing, then the BUA equal to 30% of such plot area as per Zonal (basic) FSI in the form tenements of size as decided by Commissioner shall be made available to MCGM and the developer shall be entitled to BUA in lieu of cost of construction against handing over of built up amenity as per Note (d) of Regulation No. 17 (1), in case of (e) & (f) above

g. Where a proposed DP Road or Regular line of street passes through the UDS area, the entire FSI admissible under this Regulation for the area of the road may be given in the same Scheme.

The location of and the area under DP road/ existing roads falling in the UDS may be allowed to be rearranged based on the comprehensive traffic study without affecting the continuity of the existing traffic movement and without reducing the total area of the existing road & DP Road. The existing roads may be realigned or relocated as per provisions of MMC Act.

h. No premium shall be charged for the fungible compensatory area admissible as per Regulation 31(3) for rehabilitation component of an CDS as sanctioned by HPC and for the tenements to be handed over to MHADA and for the areas of reservation to be handed over to MCGM/Appropriate Authority. This fungible compensatory area admissible to the rehabilitation tenements shall be utilized for rehabilitation component only, its utilization for Sale Component under the UDS shall not be permissible.

Notwithstanding anything contained in these regulation in case of slum located on unbuildable reservation (fully occupied) at the option of the owner / developer and subject to rehabilitation of existing slum dwellers / occupants within the same / adjoining municipal ward with the consent of slum dwellers / occupiers as per the provision of these regulations at owners / developers cost without any compensation and handing over the said entire land under reservation to MCGM without any compensation, then it shall be permissible to utilize the permissible FSI of this land within the cluster area. No concession of whatsoever nature permissible under these regulation or regulation no. 33 (10) shall be permissible to the building where slum dwellers are rehabilitated.

(C)(II) Development of reservation in Reconstruction or redevelopment of Cluster of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi under Urban Renewal Scheme(s) under Regulation No. 33(9)(B).

Construction or reconstruction of slums/buildings falling under Reservations contemplated in the Development Plan shall be permissible as under –

a. Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintainedfrom the existing industrial unit.

b. Any land under non-buildable reservations, admeasuring only up to 500 sq. m may be cleared by shifting the existing tenants from that site.

c. If the area under a non-buildable reservation is more than 500 sq. m., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to Planning Authority, subject to a minimum of 500 sq. m and the remaining land shall be allowed for development.

d. All the reservations in the Development Plan shall be rearranged/relocated, if necessary, with the same area and the same width of access road or as required under DCPR, whichever is more.

e. For the reservation of parking lot on a land included in URC, BUA equivalent to Zonal (basic) FSI for the area under reservation in that plot shall be made available free of cost to the Officer appointed by the Planning Authority. Such BUA to be handed over shall be free of FSI.

f. For other buildable reservations on land, built up area equal to 60% of the Zonal (basic) FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Planning Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks/plot depending on the area and nature of such reservations and Officer appointed by the Planning Authority may permit composite development of reservations in case of such reservations. The vacant plot of DP reservation shall be allowed for residential development, if the BUA of DP reservation is amalgamated and constructed on one or more block/plot. However, ifthe Empowered Committee requires BUA under any designation /reservation in excess of the Zonal(basic) FSI, then such excess area shall be consideredas rehabilitation F.S.I, and Free sale FSI as admissible under this Regulation shallbe permissible.

g. Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.

(D)Development of reservation in Redevelopment for Rehabilitation of Slum Dwellers under Regulation No.33(10)

(a)Slums in Residential/Commercial Zone

(1) Slums situated in lands falling under Residential/Commercial Zone and affected by the reservation in the DP shall be developed in accordance with the following provisions.

(2) (i) Any plot/layout having area under non-buildable/open space reservations admeasuring up to 500 sq. m shall be cleared by shifting the slum-dwellers from that site.

(ii) Where the area of site having non-buildable/open space reservation, is more than 500 sq. m such sites may be allowed to be developed for slum redevelopment subject to condition that the ground area of the land so used shall not be more than 65% of the reservation and leaving 35% rendered clear thereafter for the reservation.

(3) Existing slum structures on lands reserved for Municipal School (RE 1.1)/ Primary and Secondary School (RE1.2) or a Higher Education (RE2.1) may be developed subject to the following:

(i) In case of land reserved for Municipal School (RE 1.1), Primary and Secondary School (RE1.2) in the DP, a building for accommodating such number of students as may be decided by the Municipal Commissioner, but in any case, for not less than 500 students, shall be constructed by the owner or developer at his cost according to the size, design, specification and conditions prescribed by the Municipal Commissioner. The BUA occupied by the constructed building shall be excluded for the purpose of FSI computation, and where it is intended for a Municipal School (RE 1.1) Primary and secondary school (RE1.2), the building or part thereof intended for the school use shall be handed over free of cost and charge to the Corporation. Thereafter, the land may be allowed to be redeveloped with the full permissible FSI of the plot according to thisRegulation.

(ii) In the case of lands affected byreservation of a Higher Education (RE2.1)in the DP, a building for accommodating such number of students as may be decided by the Municipal Commissioner, but in any case for not less than 800 students, shall be constructed by the owner or developer at his cost according to the size , design, specification and conditions prescribed by the Municipal Commissioner, the BUA occupied by the constructed building shall be excluded for the purpose of FSI computation. The constructed building shall be handed over to the Corporation free of cost and charge and the Municipal Commissioner may hand over the same or part thereof intended for the School use to a recognized and registered educational institution for operation and maintenance on terms decided by him. Thereafter the land may be allowed to be redeveloped with full permissible FSI of the plot according to this Regulation.

(iii) In case area under reservation of Municipal School (RE 1.1)/ Primary and secondary school (RE1.2) or a Higher Education (RE2.1) is spread on adjoining plot and the plot under development, then in such cases Commissioner with special permission may insist upon construction of Municipal School (RE 1.1)/ Primary and Secondary School (RE1.2) or a Higher Education (RE2.1) in proportion to the area under reservation affecting the plot under development. Requirements of Play Ground as per Regulation No 38 (I) (2) of these regulations may not be insisted for (i) above.

(4) For other buildable reservations excluding Municipal School (RE 1.1)/ Primary and Secondary School (RE1.2) or a Higher Education (RE2.1) on lands under slum, BUA equal to 20% percent of the area under that reservation in that plot, shall be demanded free of cost by the Slum Rehabilitation Authority for the Municipal Corporation or for any other appropriate Authority.

(5) In case of the plot reserved for the Parking Lot, 125% BUA as per Zonal (basic) FSI of such reserved area shall be handed over to MCGM.

The developer/owner shall be entitled for the Built-Up Area (BUA) in lieu of cost of construction against handing over of built up amenity as per Note (d) of Regulation 17(1)in case of clause 3,4& 5above.

(6) Existing slum boundary excluding non-slum area / nala as certified by Competent Authority on lands reserved for Rehabilitation & Resettlement (RR 2.1) shall be treated as sites for development of slum structures and shall be allowed for redevelopment according to this Regulation.

(7) Reservation area beyond the slum boundary on open land/ non-slum area /nala shall have to be developed entirely for the intended purpose only.

(8) In case where LOI/IOA was issued by CEO (SRA) prior to sanction of DP 2034 in respect of plot affected by reservations as per SRDP 1991, then those reservations shall remain in force as per DCR 1991 even after the sanction of DP 2034 and shall be developed as per DCR 1991.

(9) In case of conversion/revision of LOI as per this regulation and where plot is reserved for different/same public purpose for equal or more area of reservation in DP 2034 than DP 1991, then development shall be as per this regulation. The DP road shall be reckoned with as per DP 2034.

(b)Slums in Industrial Zone (I)

(1) Slums in Industrial Zone (I) shall be allowed to be redeveloped in-situ without going through the process of change of zone. In the free-sale component in any zone, in addition to residential uses, all the uses permitted for the original zone shall be permitted. For industrial uses, the segregating distance shall be maintained from the existing industrial unit.

(2) Any plot/layout having area excluding area under DP Rad/ prescribed RL as per MMC Act may be allowed to be developed under this Regulation by insisting handing over of 35% amenity of the required under Regulation No. 14(B) (c).

(3) Requirement of LOS as per the provisions of Regulation No.27 (1)(a) shall be insisted.

(4) In the event of DP having provided reservation/reservations on a plot where development under Regulation No 33(10) is proposed, the following shall apply.

a. If the area under DP reservation to be handed overto MCGM (excluding the areas under D P roads/ road setback) is less than the land component of built up amenity required as per this Regulation, only the additional land area shall be provided for amenity.

b. If the area under DP reservation to be handed over to MCGM, (excluding the areas underDP roads/ road setback), is more than the land component of built up amenity required as per this Regulation, then the provision for amenity is not necessary.

(5) The owner shall give advanced possession of the land wherever applicable (to be handed over) to MCGM/Appropriate Authority at the time of seeking Approval for Development of plot. It shall be responsibility of the land owner to clear all the encumbrances and complete the formalities towards transferring the land in the name of MCGM/Appropriate Authority. Proforma of possession receipt shall be as per Appendix V.

(6) The area of built up amenity shall be counted in FSI initially and after handing over of said built up amenity the area of built up amenity shall be allowed free of FSI. Commencement Certificate in respect of BUA in lieu of the built-up amenity handed over to MCGM can be granted only after handing over of such built up amenity or before availing zonal (basic) FSI beyond 75% of gross plot area or before seeking Occupation Certificate to any part of building/ buildings beyond 75% of admissible BUA, other than the built-up amenity.

(7) The developer shall be entitled to the cost of construction of development of buildable amenity as per provision of regulation 17(1) Note (d).

(E) Metro Station inter changes:The buildable reservations if any, on plots abutting Metro Station interchanges shall cease to exist on identification of such Metro Station interchanges within 500 m. from such interchange to that extent, subject to condition that 20% of plot area shall be kept reserved for parking lot, which can be developed under accommodation reservation policy under regulation 17(1). However the non-buildable (open spaces) reservations shall be implemented to the full extent.

PART–IV REQUIREMENT OF SITE AND LAYOUT

18. Requirement of Site

No land shall be used as a site for the construction of building –

(a) if the Commissioner considers that the site is insanitary or that it is dangerous to construct a building on it or no water supply is likely to be available within a reasonable period oftime;

(b) if the site is within 6.0 m from the edge of the water mark of a minor water course, or 15m from the edge of the water mark of a major water course, unless arrangements to the satisfaction of the Commissioner are made to drain the flow of the water course;

Provided that wherea water course passes throughlow-lying land without well- defined banks, the Commissioner may, as determined by him, permit the owner of the property to restrict or divert the water course to an alignment and cross section.

Provided that, in case of trained nallah 6.0m marginal open space shall have to be maintained.

(c) if the building is proposed on any area filled up with carcasses, excreta, and filthy and offensive matter, till the production of a certificate from the Commissioner to the effect that it is hygienically fit to be built upon;

(d) if the use of the said site is for a purpose which, in the Commissioner's opinion, may be a source of danger to the health and safety of the inhabitants of the neighborhood;

(e) if the level of the site is lower than the Datum Level prescribed by the Commissioner depending on topography and drainage aspects. This shall not be less than reduced level of 27.55m of the Town Hall Datum;

(f) if situated within the funnel of vision marked on DP plan of D Ward;

(g) if the building is nearer than 24.5 m in the case of residential buildings and 36.5 m in the case of other buildings from the centre line of a National Highway, State Highway or Major DistrictRoad;

(h) if it issituated-

(i) within 2438 m from an international civil airport unless the application for development permission is accompanied by a certificate of consent from the Civil AviationAuthorities,

(ii) within 1829 m from any other civil airport unlessthe application for development permission is accompanied by a certificate of consent from the Civil AviationAuthorities.

(i) for places of public worship unless the site has been previously approved by the Commissioner and the Commissioner of Police;

(j) Unless it derives access from an authorized street/means of access described in these Regulations;

(k) for industrial use, other than a service industry unless the application is accompanied by NOC from the appropriate officer of the Industries Departmentof the Govt. according to the prevailing IndustrialLocation policy;

(l) if the proposed development is likely to involve damage to or have deleterious impact on or is against urban aesthetics of environment or ecology and/oron historical/architectural/aesthetical buildings and precincts unless and otherwise specified in these Regulations.

19. Public Street and Means of Access

(1) ***Every site to have access free of encroachment:*** Every site proposed to be developed or redeveloped shall have access from a public street/road as required in these Regulations. Such access shall be kept free of encroachment.

(2) ***High Rise and Special Buildings:*** The Commissioner may permit access to such buildings from any street as stated below in the Table No 6

Table No 6

Building type	Height of Building	Minimum road width required in Metres(m)
HighRise	Above32mupto70 m	9.0
HighRise	Above70mupto 120 m	12.0
HighRise	Above120m	18.0
Special/AssemblyBuilding	ForHeightupto32m	12.0
Special/AssemblyBuilding	ForHeightabove32m	18.0

And one end of street shall join another street of width as specified above or greater width.

Provided further that the Commissioner may allow access to building with height up to 70 m through two numbers of existing roads each having minimum width of 6.0 m. In such cases no concession in front open space shall be permissible and total front open space including width of road shall be minimum 9m, and 6m road shall be connected to the road of at least 9m.

Provided further that, in case of redevelopment schemes under Regulation 33(7), 33(7)(A), 33(7)(B), 33(10) and 33(10)A, the road width of 9m for building height up to 120m and 13m for building height above 120m, shall be adequate. This shall be subject to CFO's NOC.

(3) The Municipal Commissioner shall constitute a Technical Committee for high rise buildings to advise on issues related to high-rise building having height more than 120 m. or any building having slenderness ratio 9 or more irrespective of height of building, in which following persons shall be included:

1) Retired IAS officer not below rank of Principal Secretary -Chairman

2) Structural Engineering faculty from IIT/VJTI/SPCE - Member

3) Soil Mechanics faculty from IIT/ VJTI/SPCE- Member

4) Practicing registred structural Engineer having experience in the field Structural Designing of 10 years or more- Member

5) Chief Fire Officer, MCGM- Member

6) Any other Technical member

Terms of Reference (TOR) including duration of Committee shall be decided by the Municipal Commissioner

NOTE: -1. MCGM shall convert all roads of width less than 9 m to 9 m and above as per site condition through MR&TP Act or MMC Act.

2. Roads excluding existing public road/Municipal road, reflected in DP shall not be treated as public Road, unless and until declared under appropriate section of MMC Act& shall not be subjected to acquisition

(3) Other buildings*:*

(a) The Commissioner shall permit access from streets having width of not less than 6.0 m over which the public have a customary right of access or have used it or passed over it uninterruptedly for a period of12 years.

(b) The Commissioner may permit access from

(i) any street 6.0 m wide or more (including streets in a gaothan which give access to other properties outside the gaothan),

(ii) any existing street not less than 3.6 m wide which is proposed to be widened either in DP or by sanctioned regular line of street under the MMC Act, 1888,

(iii) any street less than 3.6 m wide in a gaothan/Koliwada/Adivasipadaif the plot boundary is shifted 2.25m fromthe central line of the street. Provided that shifting of plot boundary to 2.25 m from central line of the street will be insisted upon only in respect of identified streets forming part of Traffic Circulation System in gaothan/Koliwada/Adivasipada. Such streets will be identified with specific approval of the Municipal Commissioner. In all other cases, existing access will be considered as adequate in gaothan/Koliwada/Adivasipada areas, subject to the physical verification on site,

(iv) any street or road more than 52.0 m in width specifically identified in the DP for giving direct access except where NOC has been granted by the appropriate road authorities,

(4) Plots/Buildings abutting or fronting a means of Access:

Where a plot or building abuts/fronts a means of access; the width of the accessshall be as specified in Regulation No 23.

20. Alignment & Intersection of Roads

(i) Where there is any conflict between the width provided in the DP and the width resulting from the prescription of a Regular Lineof a street under the MMC Act, 1888, the larger of the two shall prevail. Further, if there is variation in the alignment of DP Road and sanctioned Regular Line under the MMC Act, 1888 of same width, the alignment as per the Regular Line shall prevail.

For intersection of roads, the rounding off, cut-off or splay or similar treatment shall be done to the satisfaction of the Commissioner depending upon the widths of the roads, the traffic generated, the sighting angle, etc. to provide clear side distance.

The alignment of roads and their junctions shall be subject to actual demarcation on site by the Commissioner.

(j) Access to plot at the Carriage Entrance-The sloping portion for deriving vehicular access from the carriage-way to the plot shall be provided within the plot boundary.

21. Highway and wider Roads

No site excepting one proposed to be used for highway amenities like petrol pumps or motels or hospitals shall have direct access from a highway or specified road 52m or more in width, unless the same is permitted by Appropriate Authority.

Provided that this shall not apply to any lawful development which have been allowed earlier authorized access along the highways and other specified roads & existed before these Regulations have come into force and alternative measures are provided for their continuance.

22. *Access to land-locked plot*

In the case of a plot, surrounded on all sides by other plots, i.e. a land-locked plot which has no access to any street or road, the Commissioner may require access through an adjoining plot or plots which shall, as far as possible, be nearest to the public street. The cost of land acquisition and development of such access shall be borne by the owner of landlocked plot and subject to other conditions prescribed by the Commissioner. Alternatively, if the owner of the adjoining plot, which is accessible from a public street, is willing to provide right of access to such land locked plot then the same may be permitted from the required marginal side open space of the building on such adjoining plots.

23. *Internal means of access*

(1) ***Minimum road width vis-à-vis the area served***- Plots which do not abut on a street shall abut/front on a means of access, the width and other requirements of which shall be as given in Table No 7 hereunder for residential and commercial zones and as given in Table No8 hereunder for an industrial zone.

TABLE No 7

Width of access for Residential and Commercial Zones *for plot area to be served*

Access length in meters (m)	Area served (sq.m)			
	Less than 1500	More than1500 & up to 4,000	More than 4000 & up to10,000	More than 10,000
	Width in meters (m)			
(1)	(2)	(3)	(4)	(5)
Less than 75	6	7.5	9	12
More than 75 & upto150	7.5	7.5	9	12
More than 150 & up to 300	9	9	9	12
Over 300	12	12	12	12

Provided that in residential layouts, straight cul-de-sacs upto 150 m. long roads are permissible. An additional length upto 125m. will be permissible, if an additional turning space is provided at 150 m. The dead end shall be at a level higher than the main road from where the cul-de-sac road takes off. The turning space, in each case, should not be less than 81sq.m. in area, no dimension being less than 9m.

TABLE No 8

Width of access for industrial zones

Access length in meters (m)	Width of means of access in meter (m)
(1)	(2)
Upto 100	9.0
Above 100 upto 300	12.0
Above 300	15.0

(2) ***Access for residential, commercial and industrial zones***- as in table No 7 and 8 above-

(a) shall be clear of marginal open spaces but not less than 3m from the building line;

(b) may be reduced by 1 m from the prescribed widths if the plots are on only one side to the access;

(c) shall be measured in length from the point of its origin to the next wider public street it meets.

(3) ***Larger width of Means of Access***-

In the interest of the general development of any area, the Commissioner may require the means of access to be of larger width than that required under these Regulations.

(4) Access in Partially Built up Plots:

Notwithstanding the above, in partially built-up plots where the area still to be built upon does not exceed 5,000 sq.m an access of 3.6m width may be considered adequate. If such an access is through a built over arch, this access shall have a height of not less than4.5m.

24. Minimum Width of Pathways

The approach to a building from a road/street/internal means of access shall be through a paved pathway of width specified in Table 9 here-under, the length of pathway being determined by the distance from the farthest plot or building to the internal road proposed under Regulation No 23 or to an existing road from which it takes off.

TABLE No 9

WIDTHS OF PATHWAYS

Types of Development (1)	Length of Pathway in meters (m) (2)	Width inmeters (m) (3)
(i)Residential building	Upto 50 Upto 40 Upto 30 Upto 20	3.0 2.5 2.0 1.5
(ii) Non-residential building	Upto 20 more than and upto 50	1.5 3.0

25. Means of Access to be Constructed & Maintained

(1) ***General***: Means of access shall be levelled, metalled, tarred, flagged, paved, sewered, drained, channelled, provided with lights and water supply line and with trees for shade to the satisfaction of the Commissioner. They shall be free of encroachment by any structure or fixture that may reduce their width below the minimum required by Regulation No 23 and shall be maintained in condition considered satisfactory by the Commissioner.

(2) ***Private Street*** **:**If any private street or other means of access is not constructedor maintained as specified in sub-regulation (1) above, or if structures or fixtures arise thereon in contravention of that sub-rule, the Commissioner may, by written notice, direct the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which shall benefit by works executed, to carry out any or all of the aforesaid requirements in such manner and within such time as he shall direct. If the owner or owners fail to comply with this direction, the Commissioner may arrange for its execution and recover the expenses incurred from the owner or owners.

(3) *How to measure the length of access-ways*- The length of main means of access shall be determined by the distance from the farthest plot or building plotand the main street. The length of a subsidiary access-way shall be measured from the point of its origin and the next wider road itmeets.

26. Layout/amalgamation/subdivision of plot

(1) Circumstances warranting preparation of a layout or sub- division/ amalgamation: A layout or subdivision/amalgamation shall be submitted for the following:

(a) when more than one building (except for building accessory to the main building) is proposed on any land;

(b) when development or redevelopment of any tract of land includes its division orsub-division/*amalgamation* of plots;

(c) when the land under development admeasures 2000 sq. m or more in any zone where the development is permissible.

(2) ***Contents:*** Everysub-division/*amalgamation/* layout shall contain sub-plots being formed after sub-division, access thereto, LOS, if any, required under Regulation No 23 and 27, spaces for other ancillary uses if any required under Regulation No. 24 and 28 also all the reservations, designations, allocations, road or road widening proposals of the DP and the regular lines of streets prescribed under the MMC Act, 1888.

Provided that the Commissioner may, without any reduction in area, allow adjustment in the boundaries of DP Roads/reserved /allocated sites within the same holding and conforming to the zoning provisions to suit the development. In doing so, he will ensure that the shapes of altered, allocated/reserved sites are such that they can be developed in conformity with these Regulations.

(3) ***Minimum plot areas:*** The minimum plot areas permissible for different categories of use types of development permissible and the minimum dimension shall be as in Tables No 10 hereunder:

TABLE No 10

Minimum Plot areas for various Uses

Sr. No (1)	Land use (2)	Plot area (sq.m) (3)	Type ofDevelopment (4)
1	Residential and Commercial (except those in 2,3 and 4 below)	(i)25 and above but less than 40	Row
		(ii)40 and above but less than 125	Row/semi-detached.
		(iii)125 and above with no dimension less than 9.0 m	Row/semi- detached/ detached.

2	Plots in Rehabilitation and Resettlement/Slum up-gradation/Reconstruction scheme.	21 with minimum width of 3.0 m	Row.
3.	Petrol filling Station -		
	(a) without service bay	545 (with one dimension not less than 16.75 m) and for filling stationsof only compressed Natural Gas minimum area of plot shall be 300 sq. m.	Detached
	(b) with service bay	1100 (with one dimension not less than 30.5 m).	Detached
4	Cinema theatre, assembly hall	3 sq.m per seat including parking requirements	
5	MangalKaryalaya/ Public Hall	1000	
6	Industrial (I)	300 (with width not less than 15m)	Detached

Notes: -

1) If new proposed DP Road/RL is prescribed in already approved layout, then imbalance of FSI in subdivided plots because of new proposed DP Road/RL shall be allowed.

2) In cases of an erstwhile contiguous land under one ownership which got subdivided by existing public road, the Owner/Developer may opt for development by utilizing the entire potential of an erstwhile contiguous land excluding public road under these Regulations on one of the subdivided plot on any side of the existing road and where other subplot/plots on other side of road is required by MCGM, subject to the following.

i) The subplot/plots of an erstwhile contiguous land shall not be part of any layout earlier approved prior to coming into force of these Regulations.

ii) The subplot/plots whose potential proposed to be utilized on the other subplot/plots shall become devoid of any potential and shall be handed over to MCGM and ownership of the same shall be transferred in the name of MCGM in P.R. Card, free of cost, free of encumbrances, as per the terms and conditions specified by Municipal Commissioner.

iii) The area of subplot/plots where the entire potential is proposed to be utilized shall not be less than 50% of aggregate area of all sub plot/plots without taking into account the area of existing public road.

iv) The subplot/plots so handed over to MCGM shall be used for public purpose as may be decided by Municipal Commissioner, MCGM.

v) The Owner/Developer shall not be entitled for any monetary compensation or TDR of the plot handed over to MCGM.

vi) The minimum area of the subplot/plots of an erstwhile contiguous land, of which the entire potential is proposed to be utilized on the other subplot/plots of the same erstwhile contiguous land, shall be 2000 sq.mt.

27. Layout/Plot Recreational Ground/Open Spaces(LOS) in Layout/Plot

(1) LOS in residential and commercial layouts:

(a) ***Extent:*** In any layout or sub-division/amalgamation/ for the development of individual plots withsingle building in a residential and commercial zone, LOS shall be provided as under.

(i)	Area from 1001 sq. m to 2500 sq. m.	15 per cent
(ii)	Area from 2501 sq. m to 10,000 sq. m	20 per cent
(iii)	Area above 10,000 sq. m	25 per cent

These LOS shall be exclusive of areas of accesses/internal roads/ existing amenity or reservations, DP roads and areas for road-widening and shall as far as possible be provided in one place. Where however, the area of the layout or sub-division/amalgamated/plot area is more than 5000 sq.m, LOS may be provided in more than one place, but atleast one of such places shall be not less than 1000 sq. m in size. Such LOS will not be necessary in the case of land used for educational institutions with attached independentplaygrounds.

In case of provisions of Regulation No 33 the LOS shall be as stipulated in the relevant regulations if specified separately, or else the LOS as specified above shall be provided.

Provided further that the provisions of LOS in case of the redevelopment schemes under the regulation no 33(5),33(7),33(8), 33(15) and 33(20) (A) may be reduced due to planning constraints, minimum of at least 10% shall be maintained. Provided further that in case of redevelopment proposal under Regulation No 33(5), the existing area of LOS shall be maintained. If it is more than 10% of layout.

(b) ***Minimum area:*** No such LOSshall measure less than 125 sq.m.

(c) ***Minimum dimensions:*** The minimum dimensionof such LOS shall not be less than 7.5 m, and if the average width of such LOS is less than 16.6 m, the length there of shall not exceed 2 1/2 times the average width.

(d) ***Access****:* Every plot meantfor a LOSshall have an independent means of access, unless it is approachable directly from every building inthe layout.

(e) ***Ownership****:* The ownership of such LOS shall vest by provision, in a deed of conveyance, in all the property owners on account of whose holdings the LOS is assigned.

(f) ***Tree growth:*** Excepting for the areacovered by the permissible structures mentioned under (g) below, the LOS shall be kept permanently open to the sky and accessible to all owners and occupants as a. LOS and trees shall be grown as under:-

(a) at the rate of 5 trees per 100 sq. m or part thereof of the said LOS to be grown within the entire plot

(b) at the rate of 1 tree per 100 sq. m or part thereof to be grown in a plot for which LOS is not necessary

(c) In between the trees planted along the boundary of plot shrubs with grass shall be planted.

(g) Structures/uses permitted in LOS:

(i) In a LOS exceeding 400 sq. m in area (in one piece), elevated/ underground water reservoirs/tanks, electric sub-stations, pump houses, facility for treatment of wet waste in situ may be built and shall not utilize more than 10 percent of the LOS in which they are located.

(ii) In aLOS of 1000 sq. m or more in area (in one piece and in one place), structures for pavilions, gymnasia, clubhouses, swimming pools and other structures for the purpose of sports and recreation activities may be permitted with BUA not exceeding 15 per cent of the total required LOS. The area of the plinth of such a structure shall be restricted to 10 per cent of the area of the total required LOSin these regulations. The total height of any such structure, which may be Ground + one storey shall not exceed 8 m. The height may be increased to 13 m to accommodate badminton court/squash court. Where club house is proposed in LOS, then provision for gymnasium/fitness centre/yogalaya in club house shall be insisted upon. Structures for such sports and recreation activities shall conform to the following requirements:

(a) The ownership of such structures and other appurtenant users shall vest, by provision in a deed of conveyance, in all the owners on account of whose cumulative holdings theLOSis required to be kept as LOS in the layout or sub-division/amalgamation/plot of theland.

(b) The proposal for construction of such structure should come as a proposal from the owner/owners/society/societies or federation of societies shall be meant for the beneficial use of the owner/owners/ members of such society/societies/federation ofsocieties.

(c) Such structures shall not be used for any other purpose, except for recreational activities.

(d) The remaining area of the LOS shall be kept open to sky and accessible to all members as a place of recreation.

(e) The owner/owners/or society orsocieties or federation of the societies shall submit to the Commissioner a registered undertaking agreeing to the conditions in (a) to (d) above.

(f) LOS in a private layout shall be for the exclusive use of the residents of such private layout only and shall not be subjected to acquisition by MCGM/Appropriate Authority. Further in such cases area of existing Recreational Open Space shall have to be maintained by residents of such private layout.

(h) Structures/Uses permitted in layout open spaces:

"Construction of Solid Waste Management System as per the National Building Code of India, Part 9 Plumbing Services, Section 1-Water Supply, Drainage & Sanitation (including Solid Waste Management) paragraph 6 /bio degradable waste treatment plant, in the layout LOS, having area 2000 Sq.mt. & above within 10% of the LOS area."

(2) LOS in industrial plots/layout of industrial plots in any industrial plot admeasuring 1000 sq. m or more in area, 15 per cent of the total area shall be provided as LOS subject to:

(i.) Such LOS shall have proper means of access and shall be so located that it can be conveniently utilized by the persons working in the industry;

(ii.) Such LOS shall be kept permanently open to sky and accessible to all the owners and occupants and trees shall be grown therein at the rate of 5 trees for every 100 sq. m of the said open space or at the rate of 1 tree for every 100 sq. m in other cases. In between the trees planted along the boundary of plot, shrubs withgrass shall be planted.

Note:

1. The area of LOS shall be calculated on the area excluding the areas under DP road/ setback/ reservations area to be handed over to appropriateauthority

2. The minimum 60% of the required LOS shall be provided exclusively on the ground and at least 50% of this shall be provided on mother earth to facilitate the percolation of waterand balance 40% of required LOS may be provided on podium area extending beyond the building line. The LOS on mother earth shall not be paved and all LOS shall be accessible to all the occupants of the plot/layout. Rest of the compound pavement other than stated above shall be paved with perforated paving having adequate strength, in order to facilitate percolation of rain water into the ground.

The entire LOS may be provided on top most podium open to sky subject to condition that 1.5 m. unpaved distance shall be kept for planting of trees and thereafter marginal open space required as per these Regulations 47(1) for the maneuvering of fire fighting engine (& other equipments) on site from where light & ventilation is derived shall be provided on two sides. The area of said 1.5 m. wide strip shall not be counted in required LOS. If LOS is proposed on podium, then no parking shall be allowed on the same and rain water harvesting shall also be provided on podium.

3. Recreational OpenSpace of private layout which is reflected in DP asreservation of POS or existing POS shall remain as layout open space only and shallnot be subjected to acquisition. Further in such cases area of existing Layout Recreational Open Space shall have to be maintained by the owner/Co Op Hsg.So/federation etc. as the case maybe.

28. Substation

(A) Electrical Consumer Substation (CSS)/Distribution Substation (DSS):

In case of development/redevelopment of any land,building or premises, provision for electric sub-stations may be permitted as under

Table No.11.

Requirements of plot area for Consumer Substation (CSS).

Sr. No	Plot Area (Sq. m)	Maximum area of land for CSS/DSS in sq. m
1	Upto 1000	Nil
2	Above 1000 & up to 2000	40.00 (single Transformer of 8.0 X 5.0)
3	Above 2000& up to 4000	66.00 (single Transformer of 12.0 X 5.5)
4	Above 4000 & up to 20000	143.00 (Two nos of Transformers with each size 13.0 X 5.5)
5	Above 20000 & up to 40000	720

Note:

(a) If the CSS is forming a part of a building, it shall comply with all the safety precautions insisted upon by the concerned Electricity Distribution Company and the requirements of Chief Fire Officer.

(b) Such allotted public spaces shall be developed and maintained by the concerned Electricity Distribution Company at its own cost, as directed by the Commissioner.

(c) For installation of above, the height as required by the technical requirements of such installations and the ancillary installations necessary for effective functioning of the system shall be permitted without taking into account the height parameter in FSI.

(d) The provision for CSS shall not be made mandatory by the Electricity Distribution Company in each development. The experts in Electricity Distribution Company shall assess the requirement of CSS considering the existing facilities available in the neighborhood.

(e) CSS/DSS may be permitted to be constructed in LOS insuch a way that area shall not exceed the limit prescribed in the Regulation No.27.

(f) Ownership of the space/land, where substation is proposed shall vest with concerned owner/society/association or the person deriving the title, and easement rights will vest with concerned Electric Authority till CSS/DSS remain in existence and functional.

(g) The sub-station proposed to be constructed in open space shall be in such a manner that it is away from the main building at a distance of at least 3 m and in general does not affect the required side margin open spaces or prescribed width or internal access or larger open space. The substation can be

provided in stilt/podium/within building line subject to compliance of fire safety requirements, or as may be decided by the Commissioner.

(B) Requirements of plot area for Distribution Substation/ Receiving Substation/Extra High Voltage Receiving Station (DSS/RSS/EHVRS).

Sr. No	Plot Area (sq. m)	Maximum area of land for DSS/RSS/ EHVRS in sq.m
1	Above 20,000 & upto 40,000	721 to 1200 (maximum) for DSS/RSS as per the requirements of concerned Electric Authority
2	Above 40,000	3,500 (maximum) DSS/RSS as per the requirements of concerned Electric Authority
3	Extra High Voltage Receiving Station (EHVRS)	The construction of EHVRS as per the requirements of electric distribution company in their premises shall be permissible.

Note-

a) The height as required by the technical requirements of such installations and the ancillary installations necessary for effective functioning of the system shall be permitted without taking into account the height parameter inFSI.

b) DSS/RSS/EHVRS may be permitted to be constructed below the POS in such way that the effective area occupied by DSS/RSS/EHVRS shall not exceed the 20% of developed area of such POS. However, in exceptional cases the said limit may be allowed to be exceeded with special permission of the Commissioner. Specific permission of Municipal Corporation shall be obtained for constructing underground DSS/RSS/EHVRS and shall be subject to terms and conditions and applicable payment. Such allotted POS shall be developed and maintained by the concerned Electric Distribution Company at its own cost and will have to be kept open for the use of general public except minimum area required for ingress andegress as per Regulation 53.

c) DSS/RSS/EHVRS can be provided on the land of electric supply company or the requirement of land as specified above and such land will have to be acquired/obtained as per the policy of Govt. by concerned electric supplycompany.

d) It shall comply with all the safety precautions insisted upon by the concerned Electricity Distribution Company and the requirements of Chief Fire Officer.

29. Additional facilities in the Development in Large Holding/layout

(A) In layouts or sub-divisions/amalgamation of area in excess of 2 ha in residential and commercial zones, plots may be provided for shopping centers/departmental stores. Such centers/stores may have an aggregate BUA upto 5 per cent of the Zonal(basic) FSI of the plot. The conditions governing the layout of such a centre/store shall be as under:

(i) The centre/store may be at one place or may be distributed within the layout to make it accessible from the different parts of layout;

(ii) These centers/stores shall not abut any roads more than 31 m wide

(iii) A shopping centre may be provided exclusively within the building towers with no access or frontage on any public road

(iv) Within a layout, the centers/stores may be provided on the ground and upper floors or on the ground floor and the upper floors may be used for residential purposes and conveniences like banks or places for medical or dental practitioners.

(v) Uses shall be as defined in clause (31) of Regulation No.2, provided further that restaurant/eating house shall not be permissible in a residential building. Additional uses may include:

Stores or shops for the conduct of retail business. There will, however, be no storage or sale of combustible material except with the Commissioner's permission.

(a.) Personal services establishments only.

(b.) Frozen food stores.

(c.) Cleaning and pressing establishments for clothes, each occupyingfloor area not more than 200 sq. m and not employing solvents with a flash point lower than 590C, machines with dry load capacity exceeding 30 kg and employing not more than 9 persons, with a total power requirements of not more than 4KW

(d.) Shops for goldsmiths, lock-smiths, watch and clock shops and their repairs, bicycle shops and their rental and repairs, optician's shops and optical glass grinding and repairs shops, musical instruments shops and their repairs, picture framing, radio, television and household appliance shops and their repairs, umbrella shops and their repairs and upholstery work, each employing not more than 9 persons.

(e.) Coffee selling shops and grinding establishments, each with electric motive power not exceeding 0.75 KW (0.025 KW individual motor each);

(f.) Bakeries with no floor above, not occupying for production an area in excess of 75 sq.m and not employing more than 9 persons, if the power requirement does not exceed 4 KW, where only electrical ovens are used and additional heating load upto 12 KW permitted

(g.) Confectioneries and establishments for the preparation and sale of eatables not occupying for production, an area in excess of 75 sq. m per establishment and not employing more than 9 persons or motive power exceeding 1.12 KW, as well as sugarcane and fruit crushers, each not employing more than 6 persons with motive power not exceeding 1.12 KW, in an area not more than 25 sq.m.

(h.) Vegetable, fruit, flower shops

(i.) Photographic studios with laboratories, photocopying, video and videotaping establishments, etc. and their laboratories, each with an area not exceeding 50 sq. m, and not employing more than 9 persons and not using power more than 3.75 KW

(j.) Data processing unit with use of computers

(k.) Travel agencies With the special permission, the Commissioner may fromtime to time add to,alter or amend the above list

(B) If a public amenity of akindergarten school, milk Centre, electric sub-station, bus shelter, is provided within the project, the area of such facility not exceeding 5 percent of the total plot area shall be allowed free of FSI

PART V- FLOOR SPACE INDEX

30. Floor Space Indices & Floor space / Built-Up Area (BUA) computation, Tenement Density and Protected Development

(A) Floor Space Indices & Floor space/BUA computation

1 The area of a plot shall be reckoned in FSI/BUA calculations applicable to development to be undertaken as under:-

TABLE NO. 12

Floor Space Indices in Residential, Commercial and Industrial Zones

Sr No	Areas	Zone	Road width	Zonal (Basic)	Additional FSI on payment of Premium	Admissible TDR	Permissible FSI (4+5+6)
	1	2	3	4	5	6	7
I	Island City	Residential/ Commercial	less than 9m	1.33	-	-	1.33
			9m and above but less than 12.00 m	1.33	0.5	0.17	2.0
			12.00 m and above but less than 18.00 m	1.33	0.62	0.45	2.4
			18.00 m and above but less than 27 m	1.33	0.73	0.64	2.7
			27 m and above	1.33	0.84	0.83	3.0
II	Suburbs and Extended Suburbs						
	i The area earmarked for BARC from M Ward	Residential/ Commercial		0.75	-	-	0.75

Sr No	Areas		Zone	Road width	Zonal (Basic)	Additional FSI on payment of Premium	Admissible TDR	Permissible FSI (4+5+6)
	ii	Areas of the village of Akse, Marve and CRZ affected areas of Erangal in P/North Ward exceptinggaothan proper.	Residential/ Commercial		0.5		-	0.50
	iii	The remaining area in Suburbs and Extended Suburbs	Residential/ Commercial	less than 9m	1.0		-	1.0
				9m and above but less than 12.00 m	1.0	0.5	0.5	2.0
				12.00 m and above but less than 18.00 m	1.0	0.5	0.7	2.2
				18.00 m and above but less than 27 m	1.0	0.5	0.9	2.4
				27 m and above	1.0	0.5	1.0	2.5
III		Island City	Industrial		1.0	-	-	1.0
IV		Suburbs and Extended Suburbs	Industrial		1.0	-	-	1.0

Note- 1) The plots abutting public roads having existing width of minimum 6m but less than 9m which are proposed to be widened to 9.0 m or more then permissible FSI shall be as admissible for 9m road width.

2)TDR &additional FSI on payment of premium Ratio can be change by Government from time to time keeping the total Cap as it is.

2 The permissible FSI shall be on plot area excluding area under DP roads/roads forwhich sanctioned Regular line as per MMC Act is prescribed, as per regulation 16, 14 (amenity plots), and area of DP Reservation to be surrendered to MCGM/Appropriate Authority under Regulation 17.

3 In case of Sr. No. 2 above;

a) TDR as per regulation 32 Table 12(A) of land surrender to MCGM / Appropriate Authority as per Sr.No.2 above may be allowed to be consumed in the form of FSI as per coloumn No.6 of Table no. 12 above on the remainder / balance plot within the admissible limit of TDR except in case of development of reserved area under the principle of Accommodation Reservation (AR) under regulation 17. In case of development of reserved area under AR the Note 20(vii) & (viii) of regulation 17(1) shall be made applicable.

Provided further that FSI equivalent to TDR as per Table 12 A of Regulation 32, in lieu of road widening or roads proposed under the D.P. or the MMC Act, 1888 as per Regulation 16 may be allowed to be utilized over and abovethe permissible FSI as per column 7 of table 12, on remainder plot.

b) TDR in lieu of cost of construction of built up amenity to be handed over as per the provisions of Regulation number17(1) note 1(d) for under Regulation 14, 15 & 17 shall be permissible within permissible BUA or owner may avail the TDR if not consumed on the remainder land as per these Regulation.

c) If owner/developer is unable to consume even Zonal (basic) FSI due to planning constraints, he shall be entitled for TDR for the unconsumed BUA thereof including a & c above. In such cases, no additional FSI on payment of premium/TDR shall be allowed to be utilized on remainder /balance plot.
(KEPT IN ABEYANCE)

4 The permissible FSI shall be o~~ngross~~splot area including areas to be surrendered to MCGM/Appropriate Authorityunder Regulation no ~~14 (amenity plots), 15 (inclusive housing) and~~ 35 (development of cotton textilemills).

~~Provided further that BUA in lieu of cost of construction of built up amenity required to be handed over to MCGM under Regulation Nos 15, if any, shall be permissible over and above permissible BUA(as per column no 7 of Table No 12 above) or owner may avail the TDR thereof, if not consumed on the balance plot~~

(KEPT IN ABEYANCE)

5. BUA so arrived shall be allowed to be consumed on the balance plot after handing over of Reservation/Amenity/Plot/DP road/roads for which sanctioned Regular line is prescribed as per MMC Act to MCGM within the admissible limit.

6. Premium shall be charged for 'additional FSI on payment of premium' (as per column no 5 of table no 12) for BUA at the rate of 50% of the land rates as per ASR (for FSI 1) of the year in which such FSI is granted or as may be decided by Govt. from time to time. Premium so recovered shall be shared between the State Govt., MCGM, MSRDC and Dharavi Authority on 25:25:25:25 basis. The MCGM shall utilize the premium for implementation of D P.

   Provided further that utilization of 'additional FSI on payment of Premium'and TDR is optional and can be utilized in any sequential manner subject to limit prescribed in column no 5 & 6 of Table No 12 above & shall be non-transferable. 'Additional FSI on payment of Premium' is to be granted on application and payment of premium & shall be used on the same plot only.

7. A Development cess at the rate of 100% of Development charge, for BUA over and above the Zonal (basic) FSI / Protected BUA whichever is higher (excluding fungible compensatory area) in accordance with the Time Schedule for such payment as may be laid down by the Commissioner, MCGM shall be paid. This development cess shall not be applicable to BUA to be handed over to MCGM/Appropriate authority & BUA which are excluded from FSI computation. This Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966. This development cess shall not be applicable for proposals of Govt. /MCGM executed departmentally.

   The payment of Development cess as detailed above will not be payable in cases where development cess is proposed under Regulation no 33(3), 33(3)(A), 33(3)(B), 33(5), 33(7), 33(7)(A), 33(9), 33(9)(B),33(10),33(11) and for development where the payment of off-site infrastructure charges/ development cess is applicable and for these Regulations development cess/off-site infrastructure charges shall be payable as described in the concerned Regulations.

8 The owner shall give advance possession of the land to be handed over to MCGM/MHADA/Appropriate Authority,wherever applicable, at the time of seeking permission for development of plot. It shall be the responsibility of the land owner to clear offall encumbrances and complete the formalities towards transferring the land in the name of MCGM/MHADA/Appropriate Authority in Land Revenue Record.

9 The aforesaid plot, free of encumbrances, shall be handed over to MCGM/ MHADA/Appropriate Authority within twenty four months from the date of

approval of building plans/approval of the layout. The FSI of such plotcan be utilizedon remainder plot only after handing over of such plot to MCGM or before availing Zonal (basic) FSI beyond 75% of plot area or granting Occupation Certificate to any of the buildings, whichever is earlier. The ownership of such plot shall be transferred in the name of MCGM/ MHADA/Appropriate Authority in Land Revenue Records before seeking occupation to any of the buildings in the layout other thanamenity.

10 The area of built up amenity shall be counted in FSI initially and after handing over of said built up amenity, the area of built up amenity shall be allowed free of FSI. Commencement Certificate in respect of BUA in lieu of the built-up amenity to be handed over to MCGM under AR can be granted only after handing over of such built up amenity.

11 Fungible Compensatory Area/BUA shall be permissible over and above permissible FSI as per column no 7 of Table No.12 above and as per the provisions of Regulation no 31(3).

12 The Development of plots under combination of various regulations shallbe permissible, but the maximum permissible FSI on plot shall not exceed the permissible FSI limit prescribed in respective regulations.

13 TDR in lieu of balance BUA after loading of "additional FSI on payment of premium & Admissible TDR'' as per table 12 above shall not be permissible.

14 In case of development as per this regulation and/or under the provisions of 33(2), 33(3), 33(3) (A), 33(3) (B), 33(8) (B), 33(11), 33(20) (A) the premium shall be applicable to the Central Govt. and their statutory bodies/Central Govt. undertaking/State Govt. undertaking etc. except State Govt. and MCGM it self.

Note: (1) Area of Layout open spaces as required under Regulation No 27 shall not be deducted for the computation of BUA/FSI.

(2) In case of new Development/Redevelopment proposal under this Regulation, where the plot is affected by Road line/DP Road/Reservation and where the land affected by Road line/DP Road/Reservation is eithermerged or handed over to MCGM/ Appropriate Authority & where FSI benefit of the same had already been taken in the earlier development proposal as per then prevailing Regulation or monetary compensation had been claimed in the past, but ownership has not been transferred in the name of MCGM/Appropriate Authority, in such cases the plot area shall be reckoned after deduction of such areas.

(3) The Occupation Certificate for buildings constructed out of last 25% of admissible FSI for residential/commercial use shall be granted by the Commissioner only after recreational area is developed and

structure for recreational activities are actually provided on site. Provided further that in case of layout having 2 or more buildings, development of proportionate recreational area may be permitted subject to completion of entire recreational area & structure thereon for recreational activities prior to seeking occupation of last buildings.

(4)In case of Government/Semi-Government Department and Organizations/Public Sector Authorities/Undertakings such as the Atomic Energy Department, the Civil Aviation Department, International Airport Authority of India, Defence authorities, Railway authorities and the Mumbai Port Trust, for computing the available FSI, the area of lands not existing amenity/reserved but shown as such in the DP for the following purpose shall be excluded:

(a) Play grounds, stadia, golf courses;
(b) Parade grounds, training grounds, firing ranges;
(c) Green areas within their complexes;
(d) Lands kept open for operational purposes;
(e) Lands under major internal roads;
(f) Railway tracks and yards;
(g) Lands unauthorizedly reclaimed;
(h) Lands of air-fields and air-strips.

(B) Tenement Density

1. Maximum tenement density shall be 450 per ha for FSI 1.00 and shall be appropriately increased/reduced proportionate to FSI1.00.

2. Minimum tenement density for Rehabilitation and Resettlement/ affordable housing plots shall be 325 per ha for FSI 1.00 and shall be appropriately increased/reduced proportionate to FSI 1.00

(C) Protected Development

(a) The FSI permitted as per Table No. 12 will be allowed to be exceeded for redevelopment of existing authorized building to the extent of existing authorized development rights/BUA and shall be also entitled for the additional FSI as perrelevantregulations.

Provided further that in cases where benefit of additional FSI as per the then prevailing regulations was availed for the purpose of educational, medical, starred category hotels, religiousdevelopment and Information Technology establishments and if redevelopment is proposed by discontinuing such users, then such additional BUA will not be protected.

The development shall have to be in consonance with the provisions ofthese Regulations. The premium paid inpast for such user will not be adjusted.

(b) In cases where development is not completed, it shall be permissible to avail the balance development rights as permissible under these Regulations by utilizing the TDR or additional FSI on payment of Premium by adjusting the payments made earlier for availing FSI if any, or payments made for grants of any concessions, condonations etc. but no refund shall be permissible.

Provided that if the development is proposed to the extent of protected built-up area only as per a) above, 9 m. road width shall be considered adequate. However, if development is proposed with more area than protected as per regulation then, the restrictions as per regulation 19(2) shall be applicable.

31. Exemption fromFSI to be counted in FSI/Fungible Compensatory Area:

1. Exemption from FSI

The following shall not be counted in FSI

(i) Areas of structures permitted in LOS under clause (g) of sub-Regulation (1) of Regulation No 27.

(ii) Areas covered by features permitted in open spaces as listed in Regulation No.42 except for Regulation 42(i) (b), 42(ii)(d),42(ii) (e) (ii), 42(ii) (f) (ii)

(iii) Areas covered by staircase rooms, lift machine rooms above topmost storey, staircase/lift wells and passages in stilt, basement and floors exclusively used for parking and other ancillary uses as permitted in this RegulationNo.31(1)

(iv) Areas covered by staircases/lift wells including lobbies as specified, excluding those covered under DC Regulation No.31 (1) (iii) with special written permission of the Commissioner subject to payment of premium.

Such exclusion from FSI computation shall not be applicable in case of existing buildings.

Provided further that where the permissible FSI has not been exhausted in the case of existing buildings and cases decided by the Corporation prior to coming into force of these Regulations, the exclusion from FSI computation as in these Regulations will be available for construction of balance potential,

Provided further that for the reconstruction scheme under Regulation No. 33(6), 33(7)(A), 33(7)(B), such exclusion will be permissible as hereunder.

If staircase, lift & lift lobby areas are claimed free of FSI by charging premium as per then prevailing Regulation, then such areas to that extent only will be granted free of FSI without charging premium. If staircase, lift & lift lobby areas are counted in FSI in earlier development, such areas may be availed free of FSI by charging premium as per these Regulations.

(v) Area of the basement used exclusively for parking and other ancillary uses as permitted in Regulation No. 37(7) (iv) (b, c, d,e&j).

(vi) Area of covered parking spaces as provided in sub-Regulation (6) (a)of Regulation No.44

Provided, however, that additional parking to the extent of 50%ofthe required parking may be permitted without payment ofpremium.

Provided further that in non-residential building, where entire parking is proposed by mechanical/ automatic means, additional parking to the extent of 20%of the required parking shall be permitted free of FSI as vehicle holding area.

(vii) Area of one office room as provided in sub-Regulation (9) of Regulation 37

(viii) Lofts [vide sub-Regulation 4 of Regulation37]-

(ix) Porches [vide sub-Regulation (18) of Regulation37]. -

(x) Canopy [vide sub-Regulation (19) ofRegulation 37].

(xi) Area of structures for an effluent treatment plant, Water Treatment Plant, Sewerage Treatment Plant as required to be provided, as per the requirements of the MPCB or other relevant authorities:

Provided, however, in the case of an existing industry, if no vacant land is available the Commissioner may permit structures with dimensions to be approved by him for such effluent treatment plant on 15 per cent layout open space.

(xii) A chajja, cornice, weather shade, sun-breaker, at lintel level, only& vertical fins (excluding column); projecting not more than 1.2 m. from the face of the building as provided in sub regulation no. 42 (ii)(e)(i).

(xiii) A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, as provided in sub regulation no.42(ii)(f)(i)

(xiv) Area covered by elevated/underground water reservoirs/tanks, electric sub-stations, Distribution Sub Station, pump houses, facility for treatment of wet waste in situ.

(xv) Area covered by new lift and passage thereto in an existing building with a height upto 16m. in the Island City [vide clause (ii) (f) of sub-Regulation (17) of Regulations37]

(xvi) Area of a covered passage of clear width not more than 1.52m (5ft.) leading from a lift exit at terrace level to the existing staircase so as to enable descent to lower floor in a building to reach tenements not having direct access to a new lift in a building without an existing lift.

(xvii) Area of one fitness centre /Yogalaya for a Co-Op. Housing Society or Apartment Owners Association as provided in sub-regulation37(28).

(xviii) The fire chutes as provided under DC Regulation No.48(9)

(xix) The refuge areas subject to DC Regulation No.48(8)

(xx) Service Floor of height not exceeding 1.8 or as stated in Regulation No. 37(32)

(xxi) Entrance lobbies in stilted portion, height not exceeding 7.2 m. or height equivalent to two floor or height of stilt whichever ismore.

(xxii) Open to sky swimming pool at the terrace above the top most storey or on the top most podium only.

(xxiii) Area of the service ducts abutting Sanitary Block, kitchen not exceeding 1.2 m. in-depth. In case of high rise buildings higher width/size as per requirement and design approved by Commissioner but not exceeding 2.0m.

(xxiv) Ornamental projection of cladding/glass façade/ glazing not exceeding 0.30 m from building line for residential / non-residential building.

(xxv) Area covered by chimney, elevated tanks (provided its height below the tank from the floor does not exceed 1.5m)

(xxvi) Area of sanitary block for use of domestic servants engaged in the premises, not exceeding 2.2 sq.m at staircase mid-landing level or at stilt level, area of sanitary block for use of drivers engaged by the car owners not exceeding 2.2 sq. m at each of the parking floor level/ Podium. In case number of car parks exceeds 200 per parking floor level/ Podium, additional sanitary block for every 200 cars or part there of shall be allowed.

(xxvii) Letter boxes as specified in Regulation No 37(10)(b)

(xxviii) Parking floors as specified in RegulationNo37(30)

(xxix) Area of DG set at stilt and podium level as specified in Regulation No37(31)

(xxx) Area of DG set, electric sub-station with protective walls having voids/perforated walls above 1 m height,at stilt and podium level or in side and rear marginal open space, or in a separate independent structure specified in Regulation No37(31).

(xxxi) Electrical Duct/ fire duct of clear depth not more than 0.45 m and not abutting to any habitable room.

(xxxii) Area of electricmeter/service utility room/rooms having area of 10 sq. m per 50 tenements at Basement /Ground/Stilt/Podium. In case of High Rise building the meter room may be allowed as per the specific requirements of Electric Supply Company.

(xxxiii) Refuse Chute/Garbage Shaft as specified in Regulation No.37(12)

(xxxiv) Elevation feature or dome like structure above water tank/lift machine room/staircase room up to 2 m for building with height beyond 32 m & up to 70 m, 6 m for the building height beyond 70 m and up to 120 m and up to 9 m for building with height beyond 120 m with 60% voids in surface area/profile may beallowed.

(xxxv) Area required for Rain Water Harvesting Arrangement, Non-conventional Energy System as per these Regulations.

(xxxvi) Advertisements and sky signs, covered areas required on topmost terrace for antenna/dish antenna/communication tower used for Telecom not exceeding 20 sq.m.

(xxxvii) Area required for Cooling Towers/Chilling Plants (open to sky) only beyond the required marginal open spaces or on terrace floor.

(xxxviii) Area for Laundry, Boiler Room for Hotels, Hospitals & Hostels as specified in Regulation No.37(7).

(xxxix) Room with maximum size 5 sq. m, for Battery back-up for solar water heater and/or for common lighting in basement or on terrace.

(xxxx) Entry gate over Arch.

Note:

i. Areas covered by the projections exceeding those specified in clauses xii, xiii, xxiii, xxiv and xxxiii above shall be counted inFSI.

ii. Open to sky swimming pool at any level other than (xxii) above and excluding at ground level as provided in Regulation No 42 (ii)(a), shallbe counted in FSI.

iii. Any passage by whatever name not covered under DCR 31(1) shall be counted in FSI.

(2) The following shall be counted in FSI.

(i) Covered parking spaces/Garage as provided under Regulation No. 44(6)(d)

(ii) Area of fire escape balcony as provided in Regulation No48(6)

(iii) Area of Sanitary block for the use of domestic servants engaged in the premises, other than as provided as per Regulation No 31(1) ((XXVI).

(iv) Part/Pocket/Covered terraces, for whatever purpose, except open terrace above the top most storey and the part terrace at top most storey due to planning constraints but accessible from common staircase, terraces created due to restriction imposed by the Railway Authority and above shopping/Non- residential/Industrial area at one level only with a slope of 1:5, in case of residential/Non-residential/Industrialdevelopmenton upperfloors.

(v) Area below open to sky swimming pool, clearance exceeding 1.5 m. from floor level.

(vi) Air conditioning plant room/Air handling unit room, except provided in basement.

(vii) Service floor other than specified in Regulation No. 37(32) and 31(1)(xx).

(viii) Area of balconies as provided in sub regulation 20 of Regulation No37.

(ix) Niches below window sill.

(x) Area of one public telephone booth and one telephone exchange (PBX) room per building.

(xi) The ornamental projection, including the voids, flower beds, etc. projecting from the face of the building except at the terrace level other than allowed as per Regulation No 31(1)(ii).

(xii) Ornamental projection, flower bed etc. over a balcony or gallery other than allowedas per Regulation No 31(1)(ii).

(xiii) Area of one room for installation of telephone concentrators as per requirements of Mahanagar Telephone Nigamlimited.

(xiv) Letter box room as specified in Regulation No 37(10)(a).

(xv) Covered areas required on top terrace for antenna/dish antenna/ communication tower used for Telecom (basic cellular or satellite telephone) or ITE purposes, V-Sat, Routes, Transponders or similar IT related structure or equipment, in excess of 20.00 sq.m.

(xvi) The parking floor in excess of required parking under these regulation [31(1)(vi)]and for which the premium has been paid. Deck parking inclusive of car lifts and passages thereto on habitablefloors.

(xvii) Driver's room/sanitary block on podium and or parking floor other than mentioned in Regulation No. 31(1)(xxvi).

(xviii) Covered swimmingpool.

(xix) Area of DG set room at stilt and podium level other than mentioned in Regulation No 31(1)(xxx).

(3) **Fungible *Compensatory Area:***

Notwithstanding anything contained in the D.C.Regulations 30, 32 & 33, the Commissioner may, by special permission, permit fungible compensatory area, not exceeding 35% for residential/Industrial/Commercial development, over and above admissible FSI/BUA, by charging a premium at the rate of 50% for Residential and 60% for Industrial and Commercial development of ASR (for FSI 1),which is to be shared between MCGM, State Govt. and MSRDC (for Sea Link) in 50%, 30% and 20%respectively.

Provided that in case of redevelopment under regulation 33(7), *33(7)(A),* 33(8), 33(9), *33(9)(B),* 33(20), and 33(10) excluding clause No.3.11 of the Regulation the fungible compensatory area admissible on AH / R&R component shall be granted without charging premium.

In case of redevelopment under regulation 33(5), 33(6) & 33(7)(B) of the Regulation the fungible compensatory FSI area admissible on existing BUA shall be granted without charging premium**.**

Provided further that in case of redevelopment schemes of EWS/ LIG category under Regulation 33(5) where rehab entitlement not exceeding 35

sq.mt, then fungible compensatory area on such rehab entitlement shall be granted without charging premium.

Provided further that for redevelopment proposal of existing buildings byavailing TDR/Additional FSI on payment of Premium, the fungible compensatory area admissible on FSI consumed in existing building shall be granted without chargingpremium, if existing user is proposed to be continued in proposed redevelopment then it shall be granted without charging premium.

Provided further that such fungible compensatory area for rehabilitation component shall not be used for free sale component and may be used to give additional area over and above eligible area to the existing tenants/occupants. Fungible compensatory area admissible to one rehabilitation tenement cannot be utilized for another rehabilitation tenement

Provided that, this Regulation shall be applicable only in respect of the buildings to be constructed or reconstructed.

Provided also that in case of development under Regulation No. 33(15), the fungible compensatory area shall be admissible without charging premium.

“Provided that in case of development under Regulation No. 33(2) excluding buildings of private medical institutions under RegulationNo. 33(2)(A),the fungible compensatory area shall be admissible on 50 % rebate in premium to be charged as per this regulation the fungible compensatory area for development under Regulation No 33(3) shall be admissible without charging premium for MCGM and State Government only.

Explanatory Note: -

(i) Where IOD/IOA has been granted but the building is not complete then this Regulation shall apply, only at the option of the owner/developer,

(ii) For plots/layouts, where IOD is granted for partial development, this Regulation will apply for the balance potential of the plot,

(iii) The fungible compensatory area is useable as regular FSI,

Note:

(a) The premium paid for fungible compensatory area prior to coming into force of this Regulation particularly in case of Commercial/Industrial development will not be adjusted; for grant of additional fungible compensatory area under this regulation, and premium if any, as per this Regulation shall have to be paid. Fungible Compensatory area granted under Regulation 35(4) of DCR 1991 shall be continued as Fungible Compensatory Area under Regulation 31(3) of DCPR 2034 & no premium shall be demanded or refunded or adjusted for such area.

(b) The premium amount collected shall be kept in a separate Account to be utilized for infrastructure development.

(c) The deficiency in open space created due to utilization of fungible compensatory area shall be condoned by charging premium at 25% of normal premium.

32. Transfer of Development Rights (TDR)

1.0 TRANSFERABLE DEVELOPMENT RIGHTS -

Transferable Development Rights (TDR) is compensation in the form of Floor Space Index (FSI) or Development Rights which shall entitle the owner for construction of built-up area subject to provisions in this regulation. This FSI credit shall be issued in a certificate which shall be called as Development Right Certificate (DRC).

Development Rights Certificate (DRC) shall be issued by Municipal Commissioner under his signature and endorse thereon in writing in figures and in words, the FSI credit in square meters of the built-up area to which the owner or lessee is entitled, the place from where it is generated and the rate of that plot as prescribed in the Annual Statement of Rates issued by the Registration Department for the concernedyear.

2.0 CASES ELIGIBLE FOR TRANSFERABLE DEVELOPMENT RIGHTS (TDR):-

Compensation in terms of Transferable Development Rights (TDR) shall be permissible for-

i) lands under various reservations for public purposes, new roads, road widening etc. which are subjected to acquisition, proposed in Draft or Final Development Plan, prepared under the provisions of the Maharashtra Regional and Town Planning Act, 1966;

ii) lands under any deemed reservations according to any regulations prepared as per the provisions of Maharashtra Regional & Town Planning Act,1966;

iii) lands under any new road or road widening proposed under the provisions of Mumbai Municipal Corporation Act,1888;

iv) development or construction of the amenity on the reserved land;

v) unutilized FSI of any structure or precinct which is declared as Heritage structure or Precinct under the provisions of these Regulations, due to restrictions imposed in that regulation;

vi) in lieu of constructing housing for slum-dwellers according to regulations prepared under the Maharashtra Regional & Town Planning Act,1966;

vii) The purposes as may be notified by the Government from time to time, by way of, modification to, new addition of, any of the provisions of sanctioned Development Control and promotion Regulations

viii) If the owner of a unreserved accessible plot not falling in SDZ/NA is willing to offer the land for public purpose and the Municipal Commissioner, MCGM is of the opinion that such land is suitable for public purpose then such land shall be deemed to be a reservation and eligible for grant of TDR under thisregulation.

ix) The TDR of lands owned by Central Govt. / State Govt. and it's undertakings and which are allotted by payment of market value and which are reserved in the Development Plan for public purpose shall be eligible. However, TDR shall not be eligible to the lands under reservations which are granted on lease at concessional rates by the Central Govt. and State Govt.

3.0 CASES NOT ELIGIBLE FOR TRANSFERABLE DEVELOPMENT RIGHTS (TDR):-

It shall not be permissible to grant Transferable Development Rights (TDR) in the following circumstances:-

i) For earlier land acquisition or development for which compensation has been already paid partly or fully by any means;

ii) Where award of land has already been declared and which is valid under the Land Acquisition Act, 1894 or the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 unless lands are withdrawn from the award by the Appropriate Authority according to the provisions of the relevant Acts.

iii) In cases where layout has already been sanctioned prior to these Regulations and layout roads are incorporated as Development Plan roads

iv) In cases plotted layout, where layout is submitted along with proposed Development Plan Road, in such cases TDR shall not be permissible for the width of road that would be necessary according to the length as per these Regulations;

v) If the compensation in the form of FSI / or by any means has already been granted to the owner.

vi) Where lawful possession including by mutual agreement /or contract has been taken.

vii) For an existing user or retention user or any required compulsory open space or layout open space, in anylayout required / provided as per these Regulation.

viii) For any existing amenity, allocation of the use or zone which is not subjected to acquisition.

ix) The incentive TDR will not be applicable to deemed reservations

x) Existing nalla, River, Natural Stream, Natural Pond, Tank, Water bodies etc.

4.0 GENERATION OF THE TRANSFERABLE DEVELOPMENT RIGHTS (TDR)–

4.1 Transferable Development Rights (TDR) against surrender of land:-

4.1.1 For Surrender of the gross area of the land which is subjected to acquisition, free of cost and free from all encumbrances, the owner shall be entitled for TDR or DR irrespective of the FSI permissible or development potential of the very said land to be surrender and also that of land surrounding to such land at the rate as given below:-

"Table No. 12-A"

<table>
<tr><th>Sr No</th><th>Instances</th><th>Extent of TDR</th><th>Remarks/conditions</th></tr>
<tr><td>1</td><td>a) If plot of land reserved for public purpose in the DP , RL, Nala widening, Land required for public purpose as per clause 2(viii) of this Regulation and deemed reservation and land is transferred inthe name of MCGM/Appropriate Authority.</td><td>
<table>
<tr><td>Area under reservation</td><td>Entitlement forTDR/DR</td></tr>
<tr><td>Mumbai City area (islandCity)</td><td>2.5 times the area of surrendered land. (Maximum 2.5)</td></tr>
<tr><td>Mumbai Suburban / Extended Suburban</td><td>2 times the area of surrendered land. (Maximum 2.00)</td></tr>
</table>
</td><td>a) Where FSI benefit isnot approved in the development proposal on remainder plot &no TDR/monitory compensation is availed due to no fault of Landowner.
b) Award is not declared under relevant Act or any compensation has not been paid.</td></tr>
</table>

<table>
<tr><td></td><td>b) Setback due to Subsequent Road widening/Proposed DP Road in case where development of plot/layout is completed in all respect/where no development is proposed/is in progress at the time of handing over of such area toMCGM.</td><td>TDR equivalent to the Zonal (basic) FSI of land so transferred.</td><td></td></tr>
<tr><td>2</td><td>In case of Regulation 33(7), 33(8), 33(9), 33(10),No.33(11), 33(20)(B)</td><td>As prescribed under the relevant provision of DCPR</td><td></td></tr>
<tr><td>3</td><td>Heritage buildings</td><td><table><tr><th>Area under reservation</th><th>Entitlement forTDR/DR</th></tr><tr><td>Mumbai City area (islandCity)</td><td>2.5 times the unconsumed plot area as per zonal (basic FSI)</td></tr><tr><td>Mumbai Suburban/ Extended Suburban</td><td>2.0 times the unconsumed plot area as per zonal (basic FSI)</td></tr></table></td><td>Where the Development of building is not permissible as per provision of Regulation No 52 and with the permission of Municipal Commissioner in consultation with & on recommendation of MHCC
The potential of the plot shall be perpetually reduced and freeze to the extent of Existing BUA of the Structure.</td></tr>
</table>

4	Encumbered plots which are required for implementation of public project on very urgent basis ***a.*** In case of land which are fully encumbered and where encumbrances had/have to be removed and rehabilitated elsewhere by the project implementingauthority, ***b.*** which are partly encumbered and where encumbrance are/were removed and rehabilitated elsewhere by the Project Implementingauthority,	a. To the extent of 50% of BUA as per Zonal (basic) FSI of the plotarea. b. (i) For the portion of land which is/was vacant as per serial no 1(a) of this table (ii) For the portion of land which is/was encumbered to the extent of 50% of BUA as per Zonal (basic) FSI of the vacant plot area.	Project Implementing authority shall separately certify the area of land which was vacant and the area of land under encumbrance along with details as per the joint measurement survey carried out in this respect with the City Survey Officer. The area of vacant land and land under encumbrance shall be clearly distinguished and demarcated, otherwise the land under part encumbrance shall be treated as fully encumbered land. The owner has to follow theprocedure laid down by the MCGM for availing theDRC.

(Explanation: Above entitlement may also be applicable to the compensation paid in the form of FSI to the owner to be utilised on unaffected part of same land parcel and in such cases the procedure of DRC shall not be insisted.)

Provided that, if leveling of land and construction/erection of the compound wall / fencing as per Clause No. 4.1.2 to the land under surrender is not permissible as per the prevailing Development Control and Promotion Regulations / not insisted by MCGM then the developer will have to pay the cost of construction / leveling to MCGM as per policy of MCGM or else the quantum of TDR shall be reduced to 1:2.35 and 1:1.85 in Mumbai City area (island city) and Mumbai Suburban /Extended Suburban area respectively.

Provided also that Additional / incentive Transferable Development Rights (TDR) to the extent of 10% and 5% of the surrendered land area shall also be allowed to the land owners who submit the proposal for grant of Transferable Development Rights (TDR) and if land is surrendered to MCGM within 24 months and 36 months respectively from the date of coming into force of these Regulations. The owner may opt for the said entitlement in the form of FSI on the balance plot or in the same layout as permissible under these Regulations.

Provided that the quantum of Transferable Development Rights (TDR) generated for D.P. Road/ reservation in CRZ/BDP/HTHS/Low Density Zone/ Hazardous Zone/ Special Development Zone areas or in areas which have some natural or legal impediment or constraint on construction or development etc. shall be 50% of normal TDR generated as prescribed above in Table 12 A of these Regulations, provided that the Municipal Commissioner shall be satisfied that the said land can be used for the intended purpose.

Provided further that in case of Govt. land which are fully encumbered then the TDR of such encumbered plot shall be granted as per the clarifications given by the Govt. from time to time.

4.1.2 DRC shall be issued only after the land is transferred to the Municipal Corporation, only after compliance of conditions stipulated in these regulations and after handing over and taking over possession of the reserved land for which TDR is sought at free of cost and free from encumbrances and after leveling the land to the surrounding ground level andafter constructing / erecting compound wall / fencing at the cost of the owner and to the satisfaction of the Municipal Commissioner. Provided that, if on certain lands such construction / erection of compound wall / fencing is prohibited or restricted by any regulation, or not insisted by MCGM, then the developer will have to pay the cost of construction / leveling to MCGM as per policy of MCGM or else quantum of Transferable Development Rights (TDR) shall be reduced as prescribed in proviso to Clause 4.1.1.

Provided further that such construction/erection of compound wall/fencing shall not be necessary for area under Development Plan roads / set back due to road widening. In such cases TDR equivalent to entitlement as mentioned in regulation no 4.1.1 shall be granted without any reduction.

4.1.3 If any contiguous land of the same owner/developer, in addition to the land under surrender for which Transferable Development Rights (TDR) is to be granted, remains unbuildable, the Municipal Commissioner may grant Transferable Development Rights (TDR) for such remaining unbuildable land

also if the owner / developer hands it over free of cost and free from all encumbrance andencroachment. If such land is from the proposed roads then such land shall be utilized for road side parking, garden, open space or road side amenities including bus bays, public toilets or any compatible user as the Commissioner may decide and if such land is from the proposed reservation then same shall be included in such proposed reservation and shall be developed for the same purpose. The Municipal Commissioner shall quarterly report such cases toGovernment.

4.2 Transferable Development Rights (TDR) against Construction ofAmenity-

When an owner or lessee with prior approval of Municipal Commissioner, develops or constructs the amenity on the plot to be surrendered at his own cost subject to such stipulations as may be prescribed and to the satisfaction of the Municipal Commissioner and hands over thesaid developed/constructed amenity along with amenity plot free of cost to the Municipal Commissioner then in addition to land TDR he may be granted a Transferable Development Rights (TDR) against construction of such amenity as per the following formula:-
Construction Amenity TDR in sq.m. = A/B*1.50*BUA

Where,

A= cost of construction of amenity in rupees as per the rates of construction mentioned in Annual Statement of Rates (ASR) prepared by the Inspector General of Registration for the year in which construction of amenity is commenced.

B = land rate per sq.m. as per the Annual Statement of Rates (ASR) prepared by the Inspector General of Registration for the year in which construction of amenity is commenced.

BUA = Builtup area of constructed/developed amenity

Provided that in case Slum Redevelopment Scheme under clause 3.11 of Regulation 33(10) the Construction Amenity TDR shall be increased by 1.35 times the TDR generated as per above formula.

5.0 UTILISATION TRANSFERABLE DEVELOPMENT RIGHTS (TDR):--

5.1 A holder of DRC who desires to use FSI credit therein on a particular plot of land shall attach valid DRCs to the extent required with his application for development permission. Proposal for Transferable Development Rights (TDR) utilisation shall be submitted alongwith the documents as may be prescribed by the Commissioner or by the Government from time to time.

5.2 With an application for development permission, where an owner seeks utilisation of DRC, he shall submit the DRC to the Municipal Commissioner who shall endorse thereon in writing in figures and words, the quantum of the TDR proposed to be utilised, before granting development permission.

5.3 The Transferable Development Rights (TDR) generated from any land use zone shall be utilised on any receiving plot irrespective of the land use zone and anywhere in Mumbai City area (island city) and Mumbai Suburban /Extended Suburban area. The equivalent quantum of Transferable Development Rights (TDR) to be permitted on receiving plot shall be governed by the formula given below:-

Formula: X = (Rg / Rr) x Y
Where, X = Permissible Utilisation of TDR/DR in sqm on receiving plot

Rg = Rate for land in Rs. per sq.m. as per ASR of generating plots in generating year

Rr = Rate for land in Rs. per sq.m. as per ASR of receiving plot ingenerating year

Y= TDR debited from DRC insq.m.

Note:- All TDR including slum and heritage TDR shall be utilized as per this regulation only.

5.4 Utilization of TDR:

5.4.1 Utilization of Transferable Development Rights (TDR) and Road Width Relation will be govern by regulation 30 (A) subject to followingnotes:-

Note:-

i) The maximum permissible TDR that can be utilised on any plot shall be as per regulation 30(A) and/or as specified in these Regulations.

ii) Maximum permissible TDR loading as mentioned above on any plot shall be exclusive of FSI allowed for inclusive housing ifany.

iii) The quantum of maximum permissible TDR loading mentioned above shall include slum TDR atleast 20 % and maximum to the extent of 50% of column no. 6 of Table No. 12 regulation 30(A) or as decided by Govt. time to time. Slum TDR as per this regulation and DRC generated from the vary said land and/or DRC generated from other location may be utilized up to the permissible limit mention above.

iv) If a plot is situated on access road having dead end within 50 mt. from the main road, having minimum width of 9m or more then such plot shall be treated as fronting on main road for the purpose of utilisation of TDR. Similarly if the plot derives from 9m wide internal road then such plots also eligible for the purpose for utilisation of TDR.

v) The relaxation premium for the use of slum TDR i.e.10% of normal premium shallbe charged while condoning deficiencies in open spaces.

5.4.2 The restrictions of total maximum permissible built up area in terms of FSI with respect to road width mentioned in these Regulation, shall not be applicable in cases where, the permissible FSI is more than the basic FSI in various schemes, like Slum Rehabilitation Scheme, Redevelopment of cess buildings, redevelopment of dangerous buildings, Urban Renewal Scheme, Redevelopment of MHADA buildings/Colonies, Metro Influence Zone, BRTs, TODs etc. and where specific provisions sanctioned by the Government shall apply.

5.4.3. The additional FSI permissible in certain categories of buildings such as, Educational building, Registered Charitable Institutional/ Medical / Hospital Building, Star Category Hotel, Religious Building etc. as per prevailing Regulations, if any, can be availed either by full or part utilization of TDR if permissible in this regulation or full or part utilization of additional FSI at the option of owner. However, the restriction of road width mentioned as per these regulations shall not be applicable when the owner exercises his option of availing utilization of additional FSI and in such cases limitation of maximum building potential as mentioned in regulation no 5.4.1 shall not be applicable.

5.4.4 The utilisation of Transferable Development Rights (TDR) shall be permissible by considering Plot Area excluding area affected by reservations or deemed reservation or plot area to be surrendered under the provisions of Accommodation Reservation and development plan road / prescribed R.L. to be handed over to MCGM / Appropriate Authority.

5.4.5 **Areas Restricted from Utilisation of Transferable Development Rights (TDR):-**

Utilisation of Transferable Development Rights (TDR) shall not be permitted in following areas:-

DRC shall not be valid for use on receivable plots in the areas listed below:-

(a) Areas in Special Development Zones and areas for which the Mumbai Metropolitan Region Development Authority or Maharashtra Housing and Area Development Authority or Maharashtra Industrial Development Corporation or Mumbai port trust or any other Authorities appointed by Government as a Special Planning Authority;

(b) On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-regulation (7), (9) & (10) of Regulation33;

However, in cases where non-slum/ non cessed plot is amalgamated with the slum/ cessed plot for the purpose of better planning etc. then DRC will be receivable on the non-slum plot/ non-cessed plot. In such cases utilization of DRC shall be governed as per procedure and provisions stipulated in this Regulation and sub clause(B).

(c) Areas where the zonal (basic) FSI is less than1.0.

(d) Coastal regulation zone, except in cases where it is permissible to Utilised TDR as per CRZ Notification 2011 and subsequent amendment from time to time'.

(e) Area having developmental prohibition or restrictions imposed by any notification issued under the provisions of any Central/State Act (like CRZ regulations, Defense restriction areas, etc.) or under these regulations.

6.0 ***GENERAL STIPULATION:-***

6.1 Development Rights (DRs) will be granted to an owner or lessee, only for reserved lands which are retainable and not vested or handed over to the Government /Urban Local Bodies and not exempted under section 20 or 21 of the then Urban Land (Ceiling and Regulations) Act, 1976 and undertaking to that effect shall be obtained, before a Development Right is granted. In the case of schemes sanctioned under section 20 or 21 of the said Act, the grant of Development Rights (DRs) shall be to such extent and subject to the conditions mentioned in section-20 scheme and such conditions as the Government may prescribed. In case of non- retainable land, the grant of Development Rights shall be to such extent and subject to such conditions as the Government may specify. The provisions of this Regulation shall be subject to the orders issued by the Government from time to time in this regard.

Provided that, in case of lands having tenure other than Class-I, like Inamlands, tribal lands etc., N.O.C. from Competent Authority, mentioning i)share of Government and land holder ii)transfer of such land in the name of Planning / Appropriate Authority, shall be produced by the land holder at the time of submission of application for grant of TDR.

6.2 DRC shall be issued by the Municipal Commissioner as a certificate printed on bond paper in an appropriate form prescribed by him. Such a certificate shall be a "transferable and negotiable instrument" after the authentication by the

Municipal Commissioner. The Municipal Commissioner shall maintain a register in a form considered appropriate by him of all transactions, etc. relating to grant of, or utilisation of, DRC.

6.3 The Commissioner shall issue DRC within 180 days from the date of application or reply from the applicant in respect of any requisition made by him, whichever is later.

6.4 ***Transfer of DRC-***

6.4.1 The Commissioner shall allow transfer of DRC in the following manner -

i) In case of death of holder of DRC, the DRC shall be transferred only on production of the documents as may be prescribed by the Commissioner from time to time, after due verification and satisfaction regarding title and legal successor.

ii) If a holder of DRC intends to transfer it to any other person, he shall submit the original DRC to the Commissioner with an application alongwith relevant documents as may be prescribed by the Commissioner and a registered agreement which is duly signed by Transferor and Transferee, for seeking endorsement of the new holders name, i.e., the transferee, on the said certificate. The transfer shall not bevalid without endorsement bythe Commissioner and in such circumstances the Certificate shall be available for use only to the holder / transferor.

6.4.2 The utilisation of TDR from certificate under transfer procedure shall not be permissible, during transfer procedure.

6.5 The Commissioner may refrain the DRC holder from utilizing the DRC in the following circumstances:-

i. Under direction from a competent Court.

ii. Where the Commissioner has reason to believe that the DRC is obtained a) by producing fraudulent documents b) by misrepresentation**,**

6.6 Any DRC may be utilised on one or more plots or lands whether vacant, or already developed fully or partly by erection of additional storeys, or in any other manner in consistence with these Regulations.

6.7 DRC may be used on plots/land having Development Plan reservations of buildable nature, whether vacant or already developed for the same purpose, or on the lands under deemed reservations, if any, as per these Regulations.

6.8 DRC may be used on plots/land available with the owner after surrendering the required land and construction to the Planning Authority under the provisions of Accommodation Reservation. In such circumstances, for the purpose of deciding Transferable Development Rights (TDR) receiving potential, the total area of the reservation before surrender, shall be considered.

6.9 Infrastructure Improvement Charges-

The utilizer shall pay to the Planning Authority, an infrastructure improvement charges, for a proposed quantum of TDR to be utilised, at the rate of 5% of construction cost as per the prevailing Annual Statement of Rates.

7.0 ***VESTING OF LAND:-***

7.1 The Commissioner, before issuing DRC, shall verify and satisfy himself that the ownership and title of the land proposed for surrender is with the applicant, and get the Property Register Card (PRC) to be corrected in the name of PlanningAuthority.

7.2 In case the Appropriate Authority for reservation is other than Planning Authority, it shall be permissible for the Commissioner on the request of such authority to grant TDR under this regulation and hold such possession as a facilitator. Provided that, the Municipal Commissioner shall handover the possession of such land toconcerned Appropriate Authority, after receipt of value of land, from such Appropriate Authority as perAnnual Statement of Rates prevailing at the time of handing over possession of land under reservation.

Provided also that, if such Appropriate Authority is the State Government Department, the Municipal Commissioner shall handover the possession of such land to the concerned Department free of cost.

8.0 EFFECT OF THIS REGULATION:-

Provision of Generation of TDR from these regulations shall not be applicable where DRC has been issued prior to publication of these regulations. "However DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be allowed to be utilized as per DCR 1991 without indexation for one year only.

Provided that balance of DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be indexed for utilisation.

Provided also that old TDR purchased for utilisation on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as perthe DCR 1991".

Notwithstanding anything contained in these Regulation, at the option of owner/developer the TDR to be generated in the ongoing schemes as per Regulation 33(10) & 33(14) of DCR 1991 where CC is already issued which is valid & work is in progress accordingly, then in such cases the TDR generation & utilisation shall be allowed as per DCR 1991. Provided that the utilisation of such TDR as per then Regulation shall be allowed within period of 1 year from the date of issue of such DRC without indexation and balance quantum after one year shall be reworked as per DCPR 2034 for generation and indexed for utilisation.

(B) Additional Regulations for the grant of TDR to the Developers/Co-operative Housing Societies/NGOs in respect of slum rehabilitation scheme vide DCR 33(10) and DCR 33(11)

1. The developer/society/NGO on a plot of land for which the Slum Rehabilitation Project is sanctioned under these Regulations shall be eligible for the award of TDR for the FSI, if any, difference between sanctioned FSI and FSI that can be utilizedin-situ.

2. DRC for the TDR will be issued by the Commissioner, MCGM himself on recommendation by CEO (SRA). DRC shall state the DRs credit of BUA in square meters in figures and in words along with the details of place i.e. village/TP Scheme/Division, CS No/CTS No/FP No from where it is generated, year of issue of DRC and Ward in which the DRs areearned.

3. The BUA for the grant of DRC shall be equal to BUA of the sanctioned Slum Rehabilitation Project allowed to be taken in the form of TDR& as approved by CEO SRA.

4. When a buildable amenity on the reserved plot for which slum rehabilitation project issanctioned, is handed over free of cost to the MCGM, the Commissioner may grant a further TDR due for the construction of the said amenity, as per Sr. No 3 of the table. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in this Regulation.

5. A register, in a form considered appropriate by the Commissioner, shall be maintained of all transactions relating to grant or utilization of DRCs arising out of slum rehab projects.

(C) ***Additional regulations for the grant of TDR to owners/lessees of heritage buildings/heritage precincts and conditions for grant of such rights***

1 As provided in Regulation No. 52 DRs of the owner/lessee of any Heritage building who suffers loss of DRs due to any restrictions imposed by the Commissioner or Government under Regulations No 52 shall be eligible for award of TDR in the form ofFSI to the extent and on the conditions set out below at 2. Such award will entitle the owner of the Heritage Building to FSI in the form of a DRC which he may use himself or transfer to any otherperson.

2 For generating TDR, agreement with MCGM shall be executed stating that the heritage structure will be maintained by the Owner as decided by the Commissioner along with a clause of penalty for breach of conditions of agreement as may be decided by Commissioner and potential of the plot shall be perpetually reduced to the extent of existing BUA of the structure.

PART VI ADDITIONAL FLOOR SPACE INDEX

33. *Additional Floor Space Index (FSI) which may be allowed to certain categories*:

33 (1) ***Additional FSI to Religious building:***

The Municipal Commissioner may permit 0.5 FSI in addition to the Zonal (basic) FSI in respect of buildings of Registered Public Trust subject to following terms and conditions:

i. NOC shall be obtained from Police Authority and Collector before applying for permission.

ii. Additional FSI shall be used for religious purpose alone. However, without taking into account the additional FSI, ancillary residential/commercial uses will be permissible up to 10% of Zonal (basic)FSI.

iii. Additional FSI shall be permissible to existing authorized religious user subject to structural stability.

iv. Additional FSI shall be permissible subject to payment of premium at the rate of 25 % of ASR of the land (for FSI 1) of the year in which such FSI is granted for the BUA and shall be equally shared between GoM & MCGM.

v. The minimum area of plot shall be 250 sq.m.

33(2) ***Buildings of Medical and Educational Institutions and Other Institutional Buildings covered under Regulation*** **(2) (IV) (17) (g)*: -***

The Municipal Commissioner, by special permission,may permit up to FSI 5 for medical Institutions and FSI up to 4 for educational &other Institutional buildings including the Zonal (basic) FSI specified in Table No 12 in respect of buildings on independent plots of educational/medical institutions and institutional buildings of Govt./MCGM or public authorities or of registered public charitable trusts or of medical institutions run on cooperative basis established for charitable purposes and registered under the provisions of Income Tax Act or Maharashtra Cooperative Societies Act or private medical institutions subject to terms and conditions he may specify subject to minimum width of 13.40m except educational in stitutions;

Provided that in the case of additional FSI allowed to the above cited institutions, except institutional buildings of State Govt. & MCGM, premium for BUA, at the rate of 10% of the land rates as per ASR (for FSI 1) for educational institutions, at the rate of 15% of the

land rates as per ASR (for FSI 1) for medical institutions, at the rate of 20% of the land rates as per ASR (for FSI 1) for the private hospitals, medical institutions and at the rate of 30% of the land rates as per ASR (for FSI 1) for other institutional buildings shall have to be paid,beyond Zonal (basic) FSI. Govt. may from time to time change the rate of premium. The amount of premium shall be equally shared between Govt. and MCGM.

Out of the additional FSI beyond Zonal (basic) FSI, 50% may be availed by utilizing TDR (without payment of premium), provided that the utilization of such TDR will be allowed as per the option of the owner/developer.

In regard to other Institutional Buildings covered under Regulation (2) (IV) (17) (g), Govt. /Municipal Commissioner may from time to time specify terms and conditions.

(A) Terms and Conditions for Medical Institutions and Institutional Building

(a) Additional BUA beyond Zonal (basic) FSI shall be utilized for bonafide medical purposeonly.

(b) 20% of the total beds and free treatment shall be given to EWS/persons below poverty line. In addition, 10% of the total number of patients in OPD shall be provided treatment at rates charged in Govt. hospitals. Such facility, proportionate to cited percentages, shall be in separate building/wing, or if not possible, on separate floor.

(c) The Director of Health Services, GoM shall be the competent authority forobservance of (a) &(b) above, including determination of penalties for breach of conditions.

(d) The Medical Institution shall maintain records of free/ concessional medical treatment, furnish such records periodically and make them available to the Director of Health Serviceson demand.

(e) The Medical Institution shall file an undertakingto abide by the cited terms and conditions before allowing utilization of 50% of additional permissible FSI beyond Zonal (basic) FSI.

(B) Terms and Conditions for Educational Institution or Institutional Buildings

(a) Additional BUA beyondZonal (basic) FSI shall be utilized for bonafide educational purpose only.

(b) Such Institutions shall make available some rooms to Govt as and when required.

(c) 10% of the total seat capacity shall be reserved for Govt nominees on recommendation by the Department of Education/ Higher and Technical Education,GoM.

(d) The Directors of School Education/Higher and Technical Education, GoM shall be the competent authority for observance of (a),(b) & (c) above, including determination of penalties for breach of conditions.

(e) The Educational Institution shall maintain records of free/concessional education, furnish such records periodically and make them available to the Directors of School Education/ Higher & Technical Education, GoM on demand.

(f) The Educational Institution shall file an undertaking to abide by the citedterms and conditions before allowing utilization of 50% of additional permissible FSIbeyond Zonal (basic) FSI.

(C) Terms and Conditions for Buildings of Private Medical & Educational Institutions

(a) Such additional FSI (except the TDR component) will be permissible subject to the payment of premium as decided by Govt. from time to time, to be shared equally between GoM and MCGM.

(b) Conditions stipulated in (A) &(B) above shall be adhered to.

Note:-

(1)The Municipal Commissioner shall intimate the concerned appropriate implementing authority regarding grant of building permission / occupation certificate to enable such authority to comply with the aforesaid conditions mentioned in (A), (B) & (C).

(2) If the additional FSI as per the above provisions has availed and subsequently it is found that the built-up space is being used for non medical/educational /institutional commercial activities / any other activity, not permitted as per these regulations, a penal action as below will be taken, the payment shall be shared between the MCGM and the Government in the ratio of 3:1.

a) The misuse shall be ascertained by physical site verification by a team of officers from the MCGM, which has approved the building plans.

b) A per day penalty equal to 0.3% of the prevailing ready reckoner value of the builtup area that has been found to be used for non medical/educational/institutional activities, shall be imposed.

c) The penalty will be recovered from the date of commencement of unauthorized use till the day non medical/ educational /institutional activities.

After payment of the penalty to the MCGM, which has sanctioned the building plans of the concerned medical/educational/institutional, the said medical/ educational /institution will restore the use of premises to the original purpose for which LOI/ Registration was granted. If the said medical/educational/institutionl fails to pay penalty and / or restore the use to its original intended use, the MCGM will take suitable action under the Maharashtra Regional and Town Planning Act 1966, against the concern.

These provisions will be over and above the penal provisions of the MRTP Act, 1966.

33(3) ***Buildings of Government/MCGM/Statutory Bodies, Semi-Government and PSU Offices:***

The Commissioner, byspecial permission, may permit FSI ***up to*** 5 including Zonal (basic) FSI specified in Table No 12 for office use & other allied purposes except residentialuse considering the specific requirementof Govt./MCGM and their Statutory Bodies, Semi Govt.and PSUs as detailed below:

Sr No	Minimum Road Width	Maximum Permissible FSI
1	12m	Up to 3
2	18m	Up to 4
3	27m	Up to 5

Provided further that in case of Public Sector Undertaking the premium for FSI beyond Zonal (basic) FSI shall be payable as decided by Govt. from time totime.

Premium shall be applicable for BUA in lieu of additional FSI at the rate of 50% of ASR of developed land (for FSI 1) or as decided by the Government from time to time, except for the development by State Government &MCGM.

33(3) ***(A) Development/Redevelopment for construction of staff quarters of Govt. or its statutory bodies (including CISF) or MCGM or its statutory bodies, on lands belonging to such Public Authorities:***

1. The Commissioner may permitFSI up to 4 including Zonal (basic) FSI specified in Table No 12on the gross plot area, abutting a road having minimum width of 12 m, solely for the project of construction of staff quarters (hereinafter referred to as “staff quarters project”) for the employees of the Govt./MCGM, or theirstatutory bodies (hereinafter collectively referred to as“UserAuthority”) on land belonging to such User Authority,by the Public Works Department of the GoM or MHADA or Maharashtra Police Housing Corporation or MCGM or its

statutory bodies or any other Agency nominated by the Govt. for this purpose which would also include any Special Purpose Vehicle, wherein the Govt. or a fully owned Company of the Govt. holds at least 51% equity share (hereinafter collectively referred to as "Implementing Public Authority").

Premium shall be applicable for BUA in lieu of additional FSI at the rate of 50% of ASR of developed land (for FSI 1) or as decided by the Government from time, except for the development by State Government & MCGM.

2. The total permissible FSI under this Regulation shall be utilized for construction of staff quarters for the User Authority subject to the following:

(i) The area of staff quarters/free sale component for various categories of employees shall be as per the norms prescribed by the concerned User Authority.

(ii) (a)Commissioner may also permit upto 1/3rd of the total permissible FSI under this Regulation for construction of free sale area (hereinafter referred to as "free sale component") to be disposed of by the Implementing Public Authority to recover the cost of project implementation as providedherein. The free sale component shall preferably beconstructed in a separate block. Sub-division of plots shall be permissible on the basis ofequitabledistribution of FSI, in caseconstruction of free sale component is permitted byCommissioner.

(b) If the User Authority requires construction of staff quarters to the extent of full permissible FSI of 4.0, then the User Authority shall pay full cost of construction to the Implementing Public Authority, in lieu of the free sale component.

(c) The flats constructed under the free sale component shall be first offered to the Central Govt, its statutory bodies, Central/ State PSUs for purchase as staff quarters and if the Central Govt. or its statutory Bodies or Central/ State PSUs do not indicate willingness to purchase the same within the prescribed time limit, then such flats shall be sold in open market.

3. Development cess at 7% of the Land Rate as per ASR (for FSI 1) of the year of approval for the BUA beyond Zonal (basic) FSI (excluding fungible compensatory area) shall be paid to MCGM. The Development cess shall bein addition to development charges levied as per section 124 of MR&TP Act 1966

4. (i)No premium shall be charged for fungible compensatory area admissible as per DCR 31(3) for construction of staff quarters of MCGM & State Government.

(ii) No premium shall be payable for staircase, lift and lift lobby for the construction of staff quarters of MCGM & State Government**.**

(iii) Open space deficiency shall be charged at the rate of 2.5% of the land rate of ASR (for FSI1).

(iv) Provisions of IHshall not be applicable for development under this Regulation.

5. For any staff quarters project under this Regulation, a Development Agreement shall be executed between the User Authority and Implementing Public Authority authorizing the ImplementingAuthorityto dispose of the flats constructed under the free sale component of the project wherever applicable.

33 (3) (B) ***Development/Redevelopment for construction of staff quarters of Govt. or its statutory bodies (including CISF) or Municipal Corporation of Greater Mumbai or its statutory bodies on private lands.***

1. The Commissioner may permit construction of staff quarters for the employees of Govt. /MCGM/their statutory bodies (hereinafter referredto as "User Authority'') on private plots of lands, having minimum area of 2000 sq.m and abutting a road having minimum width of 12 m and grant incentive FSI, as provided herein below, in lieu of BUA of staff quarters created and handedover free of cost to the User Authority, subject to payment of premium at the rate of 50% of ASR of developer land (for FSI 1) or as decided by the Government from time to time except for the buildings of State Government & MCGM and the following provisions:

   (i) The area of staff quarters for various categories of employees shall be as per the norms prescribed by the concerned User Authority and in no case, shall the area of Staff Quarters exceed the maximum limit of carpet area as prescribed therein.

   (ii) Incentive FSI shall be admissible against the FSI required for construction of Staff Quarters as per following table:-

Table A

Location of project	Incentive (As% of required BUA of staffQuarters)
Island city	40%
Suburbs & Extended Suburbs	80%

(iii) FSI including Zonal (basic)/permissible FSI shall be used on the same plot and as stated in the Table below.

Plot Area	Minimum Road Width	Maximum permissible FSI
2000 sq. m or more but less than 4000 sq.m	12m	3.00
4000 sq. m or more	18m	4.00

(iv)(a) No premium shall be charged for features permitted as per DCR 31 (1) and 31(3), for the construction of staff quarters to be handed over to MCGM/Appropriate Authority.

(b) Open space deficiency shall be charged at 2.5% of the land rate of ASR (for FSI1).

(c)The provision of IH shall not be applicable for development under this Regulation.

i. Development cess at 7% of the Land Rate as per ASR (for FSI 1) of the year of approval for the BUA beyond Zonal (basic) FSI (excluding fungiblecompensatory area) shallbe paid to MCGM. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act1966.

ii. Development/redevelopment of a vacant plot belonging to a private land holder for constructing staff quarters for a user Authority shall be permitted by the Municipal Commissioner with prior approval of the location and requirement of such Staff Quarters by the Committee formed for this purpose by GoM.

iii. In case of flats proposed for conservancy staff quarters under this Regulation, a percentage of flats as decided by GoM shall be available on ownership basis under Shram Saphalya scheme.

33(4) ***Building of Residential Hotels on independent plot:***

Subject to payment of ***premium for BUA at the rate of 30% of the land rates as per ASR (for FSI 1) or*** as decided by Govt. from time to time**,** equally to be shared between Govt. &MCGM, and subject to other terms and conditions, the maximum permissible FSI [including Zonal (basic) FSI] shall be as below for all residential hotels on independent plots and satisfies other related provisions of these Regulations and under one establishment.

Sr No	Minimum Road Width	Maximum Permissible FSI
1	12m	Up to 3
2	18m	Up to 4
3	27m	Up to 5

On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

Conditions:

(1) 5% of total rooms shall be reservedfor total 30 days in a year for Govt./MCGM free of cost (only room charges) & it may be monitored by the MTDC and ProtocolDepartment. The Municipal Commissioner shall intimate MTDC and Protocol Department regarding grant of building permission/ occupation certificate to enable MTDC protocol department to comply with these conditions.

(2) Development cess at 7% of the Land Rate as per ASR (for FSI 1) of the year of approval for the BUA beyond Zonal (basic) FSI (excluding fungible compensatory area) shall be paid to MCGM. Development cess, shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

(3) Commercial uses up to 20% of Zonal (basic) FSI, in addition to uses permissible in hotel i.e. banquet hall, conference hall and meeting room etc. shall be permissible.

(4) In respect of star category Hotel, projects classified as Mega/Ultra Mega Project as per Maharashtra Tourism Policy-2016, up to 20% of additional FSI available by charging premium can be used for Tourism support activities on payment premium at the rate decided by Government from time to time for the uses as proposed by Tourism Department from time to time.

(5) All concessions available to star category Hotel are also applicable to Tourism Units classified under Mega Projects, Ultra mega Projects and Large tourism units.

(6) No condonation in parking and other requirements as in these Regulations shall be allowed except in the side and rear Marginal open spaces condonation upto 25% may be granted with the special permission of the Commissioner.

Note:

(I) Out of the additional FSI beyond Zonal (basic) FSI, 50% may be availed by utilizing TDR (without payment of premium), provided that the utilization of such TDR will be allowed only after availing of the remaining additional FSI.

(II) If mixed user other than 3 above alongwith star category hotel is proposed subject to fulfillment of road width for such mix use, then no additional FSI will be available at concessional rate. Separate entrances, Parking arrangements, lifts/ Lobbies shall be provided to segregate such mix uses.

33(5) Development / Redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority (MHADA)

1) The FSI for a new scheme of Housing, implemented by MHADA on MHADA lands for Economically Weaker Sections (EWS), Low Income Group (LIG) and Middle Income Group (MIG) categories shall be 3.0 on the gross plot area (exclusive of the Fungible Compensatory Area) and at least 60% BUA in such scheme shall be in the form of tenements under the EWS, LIG and MIG categories, as defined by the Government in Housing Department from time totime.

   Provided that the Floor Space Indicesabove may be permitted to be exceeded up to 4.00 FSI in case of plots, having area of 4000 sq. m or above which front on roads having width of 18.00 m ormore with prior approval of Govt.

2) For redevelopment of existing housing schemes of MHADA, containing (i)EWS/LIG and/or(ii)MIG and/or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible Compensatory Area).
   Provided thatthe Floor Space Indices above may be permitted to be exceeded up to 4.00 FSI in case of plots, having area of 4000 sq. m or above which front on roads having width of 18.00 m ormore with prior approval of Govt.

2.1 Where redevelopment of buildings in existing housing schemes of MHADA is undertaken by the housing co-operative societies or the occupiers of such buildings or by the lessees of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be asfollows:-

A) Rehabilitation Area Entitlement:

i) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area for an existing residential tenement shall be equal to sum total of

(a) a basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 35 sq. m,and

(b) an additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table-A below:-

Table-A

Area of the Plot under Redevelopment	**Additional Carpet Areaon the ExistingCarpet Area of Tenement**
Above 4000 sq. m to 2 ha	15%
Above 2 ha to 5 ha	25%
Above 5 ha to 10 ha	35%
Above 10 ha	45%

Explanation:

(a) Plot under redevelopment means land demarcated by MHADA for redevelopment.

(b) For the purpose, “existing Carpet area/carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/ prevailing Regulation but including the areas of balcony, if allowed free of FSI as per then Regulation.

ii) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area of any existing commercial /amenity unit in the Residential Housing Scheme shall be equal to the carpet area of the existing unit plus 20% there of.

B)Incentive FSI: Incentive FSI admissible against the FSI required for rehabilitation, as calculated in (A) above, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR) in Rs/sq. m. of the plot under redevelopment as per the Annual Schedule of Rates (ASR) and Rate of Construction (RC)* in Rs/sq. m applicable to the area as per the ASR of the date of approval of plan and shall be as given in the Table B below:-

Table B

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)
Above 6.00	40%
Above 4.00 and up to 6.00	50%
Above 2.00 and up to 4.00	60%
Up to 2.00	70%

Provided that the above incentive will be subject to the availability of the FSI on the Plot under redevelopment and its distribution by MHADA.

Provided further that in casethere are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable ratesshall be taken for calculating the Average Land Rate and the Basic Ratio. Provided further that the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the Competent Authority.

C) Sharing of the Balance FSI:

The FSI remaining in balanceafter providing for the rehabilitation and the incentive components, calculated as per(A) and (B) above respectively, shall be shared between the Cooperative Housing Society and MHADA in the form of BUA, as given in Table C below and the share of MHADA shall be handed over to MHADA free of cost.

Table C

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Cooperative Society Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and up to 6.00	35%	65%
Above 2.00 and up to 4.00	40%	60%
Up to 2.00	45%	55%

Explanation

* RC is therate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.

Provided that in case of plots up to 4000 sq. m, MHADA without insisting MHADA's Share in the form of BUA, may allow additional BUA over and above existing BUA up to 3.00 FSI by charging premium at the percentage rate of ASR defined in table C1 below:-

Table C1

LR/RCRatio	*EWS/LIG*	*MIG*	*HIG*
0 to 2	40%	60%	80%
2 to 4	45%	65%	85%
4 to 6	50%	70%	90%
above 6	55%	75%	95%

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Provided further that in case of plots having area of 4000 sq. m or above which front on roads having width of 18.00 m or more, the FSI1.00 over and above 3.00 shall be permissible in the form of Social Housing stock in the ratio of 1 MHADA: 0.5 Cooperative Society and it shall be handed over to MHADA free of cost & without any compensation

Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer elsewhere within the same or adjoining Municipal Ward. Provided that the BUA area to be handed over to MHADA shall be as per equivalent value of BUA as per the market value (as per ASR of that year)

2.2 Where redevelopment of buildings in the existing Housing Schemes of MHADA is undertaken by MHADA or jointly by MHADA along with the housing societies or along with the occupiers of such building or along withthe lessees of MHADA, the Rehabilitation Area Entitlement shall be as follows:

Rehabilitation Area Entitlement:
The Rehabilitation Area Entitlement shall be increased by 15% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in (A) of 2.1 above

Note: Fungible compensatory area as applicable on the surplus area to be handed over to MHADA shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area, in respect of area to be handed over to MHADA and surplus area to be handed over to MHADA shall be exclusive of the Fungible compensatory BUA if availed

3) For the purpose of calculating the FSI, the entire area of the layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub- division of plots shall be permissible on the basis of the compulsory open spaces as in these Regulations.

   The reservations in the MHADA layout may be developed as per the provisions of Regulation No. 17(3).

   Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.

4) For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.

5) a) For providing the requisite infrastructure for the increased population, Development Cess at the rate of 7% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be chargeable for the extra FSI (excluding the fungible compensatory area) granted over and above the normal FSI for the redevelopment schemes. 5/7th part of the Development Cess levied and collected by MHADA shall be transferred to the Municipal Corporation of Greater Mumbai for developing necessary offsite infrastructure.Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.
   b) No premium shall be charged under Regulation No 31(1) and 31(3) (for the fungible compensatory area)for
   (i) Construction of EWS/LIG and MIG tenements by MHADA on a MHADA plotor
   (ii) in a redevelopment project for the construction of EWS/LIG and MIG tenements towards the share of MHADA,or

6) Notwithstanding anything contained in these Regulations, the other relaxation incorporated in Regulation No. 33(10) of these Regulations except clause 6.11, 6.15, 6.16 & 6.18 shall apply. The payment of premium at the rate of 25% of normal premium or at the rate of 6.25% of the land rate as per ASR (for FSI 1), whichever is more shall apply to the Housing Schemes underthis Regulation for construction of tenementsunder EWS/LIG/MIG categories. However, the front open space shall not be less than 3.0 m.

7) a) In any Redevelopment Scheme wherethe Registered Co-operative Housing Society/Developer appointed by the Registered Co-operative Housing Society/ Federation/ Association/ Union has obtained NOC from the MHADA/Mumbai Board, there by sanctioning additional balance FSI with the consent of 51% of its members and where such NOC holder has

made provision for alternative permanent accommodation in theproposed building (including transit accommodation/Rent Compensation), then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenements for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHAD Act. mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non-co-operative members.

b) For redevelopment of buildings in any existing Housing Scheme of MHADA under clause2.2 hereinabove, by MHADA, the consent of the Cooperative Housing Society in the form of a valid Resolution as per the Co-operative Societies Act, 1960 will be sufficient. In respect of members not co-operating as per approval of the redevelopment project, action under section 95(A) of the Maharashtra Housing and Area Development Act, 1976 may be taken by MHADA.

8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which shall remain with the Co-operative Housing Societies for the maintenance of the new buildings under the Rehabilitation Component.

9) Convenience Shopping shall be permittedalong layout roads with 9m to 18m width.

10) (a) In case of layout of MHADA where development is proposed under this Regulation and where such land is observed to be partially occupied by slum, under section 4 of Slum Act existing prior to 1.1.2000 or such other reference date notified by the Govt., then for integrated development of the entire layout area and in order topromote flexibility, MHADA may propose development, including area occupied by the slum, under this regulation.

(b) (i) Each eligible residential or residential cum commercial slum dweller shall be entitled to a tenement of carpet area of 27.88 sq. m (300 sq. ft.) and

(ii) Existing or 20.90 sq. m whichever is less in case of non-residential

(c) If suchland occupied by slum is observed to be affected by reservation then the development of reservation on land occupied by slum shall be regulated by the Regulation No 17(3)(C)

(d) Corpus fund: An amount of Rs.40000 or as may be decided by SRA as per Regulation No 33(10) shall be deposited with MHADA Authority for each eligible slum dwellers.

33(6) ***Reconstruction of buildings destroyed by fire or which have collapsed or which have been demolished under lawful order:***

Reconstruction of buildings that existed on or after 10th June 1977 and have ceased to exist for reasons cited above, shall be allowed to be reconstructed with FSI as per the Regulation No 30(C).

Provided that if the area covered under staircase/lift has not been claimed free of FSI as per then prevailing Regulation as per the occupation plan, the area covered under staircases/ lifts shall be considered while arriving protected BUA in such cases the premium for entire staircase lift area in the proposed building as per these Regulations shall be recovered.

This FSI will be subject to the following conditions:-

1) Reconstruction of the new building on the plot should conform to provisions of DP and these Regulations.

2) Reconstruction will be subject to an agreement executed by at least 70 per cent of the landlord and occupants eachin the original building, within the meaning of the Mumbai Rents, Hotel and Lodging House Rates Control Act, 1947, and such agreement shall make a provision for accommodation and re-accommodate the said landlord/all occupants in the new building on agreed terms and a certificate from a practicing advocate having minimum of 10 years' experience, is submitted confirming that onthe date of application, reconstruction, agreements are executed by at least 70% of the landlords and occupants each in the original building with the developer/owner. The Advocate shall also certify that the agreements with occupants are valid and subsisting on the date of application.

3) The Carpet area of residential/non-residential premises may be altered with the consent of occupants.

4) Reconstruction shall be disallowed on set-back areas or areas required for road-widening and such areas shall be handed over to the Corporation.

5) These provisions shall not apply to buildings wholly occupied by warehouses and godowns.

6) If the building is reconstructed with existing FSI/BUA prior to its collapse/demolition, thenthe requirements of front & marginal open spaces shall be as per the Regulation No.41(5) of these Regulations.

7) Notwithstanding anything contained in these Regulations, the other relaxation incorporated in Regulation No. 33(10) of these Regulations except clause 6.11, 6.15, 6.16 & 6.18 shall apply. The payment of premium at the rate of 25% of normal premium or at the rate of 6.25% of the land rates as per ASR (for FSI 1), whichever is more shall apply.

8) If the existing FSI is less than the permissible FSI then the owner may opt for development uptopermissible FSI by availing TDR/ Additional FSI on payment of premium as per Regulation 30.

9) If the building is reconstructed by using Zonal (basic) FSI/ permissible FSI, the following shall apply:

a) Requirements of open spaces shall be as per Regulation nos. 41(1) and 41(2) & 43

b) Premium as applicable for area covered under Regulation No.31(1) & 31(3) beyond the existing FSI/BUA shall be paid.

10) Provision of Inclusive Housing as per Regulation No. 15 shall have to be made in case of 9 above, if applicable.

33(7) ***Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation:***

1. For reconstruction/redevelopment to be undertaken by same or different landlords or Co-operative societies of landlords and Cooperative Housing Societies (existing or proposed) of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of a cessed building existing prior to 30/9/1969 in Island City, which attracts the provisions of MHAD Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969, FSI shall be 3.00 on the gross plot area or FSI required for rehabilitation of existing tenants plus incentive FSI as specified in sr. no 5(a) below whichever is more.

   Provided further that reconstruction/redevelopment undertaken by proposed Co-operative Housing Society of occupiers of buildings existing prior to 30.09.1969, whichwere earlier cessed buildingsand were attracting the provisions of MHAD Act, 1976 but thereafter due to purchase/acquisition of the same byCo-operative Housing Society of Occupiers, suchbuildings are exempted from payment of cess, the FSI required for rehabilitation of existing occupier plus incentive FSI as specified in Sr. no 5(c)below will be available.

(a) The new building may be permitted to be constructed in pursuance of an irrevocable written consent by not less than 51% of the occupiers of the old building.

(b) All the eligible occupants of cessed and non- cessed building/ structures (existing prior to 30.09.1969) certified by MBRRB, existing on the plot having cessed building only, shall be re-accommodated in the redeveloped building.

2. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m (300 sq.ft.) and/or maximum carpet area upto 120 sq.m (1292 sq. ft.) as provided in the MHAD Act, 1976. In case of non- residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided that if carpet area for residential purpose exceeds 120 sq. m (1292sq. ft.) the cost of construction for the area over and above 120 sq. m shall be paid by tenant /occupant to the developer. The cost of construction shall be as per ASR of that year. However, the carpet area exceeding 120 sq. m (1292 sq. ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq. m (300 sq.ft.).

   For purpose of rehabilitation existing "Carpet area"/rehabilitation “carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation.

3. The list of eligible occupants and area occupied by each of them of cessed and non-cessed building/structures (existing prior to 30.09.1969) shall be certified by the Mumbai Repairs and Reconstruction Board and the irrevocable writtenconsent as specified in 1 (a) above shall be verified by the Board.

4. Tenements in the reconstructed building shall be allotted by the landlord/occupants' co-operative housing society to the occupiers as per the list certified by the Mumbai Repairs and Reconstruction Board.The prescribed percentage of the surplus BUA as provided in the Table in theThird Schedule of the MHAD Act, 1976, shall be made available to the Mumbai Repairs and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount as may be prescribed under MHAD Act, 1976.

Further in case of reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969 as per this Regulation, the BUA beyond area required for re-accommodation of existing occupants and incentive thereon of such rehab area if any shall have to be shared between MCGM and Society of occupants in the ratio of 1(MCGM): 0.5(Society of occupants) or compensation for MCGM share shall be paid to MCGM, as per policy of Municipal corporation.

Fungible Compensatory Area as applicable on the surplus area to be handed over to MHADA/MCGM shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area in respect of area to be handed over to MHADA/MCGM and surplus area to be handed over to MHADA/MCGM shall be exclusive of the Fungible compensatory BUA if availed.

Provided that the area equivalent to the market value (as per ASR of that year) of area admissible as per the prescribed percentage of BUAto MHADA can be made available within the same or adjoiningmunicipal ward of MCGM.

5. The FSI for rehabilitation of existing tenants/occupiers in a reconstructed building and incentive FSI that will be available shall be asunder:

(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord / occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus50% incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet area as per serial No. 2 subject to maximum limit.

(b) In case of composite redevelopment undertaken by landlord or Co-operative societies of landlords and Co-operative Housing Societies of landlord/occupiers jointly of 2 or more plots but not more than 5 plots with cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI requiredfor rehabilitation to exiting occupiers plus 60% incentive FSI, whichever is more and the occupier shall be eligible for 8% additional rehab Carpet Area as per serial no2 above subject to maximum limit.

Provided, further that if the number of plots jointly undertaken for redevelopment of sixor more with cessed buildings existing prior to 30/9/1969, or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha, FSI willbe

3.00 or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more and the occupier shall be eligible for 15% additional rehab Carpet Area as per serial no 2 above subject to maximum limit.

Provided further that, the above provision 5(b) shall also be applicable to municipal plots under redevelopment under this Regulation having different residential societies on different plots.

Note- Notwithstanding anything contained in this regulation, in case of redevelopment scheme where permissible FSI is 3.0, then the permissible FSI shall be allowed to be exceeded by BUA required for 5%, 8%, 15% additional rehab carpet area provided as per clause a) & b) above, as the case may be.

(c) Provided further that reconstruction/redevelopment undertaken by proposed Cooperative Housing Society of occupiers of buildings existing prior to 30/9/1969 in Island City, which were earlier cessed building and were attracting the provisions of MHAD Act, 1976 but thereafter due to purchase/acquisition of the same by Cooperative Housing Society of Occupiers, such buildings are exempted from payment of cess**,**the total FSI shall be 2.5 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever ismore.

6. The entire FSI available under clause 5 shall be allowed to be utilised on plot/plots under redevelopment scheme. However, if the owner/society so desire, they can avail the incentive FSI on the same plot or can avail the benefit of TDRs to be used in in accordance with the Regulations no.32.

7. Construction or reconstruction of old cessed building falling under reservation/zones contemplated in the DP shall be permitted as specified in Regulation No.17(3)(B).

   Contravening structures in TP Scheme and structures on the road shall also be included in the redevelopment scheme. FSI for the same will be as under DCR 33(12) or as provided in these Regulations whichever is more.

8. Relaxation in building and other requirements for rehabilitation:

   Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of RegulationNo. 33 (10) ofthese Regulations except clause 6.11, 6.16 & 6.18 shall apply.The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI 1), whichever is more shall apply.

   Even if the layout open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.

9. 20% of the incentive FSI can be used for non-residential purposes otherwise permissible in the DCPR.

10. Deleted

11. FSI under these Regulations should be allowed by the Commissioner only after Mumbai Repairs and Reconstruction Board is satisfied that the said redevelopment proposal fulfills all conditions to be eligible for the benefits under theseregulations.

12. In caseof the redevelopment of cessed buildings, the concessions regarding exclusion of areas from computation of FSI for general buildings stipulated in Regulation No. 31(1) shall apply.

13. Since the permissible FSI in clause 5 above is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after13.6.1996 shall be considered. Further unauthorized constructions made in the cessed buildings shall not be considered while computation of existing FSI.

14. For smooth implementation of the redevelopment scheme undertaken by owners and/or Co-operative Housing Society of the occupiers, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same owner/developer with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date ofoccupation certificate granted by the Corporation for the reconstructed buildings for the existing tenants/occupants.

15. Additional developmentcess equivalent to100%of Development charges on BUA(excludingthe fungible compensatory area/BUA),or Rs 5,000 per sq. m whichever is more for BUA over and above the existing BUAshall be paid by the owner/developer/society, for the rehabilitation and free sale components. This amount shall bepaid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

16. As per the provision of clause 2 above, eachresidential/non-residential occupant shall be rehabilitated only for carpet area mentioned in the said clause No.2above and such areas shall be clearly shown on the building plan submitted to the Corporation/ MHADA.

17. A corpus fund shall be created as prescribed by MHADA.

18. Restrictionon transfer of tenements shall be governed by provision of Rent Control Act till Co.Op. Society is formed and after that the same shall be governed by the provision of Maharashtra Co-op. Society's Act.

19. Non-Deduction of non-cessed Structure area in the schemeof 33(7) for FSI purpose: In case of mix of the structure i.e. cessed & non cessed structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out upto a limit of 25% of plot area, then FSI shall be considered on total plot area. If this area exceeds 25%of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No 30 and the FSI for the remaining plot area shall be as per 33(7). Provision of clause no 2 above shall be made applicable to non-cessed occupier.

Provided that the 25% land component of non-cessed structures will be eligible for FSI as per Regulation 33(7) only

20. (a) In case of layout of MCGM owned plots/ Municipal plot where development is proposed under this Regulation and where such land is observed to be partially occupied by slum, under section 4 of Slum Act existing prior to 1.1.2000 or such other reference date notified by the Govt., then for integrated development of the entire layout area and in order to promote flexibility, MCGM may propose development, including area occupied by the slum, under this regulation.

MCGM shall be the Planning Authority for the areas declared as slum under section 4 of Maharashtra Slum Area (Improvement) Act, 1971 on Municipal land existing prior to 01.01.2000 or date as notified by Govt. In cases where slum area do not constitute more than 50% of the plot area under redevelopment, in such cases the Planning Authority shall be as decided by Municipal Commissioner.

(b) (i) Each eligible residential or residential cum commercial slum dweller shall be entitled to a tenement of carpet area of 27.88 sq. m (300 sq. ft.)

(ii)Existing or 20.90 sq. m whichever is less in case of non-residential.

(c) If such land occupied by slum is observed to be affected by reservation then the development of reservation on land occupied by slum shall be regulated by the Regulation No17(3)(D)

(d) Corpus fund: An amount of Rs.40000 or as may be decided by SRA as per Regulation No 33(10) shall be deposited with MCGM for each eligible slum dwellers

21. Notwithstanding anything contained in these Regulations existing 9m. width of road shall be essential for any height of building above 32 m. height.

33(7)(A) Reconstruction or redevelopment of dilapidated/unsafe existing authorized tenant occupied building in Suburbs and extended Suburbs and existing authorized non-cessed tenant occupied buildings in Mumbai City.

For reconstruction/redevelopment of existing authorized tenant-occupied buildings, which have been declared unsafe for human habitation by or are to be demolished for the same reason under a lawful order by the Municipal Corporation of Greater Mumbai and duly certified as such, undertaken by landlord/s or Co-operative Housing Societies of existing tenants, the permissible FSI prescribed under these regulations and Appendix below, shall be admissible as under: -

a) In case of the plot consisting of only tenant occupied building, the F.S.I. shall be equal to F.S.I. required for rehabilitation of existing lawful tenant plus 50% incentive F.S.I. and the occupier shall be eligible for 5% additional rehab carpet area.

b) In case of composite development i.e. the plot consisting of tenant occupied building along with non-tenanted building such as owner occupied building/ existing Co-op Housing Society buildings etc., the FSI available shall be equal to FSI required for rehabilitation of existing lawful tenant plus 50% incentive FSI plus FSI that has already authorisedly been utilized/ consumed by the non-tenanted buildings/ structures.

Provided further that in case of composite redevelopment undertaken as mention in (a) & (b) above for two or more but not more than five plots of tenant occupied buildings the incentive FSI shall be 60% & the occupier shall be eligible for 8% additional rehab carpet area and for plots six or more then incentive shall be 70% and the occupier shall be eligible for 15% additional rehab carpet area.

Appendix

1. The F.S.I. permissible for the new building shall be as given in sub-regulation (7) (A) of Regulation No.33

2.(a) A new building may be permitted to be constructed in pursuance of an irrevocable written consent by not less than 51per cent of the tenants of the oldbuilding.

(b) All the tenants of the old building shall be re-accommodated in the redeveloped building.

3. Each tenant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of27.88 sq. m (300 sq. ft) and/or maximum carpet area up to 120 sq. m (1292 sq. ft) free of cost. In case of non-residential occupier the area to be given free of cost in the reconstructed building shall be equivalent to the area occupied inthe old building.

Provided that if carpet area for residential purpose exceeds 120 sq. m (1292 sq. ft) the cost of construction shall be paid by tenant to the developer. The cost of construction shall be as per ready reckoner rate of that year. However, the carpet area exceeding 120 sq. m (1292 sq. ft) shall be considered for rehab FSI but shall not be considered for incentive FSI. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq. m (300 sq.ft.).

For purpose of existing "Carpet area"/ rehabilitation “carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then Regulation but including the areas of balcony if allowed free of FSI as per then Regulation. This shall not be applicable for non tenanted buildings.

4. No new tenancy created after 13/6/96 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-96 or Court Order proving the existence of tenements prior to 13/6/96 shall be considered adequate evidence to establish the number of tenements.

5. The list of tenants and area occupied by each of them in the old building and the irrevocable written consent as specified in 2 (a) above shall be certified by the Municipal Corporation of GreaterMumbai.

6. The tenements in the reconstructed building shall be allotted by landlord/s or Co-operative Housing Societies of existing tenants to the tenants as per list certified by the Municipal Corporation of Greater Mumbai.

7. The entire FSI available under this regulation shall be allowed to be utilized on plot/plots under redevelopmentscheme.

8. Reconstruction of a new building on the plot should strictly conform to the provisions of the development plan and these Regulations.

9. No construction or reconstruction shall be permitted on set-back areas or areas required for road-widening and such areas shall be handed over to the Municipal Corporation.

10. For the purpose of calculating the FSI for tenanted building, the entire area of the plot/layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered.

11. New building shall be reconstructed in accordance with these Regulations and all other Regulations and orders as applicable from time to time. The Municipal Commissioner may exercise his powers under Regulation No 6 for condonation of minor variations in respect of such reconstruction.

12. 20% of the incentive FSI can be used for non-residential purposes otherwise permissible as per the DCPR.

13. The fungible compensatory area admissible on rehab component shall be granted without charging premium and such fungible compensatory area for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants .

14. For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

15. An amount of Rs.5000/- per sq. m shall be paid by the landlord/s or Co- operative Housing Societies of existing tenants, as additional development cess for the built-up area over and above the F.S.I. permissible as per table 12 under Regulation 30, for the rehabilitation and free sale components. This amount shall be paid to the Municipal Corporation in accordance with the time schedule for such payment as may be laid down by the Municipal Commissioner, MCGM, provided the payment of instalments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. The above development cess shall be enhanced @ 10% every three years.

16. As per the provision of clause 3, each residential/non-residential tenant shall be rehabilitated only for carpet area mentioned in the said clause 3 and such areas shall be clearly shown on the building plan submitted to the Municipal Corporation.

17. The landlord/s or Co-operative Housing Societies of existing tenants shall commence the reconstruction or redevelopment work within the period of one year from the date of demolition of the building and complete it within a period of five years. In the meantime the

landlord/s or Co-operative Housing Societies of existing tenants shall make arrangement of alternate accommodation of tenants.

18. A corpus fund is to be created by the landlord/s or Co-operative Housing Societies of existing tenants which will take care of the maintenance of the building for a period of 10 years.

19. Restriction on transfer of tenements shall be governed by provision of Rent Control Act till Co.Op. Society is formed and after that the same shall be governed by the provision of Maharashtra Co-Op. Society's Act.

[20If the rehab plus incentive as per this regulation is less than the permissible FSI as per regulation 30, then the owner may opt for development up to permissible FSI by availing TDR/Additional FSI on payment of premium at 50% rate of normal premium as per Regulation 30.

21. Relaxation in building and other requirements for rehabilitation: Notwithstanding anything contained in these Regulations, the relaxations incorporated in clause 6 of Regulation 33(10) of these Regulations except clause 6.11,6.16 & 6.18 shall apply. The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI 1) whichever is more shall apply.][(1)]

33(7)(B) Additional FSI forRedevelopment of existing residential housing societies excluding buildings covered under regulation 33(7) and 33(7)(A):

1) In case of redevelopment of existing residential housing societies excluding buildings covered under regulation 33(7) and 33(7)(A) proposed by Housing societies/land lords or through their proponents where existing members are proposed to be re-accommodated onthe same plot, incentive additional BUA to the extent of 15% of existing BUA or 10 sq. m per tenement whichever is more shall be permissible without premium.

   Provided further that if the existing authorized BUA and incentive thereon as stated above is less than the permissible FSI as per regulation 30(A)(1), then society may avail 'Additional FSI on payment of premium/TDR' up to limit of permissible FSI.

2) If staircase, lift & lift lobby areas are claimed free of FSI by charging premium as per then prevailing Regulation, then such areas to that extent only will be granted free of FSI without charging premium. If staircase, lift & lift lobby areas are counted in FSI in earlier development, then incentive additional FSI as stated in Sr. No 1 shall also be given on such area & such areas may be availed free of FSI by charging premium as per these Regulations.
3) This Regulation shall be applicable only when existing members of the societies are proposed to be re-accommodated.
4) This regulation will be applicable for redevelopment of existing authorized buildings which are of thirty years of age or more.

5) This regulation shall not be applicable in respect of redevelopment proposal to be/being processed under Regulation No 33(5), 33(7), 33(8), 33(9),33(9)(A),33(9)(B), 33(10), 33(10) (A), 33(20) (A), 33(21).

   Explanation: -Age of a building shall be as on the 1st of January of the year in which a complete redevelopment proposal is submitted to the Commissioner and shall be calculated from the date of Occupation Certificate or alternately, from the first date of assessment as per the property tax record in respect of such building or building on which balance/admissible FSI has been consumed by way of vertical extension as per then prevailing Regulation, available with the MCGM.
6) This incentive additional BUA shall be independent of additional BUA as permissible under Regulation No 14(A), 15, 16 and 17, if any.
7) Fungible compensatory area admissible under Regulation No. 31(3) on the existing authorised BUA shall be without charging premium and over the incentive additional BUA by charging of premium.
8) If tenanted building/s and building/s of co-operative housing society/non- tenanted building/s coexist on the plot under development, then proportionate land component as per the existing authorised BUA of existing tenanted building on the plot shall be developed as per Regulation No 33(7)(A) and remainder notional plot shall be developed as per this Regulation.

33(8) Construction of Affordable Housing in Special Development Zone (SDZ)

(I) Private land following in SDZ

(A) General

The provision of this Regulation shall apply to any contiguous, unbroken and uninterrupted piece of land, not less than 2.0 ha, and not disqualified from development, on account of other laws or regulations that are binding. Owners of land parcels having plot area lesser than 2 ha may come together to create contiguous land parcels of 2 ha or more & submit proposal for development under this Regulation along with proper access as per these Regulations. However, the Municipal Commissioner shall sanction the proposal with prior approval of Govt.

(B) Planning Considerations /Submission of Proposal

The proposal shall be submitted by the Owner, containing the demand assessment for infrastructure such as roads, water supply, sewerage and storm water drains along with clearly earmarking the area for Public Open Spaces (POS), Affordable Housing (AH), Other Amenities (OA), (viz. Education, Health & Social Amenities) and area for other development i.e.owners share of land. If OA/POS/AH to be handed over to MCGM is not abutting the municipal road, the same shall be provided with uninterrupted access as per table no 7 of Regulation No 23(1).The area of the land after deduction of the area covered under road/uninterrupted access proposed

as above, shall be apportioned among Owner's Share, AH, POS, and OA as detailed below. These roads/uninterrupted access shall be handed over to MCGM and will be eligible for additional BUA equal to area of land surrendered/transferred over and above FSI as stipulated below in Sr. No. D.

Sr. No	Plot Area	Affordable Housing	Public Open Spaces	Other Amenities	Area for Other Development
1	Not less than 2 ha & up to 4 ha	30%	15 %	14%	41%
2	More than 4 ha	30%	15 %	12%	43%

The Owner shall submit his proposal as per above to the Commissioner MCGM. While making such submission, he will take care of the following:

(a) He shall distinctly mark lands for AH, POS, OA and Owner's share in the layout. Further earmarking of lands for other amenities like education, health and social amenities cited above shall be done by the Commissioner taking the amenity standards prescribed as minimum.

(b) Advance possession of all lands other than the Owner's Share as detailed in the table above shall be handed over to MCGM at the time of approval of layout. The ownership shall be transferred in the name of MCGM within one year from the date of advance possession or seeking commencement certificate beyond plinth of the development of Owner's share, whichever isearlier.

(c) The Land Owner shall have the option of developing AH, OA and handing them over to the MCGM. However, area earmarked for POS, AH, OA shall be levelled along with construction of compound wall before handing over to MCGM.

(d) The development of AH & OA shall be as per specifications laid down by the Commissioner, within three years from date of approval to the individual building plans of AH and OA, unless extended by the Commissioner for valid, recorded reasons.

(e) Provision of amenities as per Regulation No. 14(A) and 15 shall not be applicable for development under this Regulation.

(f) The carpet areas of the tenements to be constructed shall be for EWS, LIG and MIG orasdecidedbyGovt.fromtimetotimesubjecttoaminimum25sq.m.

(g) Requirement of LOS as per the provisions of Regulation No.27 on AH plot and owner'sshare oflandshallbe 15%. Thus overall 25% cumulative LOS of entire holding shall be achieved by considering POS to be handed over to MCGM and owners share of land/AH plot.

(C)Infrastructure Development

The owner shall develop the infrastructure network within the layout (AH,POS &OA) to be handed over to MCGM (road + water supply mains + sewer line + storm water drain + street lights pertaining to that specific scheme) as per the requirements of the concerneddepartments.

(D)Permissible FSI

(a) If the Owner opts out of the responsibility of developing AH & OA, he will get FSI1.0 of the gross plot (AH + POS+OA + area covered under road to be handed over to MCGM + land forming Owner's share of that specific scheme) on the Owner's share of land.

(b) If the Owner opts to develop the cited AH & OA, the Owner shall be entitled for FSI 1 of the gross plot (AH + POS+ OA + area covered under roads to be handed over to MCGM + land forming Owner's share of that specific scheme) on the Owner's share of land along with cost of construction in the form of BUAas per Clause (E) (a)

(c) The Owner would also be compensated for all infrastructure developed by him that is not attributable to infrastructure pertaining to Owner's share of land and construction of the AH tenements & OA as describedbelow.

(d) The Development of the plot handed over for AH shall be with FSI 2.5 on the plot of the AH area. The Development of the plot handed over for OA shall be with FSI 2 on the plot of OA with the structural provision for vertical extension for consumption of FSI up to 4 on OA plot. AH Tenements & constructed amenities shall have to be handed over to MCGM. The cost of construction of AH tenements & built up amenities shall be paid in the form of BUA.

(e) 'TDR' or 'Additional FSI on payment of premium' as per Regulation No 30 (1) (A) [except Fungible Compensatory area as per Regulation No. 31(3)], shall not be permissible on Owner's share of land.

(f) The land handed over to MCGM for OA as stated above shall not be allowed to be developed under AR as stipulated in Regulation No 17 and shall have to be used entirely for the intended purpose as per these Regulations.

(g) Notwithstanding anything contained in these Regulations, residential/ commercial uses otherwise permissible, independent of road width to which it abuts shall be permissible on the Owner's share of land. 15% of admissible FSI on AH plot shall be exclusively used for the purpose of convenient shops.

(h) Development charges and premium shall not be recovered for any relaxations in open spaces, exclusion of staircase, lift and lobby areas from FSI computation & for Fungible compensatory area as per Regulation No. 31(3) for BUA to be handed over to MCGM.

(i) Development cess at 7% of the Land Rate (for FSI 1) for the BUA (excluding fungible compensatory area) to be constructed on owner's share of land as per ASR of the year of approval shall be paid to MCGM. The Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

(E)Compensation for development of infrastructure in lands handed over to MCGM and constructed BUA.

a) The owner shall be entitled for the following:

BUA in lieu of cost ofconstructionof AH/Built up Amenities including entire infrastructure development for	=	2.0[Rate of construction per sq.m as per ASR rate/rate of developed land per sq. m as per ASR(for FSI 1)]x BUA of all amenities &all AH

b) The ratio of BUA to carpet area shall be considered as 1.2 for considering the various requirements as per these Regulations.

c) Area covered under staircase/lift/staircase and lift for AH tenements/Amenities shall not be counted in FSI/BUA and shall be without charging premium.

d) Commencement Certificate beyond 75 % of the admissible BUA shall not be issued unless the infrastructure development in the entire layout and construction of AH tenements/Amenities is completed & occupation isgranted.

e) The Commencement Certificate beyond 75 % of the admissible BUA may be released once the Occupation Certificate for AH tenements/ Amenities is granted.

f) BUA in lieu of development of infrastructure and construction of AH tenements/Amenities, as detailed above may be released in proportion of 0.50 sale (incentive) area: 1 AH/Amenity area and the construction shall progress simultaneously in the said proportion, and 100% of incentive area in lieu of AH tenements/Amenities & infrastructure development can be released only after handing over of entire AH tenements/Amenities as per (e)above.

g) Consumption of FSI on owner's share of land shall be restricted to 4 only.TDR in lieu of unconsumed incentive BUA, as per provision (a) above in proportion to handing over of such completed AH tenements/Amenities may be allowed at the option of owner/developer. However, 20 % of such admissible TDR for unconsumed BUA shall be released only after handing over the entire area of AH tenements/Amenities to MCGM.

(III) Land of Govt. /Semi. Govt. /Appropriate Authority appointed by Govt. falling in SDZ

1. General

Notwithstanding anything contained in these Regulations for lands of Govt./Semi- Govt./Appropriate Authority falling in SDZ, the provision of this Regulation shall apply to any contiguous, unbroken and uninterrupted piece of land having area not less than 2.0 ha, and not

disqualified from developmenton account of other laws or regulations that arebinding. However, the proposals shall be sanctioned with prior approval of Government.

2***. Planning Considerations /Submission of Proposal***

The proposal shall be submitted containing the demand assessment for infrastructure such as roads, water supply, sewerage and storm water drains along with clearly earmarking the area for Public Open Spaces (POS), Affordable Housing (AH), Other Amenities(OA), (viz. Education, Health & Social Amenities) and areafor other development i.e. Govt./Semi-Govt./Appropriate Authority's share of land. If OA/POS to be handed over to MCGM and AH are not abutting the municipal road, the same shall be provided with uninterrupted access as per table no 7 of Regulation No 23(1).The area of the land after deduction of the area covered under road/uninterrupted access proposed as above, shall be apportioned among Govt./Semi-Govt./Appropriate Authority's Share, AH, POS, and OA as detailed below. These roads/uninterrupted access shall be handed over to MCGM and will be eligible for additional BUA equal to area ofland as surrendered/transferred over and above FSI as stipulated below in Sr. No. 4

Sr. No	Plot Area	Affordable Housing	Public Open Spaces	Other Amenities	Area for Other Development
1	Not less than 2 ha & up to 4 ha	30%	15 %	14%	41%
2	More than 4 ha	30%	15 %	12%	43%

The Govt./Semi-Govt./Appropriate Authority shall submit their proposal as per above to the Commissioner MCGM. While making such submission, they will take care of thefollowing:

~~TheGovt./Semi-Govt./Appropriate Authority may opt for development of the AH plot on their own as stated in clause 4(b)below.~~

a) Govt./Semi-Govt./Appropriate Authority shall distinctly mark lands for AH, POS, OA and Govt./Semi-Govt./Appropriate Authority's share in the layout.
Further earmarking of lands for other amenities like education, health and social amenities cited above shall be done by the Commissioner taking the amenity standards prescribed asminimum.

b) Advance possession of all lands other than the Govt./Semi-Govt./Appropriate Authority's Share as detailed inthe table above shall be handed over to MCGM at the time of approval of layout. The

ownership shall be transferred in the name of MCGM within one year from the date of advance possession or seeking commencement certificate beyond plinth of the development of Govt./Semi-Govt./Appropriate Authority's share, whichever is earlier.

c) Govt./Semi-Govt./Appropriate Authority shall hand over area earmarked for POS& OA after levelling of land along with construction of compound wall to MCGM.

d) Provision of amenities as per Regulation No. 14(A) and 15 shall not be applicable for development under thisRegulation.

e) The carpet areas of the tenements to be constructed shall be for EWS, LIG and MIG or as decided by Govt. from time to time subject to a minimum 25 sq.m.

f) Requirement of LOS as per the provisions of Regulation No.27 on AH plot and Govt./Semi-Govt./Appropriate Authority's share of land shall be 15%. Thus overall 25% cumulative LOS of entire holding shall be achieved by considering POS to be handed over to MCGM and owners share of land/AH plot.

3. Infrastructure Development

Govt./Semi-Govt./Appropriate Authority shall develop the infrastructure network within the layout (AH, POS & OA) to be handed over to MCGM (road + water supply mains + sewer line + storm water drain + street lights pertaining to that specific scheme) as per the requirements of the concerned departments.

4. Permissible FSI:

a) Govt./Semi-.Govt. /Appropriate Authority appointed by Govt. shall be eligible for FSI 1 of the gross plot (AH + POS+ OA + area covered under roads to be handed over to MCGM) on area of otherDevelopment.

b) The plot earmarked for AH may be developed by Government/semi-government/ Appropriate Authority appointed by Govt. with FSI 2.5 on the plot of AH, then the premium for the BUA is payable at 60% of land rate as per ASR (forFSI 1) except if the development undertaken by State Govt. & MCGM itself. These tenements shall be made available for general public for the AH as per policy ofGovt.

c) The development of OA as per the requirements of MCGM shall be permissible as per these Regulations. Provided further that Municipal Commissioner's decision regarding development of OA shall be final & binding.

d) 'TDR' or 'Additional FSI on payment of premium' shall not be permissible except fungible compensatoryarea.

e) The land handed over to MCGM for OA as stated above shall not be allowed to be developed under AR as stipulated in Regulation No 17 and shall have to be used entirely for the intended purpose as per these Regulations.

f) Notwithstanding anything contained in these Regulations, residential/commercial uses otherwise permissible, independent of road width to which it abuts shall be permissible on the Govt./Semi-Govt./Appropriate Authority's share of land. 15% of admissible FSI on AH plot shall be exclusively used for the purpose of convenient shops for use of residential occupants oflayout

g) Development cess at 7% of the Land Rate (for FSI 1) for the BUA (excluding fungible compensatory area) to be constructed on Govt./Semi-Govt./Appropriate Authority's share of land as per ASR of the year of approval shall be paid to MCGM.

33(9) ***Reconstruction or redevelopment of Cluster(s) of Buildings under Cluster Development Scheme(s)(CDS):***

For reconstruction or redevelopment of Cluster(s) of buildings under Cluster Development Scheme(s)(CDS) in the Island City of Mumbai undertaken by (a) the MHADA or the MCGM either departmentally or through any suitable agency or (b) MHADA/MCGM, jointly with land ownersand/or Co-op. Housing Societies of tenants/occupiers of buildings and/or Co-op. Housing Society of hutment dwellers therein, or (c) land ownersand/or Co-op. Housing Society of tenants/occupiers of buildings and/or Co-op Housing Society of hutment dwellers, independently or through a Promoter /Developer, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers plus incentive FSI whichever is moreas per the provisions of this Regulation as follows.

1.1 Cluster Development Scheme(CDS) means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of Mumbai and 6000 sq. m in the Mumbai Suburbs & Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least ***18*** m wide whether existing or proposed in the D.P. or URP ora road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as Cluster Development(CD) shall be a cluster or a group of clusters identified for urban renewal:

Provided further that HPC may consider after veryfing traffing simulation study to allow CDS on a plot having access from existing minimum 12m. wide dead end road originating from 18 m. wide public road.

1) Under the Cluster Development Plan (CDP)for the concerned area, to be prepared by the Commissioner, who may revise the same as and when required;or

Under the Development Plan (DP), where the DP contains such well defined cluster

2) By the Promoter of the CDS,

Provided that no cluster or clusters shall be identified for redevelopment or implementation of CDS by the Municipal Commissioner without carrying out an Impact Assessment Study regarding the impact on the city and sectorlevel infrastructure and amenities as well as traffic and environment of the implementation of CDS on such cluster or clusters.

Explanation:

1. The land under CDS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

   Amalgamation/ Subdivision of plots: On approval of CDS, any land proposed / considered under CDS on various C.S. Nos. or CTS Nos. and/or F.P.Nos. shall be treated as natural amalgamation for the purpose of CDS. for which no separate approval for amalgamation of lands would be necessary.

   Boundaries and Area of Proposed CDS shall be decided as per the approved layout and be confirmed by City Survey Officer after actual measurement of CDS on site and the same shall be adopted for planning purpose. However wherever necessary, the area may be further subdivided to earmark separate plots/Sectors for the planning purpose, handing over of Reservations, amenities, realigned roads, etc. to MCGM/ Appropriate Authority. The Plot area and the BUA in terms of sq. m of the said subdivided plots/Sectors shall be separately mentioned in the Conveyance Deed or lease deed. In case of land of different tenures, single PRC shall not be insisted. However, necessary entries about CDS shall be made in respective PRC.

In specific cases where CDS is not bounded by roads, nallas and railway lines, the boundary of the Cluster may be decided by the Municipal Commissioner.

1.2 The CD may consist of a mix of structures of different characteristics such as

(i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act,1976.

(b) Authorized buildings at least 30 years of age

Explanation: Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for CDS is submitted to the Commissioner and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation.

(iii) (a) Buildings belonging to the Central Govt, the State Govt, Semi-Govt Organizations and the MCGM, as well as institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are at least 30 years ofage.

(b) Any land belonging to the State Govt, any semi-GovtOrganization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed CDS including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt, the State Govt, Semi-Govt Organizations, MCGM or MHADA, prior consent of the concerned Department shall be obtained for including such buildings or lands in any proposal ofCDS.

(iv) Other buildings which by reasons of dis-repair or because of structural/sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by MHADA/MCGM or Mumbai Repair & Reconstruction Board.

(v) Slum areas declared as slums under section 4 of Slum Act or slums on Public lands existing prior to 1.1.2000 or such other reference date notified by the Govt, provided such slum areas do not constitute more than 50% of the area of CD.

Explanation: If some areas are previously developed/or are in the process of development under different provisions of the DCPR, such areas can be included in the CDS only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCPRunder which such areas are developed or are being developed. However, it shall be necessary to obtain consent of owner/owners of such areas for becoming part of the CDS.

2. Eligibility of Occupants for Rehabilitation under *Cluster Development Scheme* (CDS).

(A) For Buildings:

i. No new tenancy created after 13/6/96 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in

the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-96 or Court Order proving the existence of tenements prior to 13/6/96 shall be considered adequate evidence to establish the number of tenements. However, the Govt. may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

ii. The list of occupants and the area occupied by each of them in municipal buildings and their irrevocable written consents shall be certified by the MCGM. The list of occupants in other buildings excluding slums and the area occupied by each of them and their irrevocable written consents as specified in clause 4(a) shall be certified by the MBRRB.

iii. Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently shall be eligible for rehabilitation and incentive FSI.

(B) For Slum Areas:

i. All the protected Occupiers as defined in Chapter IE of Slum Act and orders issued thereunder and certified by competent authority thereof.

ii. A structure shall mean all the dwelling areas of all persons who are enumerated as living in one numbered house in the electoral roll of the latest date, upto 1st January 2000 or such other reference date Notified by the Govt. and regardless of the number of persons, or location of rooms or access.

3.* Land *pooling for the* CDS*:

The Promoter of CDS shall try to pool lands belonging to various categories of land holders including Public lands by obtaining their consent for including their lands in the proposed CDS, by resorting to any of the following methods of land pooling:

1) Purchase of lands, including buildings, if any, standingthereupon,

Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM.

The EC shall examine the request made by the Promoter in terms of the desirability of making the land belonging to a Public Authority available

for CDS and would decide the terms of transfer of such land to the Promoter for the purpose of implementing CDS. In case the land sought by the Promoter belongs to an Authority created by or under a statute, the decision of the EC shall be subject to ratification/approval by such Authority.

2) Exchange of such land with a suitable land of at least equivalent value as per ASR land rates.

3) Procurement of DRs over such land, by way of registered document by the Promoter, provided that the area over which the Promoter holds DRs shall be regarded as one plot for all the purposes of the DCPR;or

4) Transfer of all lands included in the CDS to a legal entity (e.g: Registered Society or Company, Co-operative Housing Society, Charitable Trust, etc.) to be created by the Promoter for implementing the CDS where different landholders haves takes proportionate to their share in the total land under CDS;or

5) Acquisition of lands, provided the Promoter has purchased or procured DRs over at least 70% land comprised in the CD and there are dangerous buildings, declared as such by the Competent Authority, on the balance lands contained in the CD. In such a situation, the Promoter may approach the HPC for recommending the proposal to the Govt. for acquisition of such balance lands. Upon receipt of such request, the HPC may, after due examination, recommend to the Govt. as to which lands are required to be acquired for the purposes of CDS. The Govt., thereafter, shall take necessary steps to acquire such balance lands under the provisions of the relevant law and transfer the same to the Promoter only for the purpose of implementing CDS after executing an agreement with him in this regard, subject to the Promoter depositing with the Govt. necessary amount of money for the land acquisition. For the purpose of land acquisition,CDS shallbe regarded as public purpose.

4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable registered written consent by eligible tenants/ occupiers of all authorized buildings not less than 51 % of each building or 60% overall of the scheme involved in the CDS Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on itsown land, directly without anydeveloper.

The Developer shall be required to submit along with the CDS proposal, proof of ownership or procurement of DRs in respect of at least 70% of the land under the proposed CDS(excluding Municipal Roads if maintained as existing in proposed CDS) and it shall be mandatory for him to submit such proof of ownership or procurement of development

rights in respect of the balance area within one year from the date of issue of the LOI.

b) All the eligible occupants/tenants of the building(s) undergoing redevelopment shall be rehabilitated in the redeveloped building(s).

5.Conditions of Rehabilitation:

(i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than 27.88 sq. m.This shall be the "basic area".

(ii) In addition to (i) above, there shall be ''additional area'' for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below

Table-A

Area of the Cluster Development	Additional Area (over & above basic area)
Above 1 ha up to 2 ha	15%
Above 2 ha up to 5 ha	20%
Above 5 ha up to 10 ha	25%
Above 10 ha	30%

Provided that if the carpet area of any occupant/tenement in the old building is 100 sq. m or more then he shall be eligible for additional area only on the basis of carpet area of 100 sq.m

Provided further that the rehabilitation entitlement of any occupant of a commercial establishment, who is allowed by the HPC to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations. No occupant shall be given more carpet area than basic area+additional area, except in certain cases of planning constraints, where the Municipal Commissioner may allow marginally more area. Such additional area allowed due to planning constraints shall be deducted from the sale component without affecting the surplus area.

a)Each eligible residential or residential cum commercial slum dweller shall be entitled to a tenement of carpet area of 27.88 sq. m (300 sq.ft.) and

(b)Existing or max 20.90 sq.m whichever is less in case of non-residential.

(c) For purpose of existing "Carpet area"/ rehabilitation “carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation

6. Total Permissible FSI for* CDS*:

a) The total permissible FSI for an CDS shall be 4.00 on gross plot area, but excluding the reservations/ existing amenity, road set back, area under existing Municipal Roads but including the BUA under reservation/existing amenity, road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible Compensatory area admissible under the provision of DCR31(3).

b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below:

Table-B

Basic Ratio (LR/RC)*	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4ha up to 1 ha	More than 1 ha up to 5ha	More than 5 ha up to 10 ha.	For more than 10ha
Above 6.00	55%	60%	65%	70%
Above 4.00 and upto 6.00	65%	70%	75%	80%
Above 2.00 and upto 4.00	75%	80%	85%	90%
Upto 2.00	85%	90%	95%	100%

Explanation: -

(i) *RC is rate of construction in respect of RCC Construction andLand Rate (LR) is the rate of Open Land for FSI 1.

Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in

which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

Provided further that if any new area is allowed to be added to or deleted from the CDS after such Scheme has been approved and if there is change in the slab prescribed above, the incentive FSI for the total area of the revised Scheme shall be determined as per the new slab.Provided further that any new area being added to a CDS shall not be less than 75% of the minimum area required for CDS.

Provided further that augmentation of area of CD shall not be allowed after further CC has been issued in respect of more than 75% of the total permissible BUA sanctioned under the original Scheme and there shall be no revision of individual areas as a result of such amalgamation of area. However, deletion of area from a sanctioned scheme will be permissible, provided the construction of rehabilitation component has not commenced and such deletion does not break the contiguity of the area under CDS.

c) If the total of rehabilitation FSI + incentive FSI is less than 4.00, then the Balance FSI over and above total of "rehabilitation FSI + incentive FSI" as per (b) above upto the limit of 4.00 shall be shared in terms of BUA between MHADA and the Promoter/Developer in accordance with Table-C below:

Table-C

Basic Ratio (LR / RC)*	Sharing of Balance FSI	
	Promoter/Developer Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 andup to 6.00	35%	65%
Above 2.00 andupto 4.00	40%	60%
Upto 2.00	45%	55%

Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer else where within the same or adjoining Municipal Ward as per the following formula:

Area of tenements coming to MHADA's share at location 'B' in CDS = Area of tenements coming to MHADA's share at location 'A' in CDS X land rate as per ASR value of location 'A'/ land rate as per ASR value of location 'B'

Where location 'A' refers to the location where tenements coming to MHADA's share under the Scheme are required to be given.

Location 'B' is the new location where such tenements are allowed to be given.

Provided further that the tenements so received by MHADA under its share shall first be offered free of cost to the MCGM and MMRDA for use as PAP tenements or as transit accommodation. If the MCGM and MMRDA do not require such tenements for PAP's or as transit accommodation, then the tenements received under its shareshall be used by MHADA for PAPs or Transit Accommodation or shall be sold as AH with prior permission of the Govt.

d)"tolerated structures" encroaching upon roads in nearby vicinity shall be allowed to be included in the CDS and its BUA shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation: The term "tolerated structure" means structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively ordate as decided by Govt.

e)It shall be permissible to implement the sanctioned CDS in phases provided the area of CD is more than 8000 sq. m in Island City and 12000 sq. m. in Suburbs and Extended Suburbsand the development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire CDS.

Subject to the master plan for the whole cluster being followed, phase wise implementation of CDS may be allowed, with pro rata utilization of the total admissible FSI.

Provided further that, while giving permission for phased implementation of the CDS, the time frame for implementation of each phase shall also be given.

The minimum area for each phase shall be 4000 sq. m. in Island City and 6000 sq. m. in Suburbs and Extended Suburbs.

Provided further that, while giving permission for phased implementation of CDS, the incentive FSI as per Table-B shall be first released as per the area of the plot under a given phase and the balance incentive FSI shall be released while giving approval to the last phase.

7. From the total FSI available under Clause 6, entire FSI towards rehabilitation component and MHADA's share shall have to be utilized on plot/plots under the Scheme. In case a part of incentive FSI is not proposed to be utilized on the same plot, the benefit of TDR as per Regulation No 32 shall be given. However, the quantum of TDR shall be governed by the following formula.

Incentive FSI at location 'B' in CDS

= Incentive FSI at location ‘A’ in CDS X ASR value of Land at location ‘A’/ASR value of Land at location‘B’

Where, location ‘A’ refers to the location where incentive FSI in CDS is generated.

Location ‘B’ is the new location where such incentive FSI is to be utilized.

8. **Development of DP Reservations:**

Construction or reconstruction of slums/buildings falling under Reservations contemplated in the DP shall be permissible as stipulated in the Regulation No. 17(3)(C)(I)

a. Where a proposed DP Road or Regular line of street passes through the CDS area, the entire FSI admissible under this Regulation for the area of the road may be given in the same Scheme.

The location of and the area under DP road/ existing roads falling in the CDS may be allowed to rearranged based on the comprehensive traffic study without affecting the continuity of the existing traffic movement and without reducing the total area of the existing road & DP Road. The existing roads may be realigned or relocated as per provisions of MMC Act.

b. No premium shall be charged for the fungible compensatory area admissible as per Regulation 31(3) for rehabilitation component of CDS as sanctioned by HPC and for the tenements to be handed over to MHADA and for the areas of reservation to be handed over to MCGM/Appropriate Authority. This fungible compensatory area admissible to the rehabilitation tenements shall be utilized for rehabilitation component only. Its utilization for Sale Component under the URS shall not be permissible.

9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under theDCR.

10. Development cess at the rate of 100% of Development Charge, subject to a minimum of Rs 5000 per sq. m. for BUA over and above the existing BUA (excluding fungible compensatory area/BUA), for the rehabilitation and free sale component, shall be leviable in respect of any CDS by the MCGM and in accordance with the time schedule for such payment as may belaid down by the Commissioner. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

This development cess shall not be applicable to the BUA to be handed over to the MCGM or any Public Authority in lieu of reservation or to the

amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the HPC.

11. Temporary transit camps may be permitted in the same CD or elsewhere in MCGM limits on land belonging to the Promoter/Developer up to 4.00 FSI with the concessions permissible under SRA Scheme under Regulation 33(10). Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Corporation for the reconstructed building. Till the transit camps are fully demolished, the Commissioner shall not release FSI for the free sale area under the CDS in excess of 75% of the total admissible Incentive FSI.

12. Non-conforming Activities: All activities which are existing shall be allowed to be re-accommodated regardless of the non-conforming nature of such activities excepting those that are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Promoter/Developer/MCGM.

13. Relaxation in Building and other requirements:

In case of tenements of 27.88 sq. m Carpet area for rehabilitation or tenements to be given to MHADA, towards its share and the BUA to be handed over to the Planning Authority/Appropriate Authority, the following shall be applicable.

13.1 Calculation of FSI for all purposes shall be on gross area of the CDS. Provision of LOS, to be kept on the site as per prevailing D.C.Regulations.

13.2 Notwithstanding anything contained in Regulation No.31(1), areas of common passages not exceeding 2.00 m in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA component shall not be counted towards FSI.

13.3 Front and marginal open spaces, for a building having height up to 32.0 m. in the rehabilitation component ora composite building, shall be 3.0 and 4.5 m respectively.

Provided that for a building having height more than 32.0 m and up to 70 m, open space of the width of 6 m at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 m or more on two sides, or another access of 6 m to the building is available, apart from the road abutting the building.

13.4 Notwithstanding the provisions in Regulation No 41 (Table No 18)

where the location of the CD plot abuts a DP Road having width of 18.3 m and above. The front marginal open space shall not be insisted upon beyond 3.0 m provided such road is not an Express Highway or a road wider than 52m.

13.5 Where the location of the CD plot abuts a trained nallah, the marginal open space along the nallah shall be 6.0 m from theedge of the trained nallah,

13.6 The distance between any two rehabilitation buildings up to 32 m height shall not be less than 6.00 m

13.7 If the height of any building constructed under CDS is more than 32.0 m, marginal open space shall be as per the Regulation No41(5).

13.8 A composite building under CDS shall have at least 50 percent of BUA as rehabilitation component.

13.9 Wherever more than minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the AOS under the CDS comprising both rehabilitation and free sale components, without charging any premium, in relaxation of the stipulation in Regulation No. 27.

13.10 The means of access shall be normally governed by the provisions of Regulation No. 23 However, in the CDS, wherever the design of the buildings up to 32.0 m height requires relaxation in the width of access, the same may be given. However, high rise buildings shall be permissible as per Regulation No 19.

13.11 Even if the LOS is reduced to make the project CDSviable, at least 10 percent of CD plot area shall be provided as LOS. In addition, 10 percent of CD plot area shall be earmarked for LOS which can be adjusted against the DP reservation/land component of built up amenity, to be handed over to MCGM, if any, existing on such plot.

13.12 Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation 31(1)

13.13 In order to make the CDS viable, the Municipal Commissioner shall be competent to sanction any relaxation in marginal open spaces except front marginal open space and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However, the Govt. shall have the power to relax any of the provisions in these Regulations.

13.14All relaxations outlined hereinabove shall be admissible only in respect of the rehabilitation component and the composite buildings under the CDS. Premium shall not be charged for all or any of the

relaxations given hereinabove or for any other relaxations mentioned in Regulation No 31(1). Provided that if any further relaxation in open spaces is granted by Municipal Commissioner then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

If any relaxation in open spaces except front open space in sale component is granted by Municipal Commissioner, then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

14. The approving/sanctioning authority for the building plans under the CDS shall be the Municipal Commissioner as per the MMC Act and MRTP Act, 1966 even if the CDS partly consists of declared slums/slums on Municipal/ Govt. lands existing prior to 1st January 2000 or such/other reference date notified by the Government.

15. Religious structures existing on the site of CDS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Govt from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

16. Restriction on transfer of tenements shall be governed by provisions of Maharashtra Rent Control Act, till such time that a Co-op. Housing Society isformed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years.

17. Corpus Fund: An amount of minimum Rs 50,000/- per tenementor as directed by the HPC shall be created by the Promoter/Developer as a Corpus fund, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

18. Any ongoing scheme under Regulation 33(7) which fulfills the criteria under this Regulation can be included in the proposal under Regulation 33 (9) for approval or converted into a CDS under this Regulation 33(9). However, all dilutions of reservations under Regulation 33(7) shall have to be restored as per this Regulation.

19, Heritage buildings of Grade-I and II as well as authorized and structurally sound retainable buildings may be included in the CD, but shall have to be kept as they are, alongwith land appurtenant, and this area shall be counted towards the slab of Incentive FSI, but shall not be considered for FSI under this Regulation. As regards such Heritage Structures, the Promoter/Developer shall have to contribute Heritage Cess at 5% of ASR on the basis of BUA of the Heritage structure. Existing provisions under the DCPR shall apply to Heritage Buildings of Grade-III

and buildings in heritage precincts. However, if the URS contains Grade I structure, the HPC shall consult the MHCC before granting approval.

20. If HPC approves areas for amenities such as Fire Stations/Hospitals/ Police Stations/Schools, etc. other than reservations/designations under the DP, such amenities shall be handed over to the concerned Authority free of cost. The BUA of such amenity shall be considered towards rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.

21. HPC, headed by Municipal Commissioner and constituted by the Govt., shall be competent to approve the CDS with the previous sanction of the Govt. under this Regulation. On approval by HPC, the proposal shall be submitted to the Municipal Commissioner, MCGM for approval of plans. The decision of HPC shall be appealable as if it is an appeal under section 47 of the MR&TP Act, 1966.

Provided that no CDS shall be sanctioned by the Govt without giving due regard to the Impact Assessment study referred to inclause 1.1 above.

22. Regardless of its area, any Cluster Renewal Scheme (CRS) for which LOI has been issued under Regulation 33(9) of DCR 1991 prior to the date of coming into force of this Regulation can be allowed to be converted as per this Regulation at the request of the Promoter/Developer, with the prior approval of the State Govt.

Provided that:

a) For the purpose of calculation of Basic Ratio, as specified in Clause 6(b) above, the land rate (LC) and the Rate of construction (RC) shall be taken forthe year in which such CDS was approved and LOI was issued by the competentauthority.

b) The surcharge on development leviable on such CDS after its conversion under thisregulation, shall be calculated in accordance with the date on which the development cess had been paid and shall be recovered before issuing CC after the conversion of the Scheme. Any excess amount paid towards Development Cess shall be adjusted against any other charges due, but shall not berefunded.

c) Conversion of such CDS, which has not been sanctioned by the Govt. earlier, shall require Govt. approval.

Provided further that after the coming into force of this Regulation, land pooling and the development of buildable reservations and construction of Transit Camps in the CDS approved prior to the coming into force ofthis Regulation may be done as per the provisions of this Regulation, if the same has not been completed so far, even where such CDS has not been converted to be developed as per this Regulation.

33 (9) (A*) Regulations for Dharavi Notified Area (DNA)*

Urban Renewal Scheme under Dharavi Redevelopment Project (DRP):
Areas undertaken by SRA under DRP for renewal and redevelopment of buildings/chawls including cessed buildings situated on non-slum areas within DNA, shall be a part of the entire DRP Area which shall have an overall FSI of 4.00. The entitlement of FSI on that particular plot shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers plus incentive FSI and would be in accordance with the guidelines laid down below.

1) Applicability of the provisions:

For achieving comprehensive planning and development of non-slum areas of DNA through sectoral layouts of DRP, the provisions in this Regulation shall apply to the renewal and redevelopment of buildings/ chawls including cessed properties and such schemes on areas which are part of DRP Area undertaken by DRP (SRA) by following competitive bidding process for DRP (SRA) through the developer or through Public Authority or any manner as may be decided by Government from time to time. The properties which are not part of DRP Area as defined above shall be developed in accordance with DCR 30.

2) Renewal & Redevelopment project formulated by SRA for buildings/chawls including cessed properties shall be with FSI of 1.72 or the FSI required for rehabilitation of existing eligible occupants, whichever is more. This shall exclusively be used for rehousing existing eligible occupants and forgeneratingadditional tenements/units. The BUA of such construction with 1.72 FSI or more shall be termed as RRC

3) (a) If areas redeveloped earlier under SRD/SRA schemes are included in the DRP Area for renewal and redevelopment under DRP, the TDR generated from the plot in the said SRD/SRA scheme would be deducted from over all calculation of FSI 4.00.

(b) For private unencumbered plot/s situated within DNA but presently excluded, the FSI shall be 4.00 on their inclusion in DRP. The developer however, shall have to pay premium as decided by DRP on BUA equivalent to 2.67 FSI of that plot upon which he couldgo up to BUA equivalent to 4.00FSI in his free sale component.

4) The construction of RRC will be carried out by the developer so appointed under DRP at his cost as per the specifications, planning and requirements of DRP (SRA). Each eligible occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m (300 sq. ft.) and maximum area equivalent to the area occupied in the old building. The carpet area upto 70 sq. m shall be part of RRC and shall be provided free of cost. However, area above 70 sq. m will be at construction cost to be determined by OSD, DRP (SRA) and the said cost

to be paid by the respective occupant to the developer. Such surplus residential renewal area shall not qualify for calculating incentiveRSC.

In case of non-residential occupier, the area to be given will be equivalent to the area occupied in the old building. The renewal tenements in the so completed buildings shall be handed over to the respective eligible occupiers of the old building as certified by the concerned Competent Authority free of encumbrances.

For purpose of existing "Carpet area"/ equivalent “carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation.

5) **Eligibility for Renewal Rehab Tenements**:

For URS, the existing tenants/occupants residing as on 1st January, 2000 shall be considered eligible. A certified inspection extract of the MCGM for the year 1999- 2000 or Courts Order proving the existence of tenements prior to 1.1.2000 shall be considered adequate evidence to establish number and size of tenements. No new tenancy/occupancy created after 1.1.2000 shall be considered. Further unauthorized construction made in buildings/chawls, and unauthorized extensions to the tenements shall not be considered for any computation.

6) (a) An area equal to 13.33 sq. m BUA as Renewal Sale Component (RSC) shall be made available against the RRC of 10 sq. m for disposal in the open market. RSC can be clubbed with Slum Sale Component and Amenity Sale Component generated under DCR 33(10) (A) within the same planning sector.

(b) If the FSI required for rehabilitation of existing eligible occupants plus RSC exceeds FSI 4.00 of a particular plot, such excess quantum shall get absorbed while calculating overall FSI of 4.00 on entire DRP Area.

7) Non-Residential User as permissible in R and C zones as per Regulation No. 34 shall be allowed in Free SaleComponents.

8) RRC shall be located at a suitable location within the respective planning sector layout and not necessarily be on the plot where they exist at present. In case of any site constraints, the same may be allowed to be located outside the particular sector layout, but within the DNA, with the special permission of OSD, DRP (SRA).

9) After the proposed RRC buildings are constructed in the sector layout, at approved location, in all respect including amenities such as water supply, sewerage lines, electricity etc., the present occupiers of the respective buildings, chawls, tenanted properties etc. of the concerned authorities shall be shifted to their respective newly built tenements as per the allotment to be finalized by the concerned authorities.

10) An individual agreement shall be made by the Land-Owning Authority/SRA/the developer so appointed by DRP (SRA) with the eligible occupier of eachtenement /unit in the joint names of pramukh occupier and spouse for every structure on the renewal plots.

11) Tenements having a differently abled person or female-headed households shall be given first preference in allotment of tenements. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the other occupiers.

12) In respect of those eligible occupiers on site who do not join the project willingly the provisions laid down under Regulation No.33(9) and provisions of MHADA Act, 1976 shall be applicable.

13) The Managing Committee of the proposed Co-operative housing society of occupants to be formed after allotment of reconstructed tenements shall have women to the extent of one-third of the total strength of actual members on the committee at anytime.

14) The tenement obtained under this scheme cannot be sold/leased/ assigned or transferred in any manner for a period of ten years from the date of allotment/possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by DRP(SRA).

15) Building permissions for the Urban Renewal development shall be as per the procedure laid down under clause no. 2.1 to 2.8 of Regulation No.33(10) A.

16) Temporary transit accommodation shall be provided within DNA. If it falls on the area of amenity open space excluding D P road/open space reservation in accordance with the procedure laid down under Regulation No. 4 of 33(10)(A).

17) Relaxation in building and other requirements for the Urban Renewal development shall be as per the provisions laid down under clause no. 6.1 to 6.17 of Regulation No. 33(10)(A).

18) Urban Renewal Development and DP Reservations shall be as per the provisions laid down under clause no. 7.1 to 7.9 of Regulation No.33(10)A.

19) *The* concerned land owning authority shall give DRs of their land to DRP (SRA) in lieu of 70% of net premium that is payable by the developers, proportionate to the RRC generated on the said land. In case project is to be undertaken by Public Authority, the premium payable shall be as decided by the Government.

20) Ownership and Terms of lease – If land on which the RRC of DRP is to be constructed is part of Govt./MCGM/MHADA/MMRDA/Any Undertaking land, the same shall be leased to the Co-operative Housing Society of the occupants on 30 years' lease with a rent as decided by GoM from time to time and shall be renewable for a further period of 30 years. The same conditions shall prevail for land under the free sale component and the land shall be leased directly to the Society/Association of the purchasers in the free sale component and not through the society of renewal rehab occupants.

21) As soon as the approval is given to the Project, the no objection certificate for building permission of the land-owning authority shall be given in respect of that property to be developed under this Urban Renewal Scheme on lands belonging to any department, undertaking, agency of the State Government including MHADA, or any local self – Government such as the Municipal Corporation within **60days** after the intimation of such approval to the Project is communicated. In the event of its refusal to grant NOC, reasons thereof shall be stated and in the event not been given within the period, it shall be deemed to have been given.

22) An amount of Rs 40,000/-or such an amount as may be decided by the Govt. from time to time per tenement/ unit will have to be deposited by the developer with DRP as a corpus fund for utilization by the co-operative housing society of the renewal rehab occupants for the purpose of maintenance, in accordance with the time-schedule for such payment as may be laid down by OSD, DRP (SRA). However, by the time of completion of construction for occupation of tenements by the hutment dwellers, thetotal amount at the rate of Rs 40000 per tenement completed should have been deposited in full.

    The building permission for the last 25 percent of the free sale component would be given only after the entire required amount is deposited in full with DRP (SRA).

23) An amount of Rs. 840/- per Sq. mt. shall be paid by the Developer for the BUA over and above the Zonal (basic) FSI, for the rehabilitation and free sale components. This amount shall be paid to DRP(SRA) in accordance with the time schedule for such payment as may be laid down by OSD,DRP(SRA), providedthe installments shall not exceed beyond the completion of construction. This entire amount will remain with DRP (SRA) and the same shall be used for Schemes to be prepared for the improvement of infrastructure within Dharavi Redevelopment Project Areas.

24) SRA, after consultation with the concerned authorities may add, alter or amend the conditions under these Regulations with the previous approval of the Govt.

Note:-

The provisions of the DCR for Greater Mumbai, and all other applicable sections of the MR & TP Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the express0ions "Municipal Corporation of Greater Mumbai" and "Municipal Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

33(9) (B): Reconstruction or redevelopment of Cluster of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi under Urban Renewal Scheme(s).

For reconstruction or redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by the Planning Authority, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers certified by competent Authority appointed by Government for this purpose, plus Incentive FSI as per the provisions of Appendix whichever is more.

Appendix
Regulation for Reconstruction or Redevelopment of Cluster(s) of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi by implementing Urban Renewal Scheme(s).

1.1 “Urban Renewal Scheme” (URS) of BDD Chawls means a scheme for redevelopment of the cluster of buildings and structures constructed by Bombay Development Division in the Island City of Mumbai, at four locations and boundaries of the area as shown in DP hereinafter referred to as " Urban Renewal Cluster or URC " shall be a cluster identified for urban renewal:--

1) Under the Development Plan (DP) , where the DP contains such well- defined Clusters;or

2) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Officer appointed by the Planning Authority, who may revise the same as and when required; or

3) By Planning Authority, where such clusters of BDD Chawls are not shown on the DP and the URP is yet to be prepared.

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Officer appointed by the Planning Authority without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation—
1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

2 In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the Cluster may be decided by the Officer appointed by the Planning Authority.
1.2 The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as –

(i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA

(b) Authorized buildings at least 30 years of age constructed by Bombay Development Division (BDD).

Explanation. -- Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Officer appointed by the Planning Authority and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the PWD.

(iii)(a) Buildings belonging to the State Government and Central Government
(b) Any land belonging to the State Government, any semi-Government Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt., the State Government, Semi-Government Organizations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural/sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by Planning Authority.

(v)All dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment) Act, 1971, existing prior 1-1-2000

Explanation: If some areas are previously developed/or are in the process of development under different provisions of the DCPR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCPR under which such areas are developed or are being developed.

2. Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)

(A) For Buildings --

i. No new tenancy created after 13/6/1996 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while computing existing FSI. A certified inspection extract of the Competent Authority/MCGM prior to 13/6/1996 and certification by Competent Authority appointed by Government for this purpose as decided by GR dated 30/03/2016 proving the existence of tenements prior to 13/6/1996 shall be considered adequate evidence to establish the number of tenements and tenants/occupants of such tenements. However, the Govt. in Housing Department, if necessary may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

ii. The list of eligible tenants and the area occupied by each of them in BDD Chawls shall be certified by the Competent Authority appointed by Government for this purpose.

B) For Dwelling Structures (other than tenements in B.D.D. Chawls buildings)

i) Dwelling Structures means all dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment) Act, 1971, existing prior1-1-2000.
ii) The eligibility of the participants will be certified by the Competent Authorities appointed by Government.
iii) The eligibility of such occupiers including transferee under this project shall be established in accordance with Chapter 1-B of Maharashtra Slum Area (Improvement, Clearance, Redevelopment) Act, 1971 and orders issued there under.

3. Rehabilitation Entitlements:-

i) Each certified residential tenant/occupant shall be rehabilitated and given on ownership basis, a tenement of Carpet area 46.45 sq. m. This entitlement is consolidated entitlement of rehab area. No further compensatory or other FSI would be available.

(ii) Eligible Religious structure/Eligible onsite amenities/Eligible any other non- residential structure shall be given existing carpet area or as decided by the Government.

(iii) Each eligible slum dweller shall be entailed to a tenement of carpet area of 25 sq. m (269sq.ft.)

4) ***Total Permissible FSI for URS:-***

a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 gross plot area, but excluding the reservations/designations, Road set back, are under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCPR 31 (3).

b) The FSI for Urban Renewal Schemes in CRZ area shall be governed by the MOEF Notifications issued from time to time.

c) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (L), in Rs/sq. m, of the lands included in the Urban Renewal Cluster, as per th Annual Statement of Rates (ASR) and Rate of Construction (RC)* in Rs/sq. m. applicable to the area as per the ASR and shall be given as per the Table-B below :-

Table-B

Basic Ratio (LR/RC)*	**Incentive (As % of Admissible Rehabilitation Area)**			
	For 0.4ha to1.0 ha.	For 1.0 ha to 5.0 ha	For 5.0 hato 10.0ha	For 10ha and above
Above 6.00	55%	60%	65%	70%
Above 4.00 and upto 6.00	65%	70%	75%	80%
Above 2.00 and upto 4.00	75%	80%	85%	90%
Upto 2.00	85%	90%	95%	100%

Explanation:
(i) *RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Statement of Rates.
Provided further that in case there are more than one land rates applicable to different parts of the plot under the Urban Renewal Scheme, a weighted averageof all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

d) "Tolerated structures" encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its BUA shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation: -The term “tolerated structure” means the structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962respectively.

e) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases. The development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban RenewalScheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with pro rata utilization of the total admissible FSI for rehab and incentive component simultaneously.

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be as decided by the Planning Authority.

5. Development of DP Reservations:--

Construction or reconstruction of slums/buildings falling under Reservations contemplated in the Development Plan shall be permissible asper Regulation No17(3)(C)(II)

6. 30% of the Incentive FSI can be used for non-residential purposes as otherwise permissible under the DCPR.

7. Development cess at the rate of 100% of Development charge otherwise applicable subject to a minimum of Rs 5000 per sq. m for the BUA over and above the Zonal (basic) FSI, for the rehabilitation and incentive sale component, shall be leviable in respect of any URS by the MCGM in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

This surcharge shall not be applicable to the BUA to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the Empowered Power Committee.

8. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Planning Authority up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these DCPR. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Officer appointed by the Planning Authority for the reconstructed building. Till the transit camps are fully demolished, the Officer appointed by the Planning Authority shall not release FSI for the Incentive component area under the URS in excess of 75% of the total admissible Incentive FSI.

9. In the case of specific designations/reservations in the Development Plan, the Officer appointed by the Planning Authority, may shift, interchange the designation/reservation in the same cluster, to which an access is available from peripheral or outer road or has to be provided and the same is not encumbered, provided that the area of such designation /reservation is not reduced.

10. Non-conforming Activities – All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Planning Authority.

11. Relaxation in Building and other requirements:-

In case of tenements of 46.45 sq. m carpet areafor rehabilitation or tenements to be handed over to the Planning Authority, the following shallbe applicable.

11.1 Calculation of FSI for all purposes shall be on gross area of the URSi.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical recreational open space, to be kept on the site as per prevailing DCPR

11.2 The provision in Regulation 37(20) relating to balcony shall apply to the URS with the following specifications: -Balcony shall not reduce marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m clear margin shall be maintained.

11.3 Notwithstanding anything contained in Regulation 31(3) of the DCPR, areas ofcommon passages not exceeding 2.0 m. in width, provided for giving access tothe tenements in rehabilitation component and the tenements to be handed over against reservation and Planning Authority component shall not be counted towards FSI.

11.4 Front and marginal open spaces, for a building having height up to32.0 m. in the rehabilitation component or a composite building, shall be 4.5m.

Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

11.5 Notwithstanding the provisions in Regulation41 (Table 18) where the location of the URC plot abuts a DP Road having width of 18.3 m and above. The front marginal open space shall not be insisted upon beyond 4.5 m provided, such road is not an Express Highway or a road wider than 52m

11.6 Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 6.0 m from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever isgreater.

11.7 The distance between any two rehabilitation buildings shall not be less than 6.00 m

11.8 If the height of any building constructed under URS is more than 32 m, marginal open space of 6 m or as required by CFO whichever is greater shall be maintained.

11.9 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and incentive FSI components, without charging any premium, in relaxation of the stipulation in Regulation No.27.

11.10 Pathways and Means of Access.—the ratio between the length of the pathway and the width thereof shall be asfollows:

Length	Width
Upto 20 m	1.5m
21 to 30 m.	2.0m
31 to 40 m.	2.5m
41 to 59 m	3.0m

11.11 Between the dimensions prescribed for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.

11.12 The means of access shall be normally governed by the provisions of Regulation No. 23. However, in the URS, wherever the design of the buildings up to 32 m. height requires relaxation in the width of access, the same may be given. However, high rise building shall be permissible only on access having width of 9 m. and above.

11.13 Even if the recreational open space is reduced to make the project URS viable, at least 10 % of URC plot area shall be provided as recreational open space. In addition to this, 10% of URC plot area shall be earmarked for amenity space which can be adjusted against the D.P. reservation if any, existing on such plot. The type or location of the amenity to be decided by Officer appointed by the Planning Authority and shall be handed over free of cost to Planning Authority. The BUA of such amenity shall be added to the Rehab component while calculating the share of incentive component.

11.14 Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation No31(1)

11.15 In order to make the Urban Renewal Scheme viable, the Officer appointed by the Planning Authority shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However the Govt. or Empowered Committee shall have the power to relax any of the provisions in these Regulations.

11.16 All relaxations outlined herein above shall be admissible to entire project area under the URS. Premium shall not be charged for all or any of the relaxations given herein above or for any other relaxations mentioned in Regulation No31(1).

11.17 The parking in the scheme shall be provided as per Regulation No.44.

12 The approving / sanctioning authority for the building plans under the URS shall be the Officer appointed by the Planning Authority as per the MRTP Act, 1966 even if the URS partly consists/of declared slums/slums on Municipal/Govt. lands existing prior to 1st January 2000 or such/other reference date notified by the Government.

13 Religious structures existing on the site of URS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Government from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

14 Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years. Transfer fee and period for tenants and other beneficiary shall be as decided by Government.

15 CORPUS FUND.—A Corpus fund shall be created by the Planning Authority as directed by the Empowered Committee, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

16 If Empowered Committee as per Govt. GR dated 30/03/2016 approves areas for amenities such as Fire Stations/Hospitals/Police Stations/Schools, etc. other than the reservations/designations under the Development Plan, such amenities shall be handed over to the Planning Authority free of cost and the BUA of such amenity shall be considered towards rehabilitation F.S.I, and Incentive FSI as admissible under this Regulation shall be permissible.

17 Upon the recommendation by Planning Authority , the Empowered Committee constituted vide GR dated 30/03/2016 shall be competent to approve the schematic plans of Urban Renewal Schemes under this Regulation. On approval by the Empowered

18 Committee, the Officer appointed by the Planning Authority shall sanction the final plans of URS

Provided that no Urban Renewal Scheme shall be sanctioned by the Empowered Committee as per GR dated 30/03/2016 without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix.

33 (10) ***Redevelopment for Rehabilitation of Slum Dwellers:***

I Eligibility for redevelopment scheme:

(a) A person eligible for redevelopment scheme shall mean a protected occupier as defined in Chapter IB of Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971 as amended time to time, hereinafter referred to as Slum Act and orders issued thereunder.

(b) Subject to the foregoing provisions, only the actual occupants of the hutment shall be held eligible, and the so-called structure-owner otherthan the actual occupant ifany, even if his name is shown in the electoral roll for the structure, shall have no right whatsoever to the reconstructed tenement against thatstructure.

II Definition of Slum, Pavement, and Structure of hut:

(i) Slums shall mean those censused, or declared and notified, in the past or hereafter under the Slum Act. Slum shall also mean area/ pavement stretches hereafter notified or deemed to be and treated as Slum Rehabilitation Areas.

(ii) If any area fulfils the condition laid down in section 4 of the Slum Act, to qualify as slum area and has been censused or declared and notified shall be deemed to be and treated as Slum Rehabilitation Areas.

(iii) Slum Rehabilitation area shall also mean any area declared as such by the SRA though preferably fulfilling conditions laid down in section 4 of the Slum Act, to qualify as slum area and/or required for implementation of any slum rehabilitation project. Any area where a project under Slum Rehabilitation Scheme (SRS) has been approved by CEO, SRA shall be a deemed slum rehabilitation area.

(iv) Any area required or proposed for the purpose of construction of temporary or permanent transit camps and so approved by the SRA shall also be deemed to be and treated as Slum Rehabilitation Areas, and projects approved in such areas by the SRA shall be deemed to be Slum Rehabilitation Projects.

(v) A pavement shall mean any Municipal/Govt. /Semi-Govt. pavement, and shall include any viable stretch of the pavement as maybe considered viable for the purpose of SRS.

(vi)A structure shall mean all the dwelling area of a protected occupier as defined in Chapter I-B of Slums Act, and orders issued thereunder.

(vii) A composite building shall mean a building comprising both rehab and free-sale components and part thereof in the same building.

(viii) Censused shall mean those slums located on lands belonging to Govt., any undertaking of Govt., or MCGM and incorporated in the records of the land-owning authority as having been censused in 1976, 1980, or 1985 or prior to 1st January, 1995, and 1st Jan 2000

III **Joint ownership with spouse**: The reconstructed tenement shall be of the ownership of the hutment dweller and spouse conjointly, and shall be so entered and be deemed to be so entered in the records of the co-operative housing society, including the share certificates or all other relevant documents.

IV **Denotification as Slum Rehabilitation Area**: SRA on being satisfied that it is necessary so to do, or when directed by the State Govt, shall denotify the Slum Rehabilitation Area.

V **Applicability**: The following provisions will apply for redevelopment/construction of accommodation for hutment/ pavement-dwellers through owners/developers/co- operative housing societies of hutment/pavement-dwellers/public authorities such as MHADA, MIDC, MMRDA etc./Non-Governmental Organizations anywhere within the limits of MCGM. However, NGO should be registered under the Maharashtra Public Charitable Trusts Act, 1961 and the Societies Registration Act, 1960 at least for the last five years should also be got approved by SRA.

VI Right of the Hutment Dwellers*:*

1.1 Hutment-dwellers, in the slum or on the pavement, eligible in accordance with the provisions of this Regulation shall in exchange of the protected dwelling structure, be given free of cost a residential tenement having a carpet area of 27.88 sq. m including balcony, bath and water closet, but excluding common areas.

For this purpose of “carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per prevailing Regulation.

1.2 Even those protected dwelling structures having residential areas more than 27.88 sq. m will be eligible only for 27.88 sq. m of carpet area where Carpet area means area of tenements exclusive of all areas under walls including partition walls if any in the tenement.

1.3 All eligible hutment dwellers taking part in the SRS shall have to be rehabilitated in accordance with the provisions of this Regulation. It may be in situ and in the sameschemeas far as possible.

1.4 Pavement dwellers and hutment dwellers in the slum on land required for vital public purpose or such location which are otherwise unsuitable for human habitation *or non-suitabledue to other statutory restriction* shall not be rehabilitated in- situ but in other available location and in accordance with these Regulations. Competent Authority appointed by the State Government in Housing Department shall on the basis of verification of documents as may be prescribed shall decide on the eligibility of hutment dwellers.

1.5 The eligibility of a person including a transferee, under a scheme of Slum redevelopment shall be established in accordance with Chapter I B of Slum Act, and orders issuedthereunder.

1.6 An individual agreement shall be entered into by the owner/ developer/co- operative housing society/NGO with the eligible hutment-dwellers in the slum/pavement.

1.7 An individual agreement entered into between hutment-dweller and the owner/developer/co-operative society/ NGO shall be in the joint names of pramukh hutment dweller and spouse for every protected dwelling structure

1.8 Hutments dwellers in category having a differently abled person or female headed households shall be given first preference in allotment of tenements. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the other eligible hutment-dwellers before grant of O.C.to rehab Building.

1.9 Transfer of Photopasses- Since, only the actual occupant at present will beeligible for redevelopment, there shall be no need to regularize the transfers of photopasses that have occurred so far. A photopass will be given after the new tenement has been occupied.

1.10 Any person who owns a dwelling unit on ownership basis in MCGM area, shall not be held eligible under this scheme. Any person who can be held eligible under more than one SRS, shall be held eligible in only one scheme**.**

1.11 Premium for ownership and terms of lease-. That part of Government/MCGM/MHADA land on which the rehabilitation component of the SRS will be constructed shall be leased to the Co-operative Housing Society of the slum- dwellers on 30 years. Annual lease rent of Rs. 1001 for 4000 per sq. m. of land or part thereof and lease shall be renewable for a further period of 30 years at a time simultaneously land under free sale component shall be leased directly to the Society/Association of the purchasers of the tenement under free salecomponent. Pending the formation of the Society/Association of the purchasers in the free sale component with a provision for further renewal for a period of 30 years at a time. The lease rent for the free sale component shall be fixed by SRA.

In addition to above, the Developer/Co-op. Housing Society shall pay premium at the rate of 25% of ASR of the year of issue of LOI,in respect of SRS proposed to be undertaken on lands owned by Government, Semi-Government undertakings and Local Bodies and premium shall go to land owing authority such as MHADA, MCGM, MMRDA as the case may be as prescribed by the land-owning authority. The premium installment so recovered shall be remitted to concern land owing authority within 30 days from the date of recovery.

In the case of Govt. land the premium shall be deposited in Nivara Nidhi.

The amount of premium shall be recovered in installment as may be prescribed by Govt. from time to time. Land owning authority such as MCGM, MMRDA, MHADA shall not recover land premium in any other form. Proposals for SRS on land owned by Central Govt shall not be accepted unless NOC for the scheme is obtained from Central Govt.

1.12 Automatic cancellation of Vacant Land Tenure and leases- If any land or part of any land on which slum is located is under vacant land tenure, the said tenure/lease created by MCGM or Municipal Commissioner shall stand automatically terminated as soon asletter of Intent is issued by SRA for a SRS, which is a public purpose, on such land is prepared and submitted for approval to the SRA. Any arrears of dues to be collected by MCGM shall not be linked to the issue of any certificate or NOC relating to the Slum Rehabilitation Scheme.

On sanction of SRS, rights of imla malik, municipal tenants or any other tenancy shall stand terminated in respect of the sanctioned SRS.

1.13 Recovery of pending dues such as assessment, compensation, occupational charges, non-agricultural tax/dues etc. pending with public authorities such as State Govt, MHADA, and/or MCGM shall be dealt with separately and not be linked to grant of approval or building permission to the slum rehabilitation projects.

1.14 A Slum Rehabilitation Project shall be considered preferably when submitted through a proposed or registered co-operative housing society of hutment dwellers on site. The said society shall include all the eligible hutment on site while submitting the S.R. Scheme and give an undertaking to that effect to SRA.

1.15 Where 51 percent or more of the eligible hutment-dwellers in a slum and stretch of road or pavement contiguous to it at one place agree to join a rehabilitation scheme, it may be considered for approval, subject to submission of irrecoverable written agreements of eligible hutment-dwellers before LOI. Provided that nothing contained herein shall apply to Slum Rehabilitation Projects undertaken by the State

Government or Public authority or as the case may be a Govt. Company as defined in Sec. 617 of the Companies Act 1956 and being owned & controlled by the State Government

1.16 In respect of those eligible hutment-dwellers on site who do not join the Project willingly the following steps shall be taken:

(i) Provision for all of them shall be made in the rehabilitation component of the scheme.

(ii) The details of the tenement that would be given to them by way of allotment by drawing lots for them on the same basis as for those who have joined the Project, will be communicated to them in writing by the Managing Committee of the Co- operative Housing Society if it is registered, or the developer. In case of dispute, decision of the CEO/SRA shall be final and binding on all the parties concerned.

(iii) The transit tenement that would be allotted to them or rent payable would also be indicated along with those who have joined the Project.

(iv) If they do not join the scheme within 15 days after the approval has been given to the Slum Rehabilitation Project on that site, then action under the relevant provision including sections 33,33(A) and 38 of the Slum Act, as amended from time to time, shall be taken and their hutments will be removed, and it shall be ensured that no obstruction is caused to the scheme of the majority of persons who have joined the schemewillingly.

(v) After this action under the foregoing clause is initiated, they will not be eligible for transit tenement along with the others, and they will not be eligible for the reconstructed tenement by lots, but they will still be entitled only to what is available after others have chosen which may be on the same or some other site.

(vi) If they do not join till the building permission to the Project is given, they will completely lose the right to any built-up tenement, and their tenement shall be taken over by the SRA, and used for the purpose of accommodating pavement-dwellers and other slum dwellers who cannot be accommodated in-situetc.

1.17 The Managing Committee of the proposed as well as registered Co-operative housing society of hutment dwellers shall have women to the extent of one-third of the total strength of actual members on the committee at anytime.

1.18 Restriction on Transfer of Tenements; the tenement obtained underthis scheme cannot be sold/leased/assigned or transferred (except to legal heir) in any manner for a period of ten years from the

date of allotment/possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by SRA.

VII. Building Permission for Slum Rehabilitation Project:

2.1 The proposal for each Slum Rehabilitation Project shall be submitted to the SRA with all the necessary documents, no-objection certificates, and the plans as may be decided by the SRA from time to time.

2.2 Approval to the Project shall be given by the SRA within a period of 60 days from the date of submission of all relevant documents. In the event of failure by SRA to do so, the said approval shall be deemed to have been given, provided the Project is in accordance with the provisions of these Regulations.

2.3 The SRA while giving the approval may lay down terms and conditions as may be necessary.

2.4 The SRA shall adopt the procedure laid down in the MR &TP Act, 1966 for giving building permission to any Slum Rehabilitation Project under this Scheme.

2.5 On compliance with the terms and conditions, the building permission shall be given, in accordance with the provisions under section 45 of the MR & TP Act, 1966 to the Project under the SRS, first to the Rehabilitation component and thereafter to the free-sale component subject to the provisions in clause below.

2.6 Correlation between Rehabilitation and free-sale components: Building permission, for 10 percent of BUA of both the rehab and free-sale components may be given simultaneously and thereafter proportionately or as may be decided by the CEO, SRA.

2.7 Where the Project is being implemented directly by an NGO approved by SRA, CEO (SRA) may sanction 20 percent of the free-sale component without waiting for any expenditure on the rehabilitation component. The approval for remaining part of free-sale component will be given only after at least 30 percent of rehabilitation component is completed on site.

2.8 As soon as the approval is given to the Project, the NOC for building permission of the landowning authority shall be given in respect of that slum located on lands belonging to any department, undertaking, agency of the State Govt. including MHADA, or any local self-Government such as the MCGM within 60 days after the intimation of such approval to the Project is communicated. In the event of its refusal to grant NOC, reasons thereof shall be stated and in the event of

its not being given within the period, it shall be deemed to have been given'.

2.9 Occupation certificate shall not be held up only for want of lease documents to be executed, in all slum rehabilitation projects taken up on lands belonging to any department, undertaking, agency of the State Govt., including MHADA, and any local self-Government such as the MCGM.

VIII. Rehabilitation and Free-Sale Component:

3.1 FSI for rehabilitation of eligible slum/pavement-dwellers includes the FSI for the rehab component, and for the free-sale component. The ratio between the two components shall be as laid down herein below.

3.2 BUA for rehabilitation component shall mean total construction area of rehabilitation component, excluding what is set down in 31 (1) of D. C. Regulations, but including areas under passages,aaganwadi, health centre / outpost, community hall /gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra/ library, Balwadi/s society office, religious structuresas permitted under Government Home Department Resolution dt. 05/05/2011 and 18/11/2015, other social infrastructure like School, Dispensary, Gymnasium run by Public Authority or Charitable Trust, 5 percent incentive commercial areas for theCo-operative society, and the further 5 percent incentive commercial area for the NGO, Govt./Public Authority/Govt. Company wherever eligible.

The incentive BUA shall depend on size of the scheme and rate of developed land and rate of construction as per ASR of year in which LOI is sanctioned.

Basic Ratio (LR/RC)*	Incentive as per area of scheme					
	up to 0.40 ha	More than 0.4 ha up to 1 ha	More than 1 ha up to 5 ha	More than 5 ha up to 10 ha.	For more than 10 ha upto 20 ha	For more than 20 ha
Above6.00	0.8	0.85	0.90	0.95	1.0	1.05
Above 4.00 and upto 6.00	0.90	0.95	1.0	1.05	1.1	1.15
Above 2.00 and upto 4.00	1.0	1.05	1.1	1.15	1.2	1.25
Upto 2.00	1.10	1.15	1.2	1.25	1.3	1.35

*RC is rate of construction in respect of RCC Construction and **Land Rate (LR) is the** rate of Open Land for FSI 1.

3.7 FSI to be sanctioned on a Slum Rehabilitation scheme site may exceed ***3.0***

3.8 Maximum FSI Permissible FSI that can be sanctioned on any slum site shall be 4 or sum total of rehabilitation BUA plus incentive BUA whichever is more with Minimum Tenement Density of 650 per Net Hectare. Due to local planning constraints and viability of the Slum Rehabilitation Project, the tenement density norms of 650 per net hectare may be reduced upto 25% by Chief Executive Officer, SRA subject to minimum tenement density of 500 per net hectare. In such cases, maximum permissible in-situ/total FSI shall be restricted to sum of rehabilitation and incentive BUA which may be generated in the scheme after such relaxation of tenement density. The computation of FSI shall be done for both rehab and free-sale component in the normal manner, that is giving benefit of what is set down in Regulation No. 31(1). While the areas referred in sub regulations No 6.6 and 8.2 of this Regulation shall not be included for computation of FSI the said areas shall be included for computation of the rehab component. In all cases where permissible in-situ FSI cannot be utilised in situ the difference between permissible FSI and that can be constructed in-situ, will be made available in the form of TDR in accordance with provisions of Regulation No. 32. Provided that permissible in-situ FSI shall be as below.

Provided that the aforesaid FSI shall be exclusive of the Fungible compensatory area admissible under the provision of Regulation 31(3).

Criteria	**Permisible in situ FSI**
Access road of 9.0m. and above but less than 13.0 m.	3.0 or up to the sanctioned FSI of scheme, whichever is higher, subject to the observance of building height under reg. 19(2)
Access road of 13.0m. and above	4.00 or up to sanctioned FSI of the scheme, whichever is higher. Relaxation in marginal open spaces as required under regulation 41(5)(a)(iii) shall be granted by CEO (SRA) in case of demonstrable hardship. However, minimum Joint Open Space of 9m for buildings having height above 32m & up to 70m and 12m between two adjacent buildings for buildings having height above 70m but below 120 m shall be insisted. For buildings having height above120 m, joint open space between two adjacent buildings shall be 15 m, However CEO (SRA) shall in case of hardship relax it to 12m after recording reasons in writing. The relaxations granted shall be subject to compliance of requirements of CFO's NOC.

3.9 Notwithstanding the provisions in 3.8 above, the slum dweller society/NGO/Developer undertaking the scheme may opt to claim TDR in lieu of sale component available for the scheme, on account of constraints such as height restrictions, uneconomical site conditions, etc.; if the full permissible FSI cannot be used on the same site, TDR may

be allowed as may be necessary without consuming permissible FSI on the same site. However, TDR may be allowed only when the frame work for one complete building in rehab component is constructed or when 10% of the rehab component has been constructed on site and the said TDR will not exceed 50 percent of the construction of rehab component at any point of time till the total rehab component has been completed. On completion of the total rehab component balance TDR will be allowed.

3.10 The rehabilitation component shall mean all residential tenements as well as non-residential built-up premises given free of cost in accordance with the provisions of the SRS outlined in this Regulation excluding what is set down in Regulation No.31(1) and including aaganwadi, health centre / outpost, communityhall/gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra /library existing eligible religious structure, school, dispensary, gymnasium run by Public Authority or charitable trust etc. as per provision of 8.1 & 8.2 but excluding built-up area given for buildable DP reservations.

3.11 Notwithstanding anything contained in this regulation, rehabilitation project of a slum located on land belonging to public authority and needed for a vital public purpose and where eligible slum dwellers which cannot be accommodated in the in-situ SRS of land under non-buildable reservations, is taken up on an unencumbered plot, TDR as per regulation 32 table 12(A) for the area of the land spared for this purpose shall be sanctioned to the owner of the said unencumbered plot and the TDR in lieu of cost of construction of BUA as per sub regulation 4.2 of regulation 32(A) shall be permissible.~~.~~ For the purpose of this Regulation, the BUA shall be as per clause 3.2 of this Regulation. No sale component shall be permissible. Provided that the State Govt. or Public authority or a Govt. Company as defined in Sec. 617 of the Companies Act 1956 and owned and controlled by the State Govt. (herein after referred as the Agency) may undertake Slum Rehabilitation Project on its own land and be eligible for the benefits under this Regulation subject to following conditions:

1) The Rehabilitation Project is approved by the SRA.

2) The tenements so constructed in execution of the Project are offered to slum dwellers located on land belonging to Govt. or Public Authority and needed for vital public purpose and within 270 days from the date of issue of LOI the Agency shall identify the slum dwellers.

3) If the Agency fails to identify the slum dwellers needed to be shifted for a vital public purpose, as above, then the tenements so constructed shall be offered;

a) to the slum dwellers located on land belonging to Government or Public Authority within a distance of 2 km. from the land on which the Project is undertaken, or

b) to the slum dwellers located any where in Greater Mumbai on lands belonging to Govt. or Public Authority, or

4) Further provided that in all above cases the relocation of. slum dwellers in any case will be undertaken not with reference to individuals but reference to assembly of slum dwellers for the purpose of releasing the plot of land wholly from slums and not only the patches of land.

Provided that notwithstanding anything mentioned above, project affected persons due to any vital Public Projects undertaken by MMRDA including PAP's under Mumbai Urban Transport Project (MUTP)being resettled as per the provisions contained in Government Resolution, Housing and Special Assistance Department, by order no. 700/CR 31/slum-2 dated 12/12/2000 and certified by the Project Director, MUTP will also be eligible for redevelopment scheme under this Regulation, as amended from time to time.

Provided further that in case of the ongoing scheme as per this provision and where the work as per tenements of size 20.90 sq. m or less for which full commencement certificate/occupation permission is issued/work competed and where the TDR in lieu of this rehab area is already availed; in such cases at the option of owner/developer with consent of ocupants and with the approval of CEO(SRA), developer may convert these tenements as per this regulation and then the TDR for difference of carpet area may be made permissible. While granting the additional TDR as per this regulation the land TDR shall not be permissible.

This proviso is also applicable to other scheme under Regulation 33(10) wherein the buildings are declared dangerous and dilapidated.

Provided further that, for rehabilitation of Adivasi/ encroacher in Sanjay Gandhi National Park and Adivasi/ encroacher in AAREY Colony Govt. Land, if undertaken on Govt. land by the developer, shall be eligible for TDR in lieu of construction of rehabilitation and resettlement tenements through a competative Tender process by the Govt. or the implementing Govt. agency.

Provided further that, these provisions are also applicable to lands belonging to or leased out to or leased out by a Public Authority, a Statutory Authority, a Public Sector undertaking or any Department of Government of India and a Joint Venture with any of them, subject to payment of premium for infrastructure development as applicable under clause 9.2 of this Regulation.

3.12 All non-residential built-up areas shall be included in the computation of minimum density but on the scale of 27.88 sq. m of carpet area being one tenement. In slums where the existing tenement density is already more than 650 per net ha, the calculation of FSI for all purposes shall be on gross area, that is, without deducting any percentage for recreational open space. This shall not affect the requirement of keeping aside the

said recreational open space on site, subject to the provisions in these Regulations.

3.12 (A) Minimum tenement Density on the Plot Including Non-Residential Units: The minimum tenement density of rehabilitation so as to generate adequate number of additional rehabilitation tenements and affordable tenements in situ under any Slum Rehabilitation Project will be 650 tenements per net hectare, i.e. after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational/amenity open space on the remaining area. However, in slum rehabilitation schemes where permissible in-situ FSI is restricted to 3.00 or sanctioned FSI of the scheme as per Clause 3.8 hereinabove, minimum tenement density shall be 500 per net hectare. If the number of tenements to be provided to all eligible hutment dwellers is less than the minimum so constructed as per minimum density of 650 or 500 per net hector, as the case may be, the balance shall be handed over free of cost to the SRA. The Authority shall use them for the purpose of transit accommodation or Project-affected persons or pavement-dwellers or slum dwellers from other slums or distribution would be done as per policy decided by the GOM.

(B) If there is balance FSI available in a slum scheme, after in situ development of rehab as well as sale component, development of additional tenements for the purpose of rehabilitation of slum dwellers on untenable land or for any other category as per policy & priority decided by Government, may be allowed in the scheme up to an extent such that this development and corresponding sale component development remains within the limit of maximum permissible FSI in the said scheme.

Provided that any ongoing Slum Rehabilitation Scheme where the eligibility of Slum Dwellers is revised and certified in accordance with guidelines contained in Government Resolutions zopudho-100/C.R.125/ 14/ zopasu-1, dt 16/05/2015, the scheme parameters shall be revised in accordance with above norms on certification of structural stability from competent Government/ Semi- Government Reputed Technical institutions such as IIT, VJTI etc.

Provided further that in case of slum redevelopment where there are no eligible commercial slum dwellers and where it is possible to provide commercial tenements on ground floor, then in such cases commercial PAP tenements of size of carpet area 20.90 sq. m (225 sq. ft.) or of required size shall be provided as decided by CEO(SRA)and same shall be handed over free of cost to SRA.'

Provided if SRS is undertaken by a Federation, Co- Op. Housing societyconsisting of members who are serving or retired State Govt. Employees/Employees of the State Govt. Undertakings/Employees of local bodies of State Government for providing housing to its members, such tenements which are generated over and above the tenements to

be provided to the existing eligible hutment dwellers, shall be handed over back to the said Federation/Co.-operative Housing Society for providing housing to its above mentioned members and subject to further additional terms and conditions as would be imposed by the CEO, SRA to ensure adequate membership of class III and class IV employees.

C) To achieve rehabilitation of all Slum dwellers toqether including those declare eligible at later stage by the compentent or Applellate Authority and for speedy impllemntation of the scheme the Slum Rehabilitation Scheme shall be sanctioned by taking into account all Slum dweellers as per certified slum plan, and Draft Annexure-II. Provided that if number of slum dwellers declared eligible finally by Competent or Appellate Authority are less than rehab tenements so constructed under any Slum Rehabilitation Scheme, then remaining tenements shall be used by Slum Rehabilitation Authority for the purpose of rehabilitating non-protected occupants before 1st January 2011. Thereafter remaining tenements if any, shall be used for the purpose of transit tenemants or PAP or for pavement dwellers in slum rehabilitation area or non- protected occupants 1st January, 2011 from other slums and distribution would be done as per policy decided by the Government of Maharashtra or slum dwellers from other areas and its distribution may be done as per policy decided by Government of Maharashtra

3.13 Amalgamation/Subdivision of Plots and Balancing of FSI Thereon: Any land declared as slum rehabilitation area or on which slum rehabilitation project has been sanctioned, if it is spread on part or parts of C.S. Nos. or CTS Nos. or S. Nos or F. P. Nos shall be treated as natural amalgamation/subdivision/s of that C.S. or CTS or S.No. or F.P. No. for which no separate approval for amalgamation/subdivision of land would be necessary.

3.14 Boundaries and the Slum Rehabilitation Area shall be declared by the competent authority after actual measurement of plot area on site and the same shall be adopted for planning purpose for calculation of density and floor space index.

3.15 The CEO, SRA may if required, adjust the boundary of the plot declared as slum rehabilitation area so as to suit the building design and provide proper access to these Scheme. Provided further that the encumbered area under DP Road/Sanctioned Regular line road abutting the SRS shall be included in the scheme to bedeveloped.

3.16 After approval is given to the Slum Rehabilitation scheme, the area may be further subdivided if necessary to earmark separate plots for the rehab component and the free sale component. The Plot area and the built-up area in terms of square meters on the said plot shall be separately mentioned in the lease agreements and Record of Rights.

3.17 The CTSO/SLR, of the district on payment of such fees as may be decided by the Govt. ensure that the City Survey sheet and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property and TDR given that is, the FSI used on thatplot.

4 **Temporary Transit Camps**:

4.1 The multistoried temporary transit camp shall be provided on the site itself or outside the SRA project site on portion of plot which is not designated/reserved for public purpose or not affected by road widening and is preferably close tothe site.

4.2The eligible slum dwellers shall be shifted to temporary transit camp or on rent as may be mutually decided between the proposed society anddeveloper.

4.3The area of temporary transit tenements shall be excluded from the computation of FSI, but the safety of the structure shall be ensured by a license structural consultants. The minimum area of individual transit tenement shall be 14.5 sq.m.

4.4Such building permission shall be given within 15 days from the date of application and after approval to the project by Slum Rehabilitation Authority, failing which it shall be deemed to begiven.

4.5 On any nearby vacant site without any reservation in the DP construction of temporary transit tenements made of light material with the consent of the land- owners, shall be allowed uptoan FSI of 4.0 and this shall be applicable in Island City as well as in suburbs and extended suburbs. Temporary shall mean made of detachable material such as tubular/prefabricated light structures.

4.6 In all such cases where the temporary transit camp is erected, the condition shall be that the structures shall be demolished by the Developer/Society/NGO within 30 days of granting Occupation Certificate to the rehab buildings and the site should be brought back to the original state. Till the transit camps are fully demolished, development rights for the free sale area shall not be permitted to be used beyond 75% of the total admissible free sale area permissible under this Regulation.

5. **Commercial / Office / Shop / Economic Activity Free of Cost*:***

5.1 The eligible existing area under commercial/office/economic activity shall be computed on actual measurement/inspection, and/or on the basis of official documents such as License under the Shops and Establishment Act, Electricity bills, Photo pass etc.

5.2 In the rehabilitation component, the BUA for commercial/ office/ shop/ economic activity that existed prior to the date as decided by the Govt. subject to the provisions in the sub-regulation below, shall

be given. Where a person has both residential and commercial premises without common wall between residential and commercial premises, for commercial/office/shop/economic activity in the slum/ pavement, he shall be considered eligible for a residential/Commercial unit including BUA for commercial/office/shop/economic activity, both free of cost and carpet area of such unit shall not exceed 27.88 sq.m.

5.3 BUA for commercial/office/shop/economic activity upto 20.90 sq. m. (225 sq. ft.) carpet area or actual area whichever is less, shall be provided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of 20.90 sq. m to the extent of existing area may, if required, be sold on preferential basis at the rate for commercial area in the free-sale component.

For this purpose of "carpet area" as per 5.2 and 5.3 above means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per prevailing Regulation.

5.4 Such area may be allowed on any side of the plot abutting 3.0 m wide pathway and deriving access from 3.0 m wide pathway/open space. Back-to-back shopping on ground floor shall also be allowed for the purpose of rehabilitation. After exhausting these provisions, it may be allowed on the first floor to the extent necessary.

5.5 Non-Conforming Activities: All activities which were previously existing shall be allowed to be relocated regardless of the non-conforming nature of the activities, except those which are hazardous and highly polluting, and except in cases where the alternative accommodation has already been allotted elsewhere by the MCGM.

5.6 Convenience Shopping in Free-Sale Component: Convenience shopping in the free-sale component vide DCR 2(IV) 32 shall be permitted along the layout roads. The CEO, SRA may add to alter or amend the said list for convenience shopping.

5.7 Incentive Commercial Areas for Society and NGO

(a) The scheme, when undertaken by a Co-operative Housing Society of slum dwellers, may provide an additional 5 per cent built-up area on the rehabilitation area free of cost for commercial purpose. This area will be at the disposal of the Co- operative Housing Society of the hutment-dwellers. The corpus amount shall not be spent, but the income from the property/corpus alone shall be used by the Society for maintenance of the building and premises, and such other purposes as may be laid down by the SRA.

(b) Where the scheme is undertaken by a Non-Government Organization Govt. or Public Authority or Govt. Company another additional 5 per cent BUA on the rehabilitation area may be given free of cost for commercial purpose. This area shall be at the disposal of the Non-Governmental Organization Govt. or Public Authority or Govt. Company in consultation with the cooperative housing society.

6. **Relaxation in Building and Other Requirements**:

Provision
6.1 Separate kitchen shall not be necessary. Cooking space (alcove) shall be allowed without any minimum size restrictions. Where a kitchen is provided, the minimum area shall be 5sq.m provided the width shall be atleast 1.5m.
6.2 There shall be no size restriction for bath or water closet unit. Moreover, for bathroom, water closet or kitchen, there shall be no stipulation of one wall abutting open space, etc. as long as artificial light & ventilation through any means are provided.
6.3 In water closet flushing system shall be provided with minimum seat size of 0.46 m (18 inches).
6.4 A septic tank filter bed shall be permitted with a capacity of 150 liters per capita, where the municipal services are likely to be available within 4-5 years
6.5 In the rehabilitation component, lift shall not be insisted upon, upto ground plus five floors.
6.6 Notwithstanding anything contained in this regulation areas of common passages not exceeding 2.0 m in width provided in rehabilitation component to give access shall not be counted towards FSI even while computing FSI on site.
6.7Where the location of the plot abuts a nallah, the marginal open space along the nallah shall not be insisted upon beyond 3m from the edge of the trained nallahprovided at least on one side of nalla, marginal open space of 6 m is provided.
6.8The distance between any two rehab/composite buildings up to height of 32 m shall not be less than 6m
6.9 composite building shall contain at least 50 percent of the built-up area as rehabilitation components.
6.10 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered as part of the amenity open space in the project comprising both rehabilitation and free sale components, and without charging any premium for, relaxation as per clause 6.11
6.11 Even if the amenity space is reduced to make the project viable a minimum of at least 8% of amenity open space shall be maintained at ground level.
6.12 Between the dimensions prescribed for the pathway and marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touchpathways.
6.13 The means of access shall be normally governed by the provisions of Regulation No. 23. However, in the project, wherever the design of the buildings in the same land requires relaxation, it may be given. Access through existing pathways including the roads maintained under section 63K of the MMC Act, 1888 but not less than 3.6 m in width, shall be considered adequate for any slum rehabilitation project, containing buildings having height up to 32 m including stilts

6.14 Premium shall not be charged for exclusion of staircase and lift-well etc. as covered under the provisions of DCR 31(1).
6.15 All relaxations outlined hereinabove shall be given to the rehabilitation component, and also to the composite buildings in the project. Premium shall not be charged for all or any of the relaxations given for rehabilitation and composite buildings herein above. Provided that if any further relaxation in open spaces is granted by Chief Executive Officer then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR. In case of Slum Rehabilitation Schemes under this regulation, the amount of premium shall be computed as per the ASR rate prevailing at the time of issue of IOA and the same shall be recovered at the time of grant of full occupation permission to the respective building. However, this mode of payment of premium shall not be applicable for any other redevelopment scheme other than that under Regulation 33(10). All other redevelopment schemes shall be governed by their respective regulations.
6.16 Relaxations for the free sale component – Relaxation contained in sub regulation No. 6.9 above, as well as other necessary relaxation shall be given to the free sale components on payment of premium at the rate of 2.5% of Ready Reckoner Rate or 10% of normal premium whichever is more.
6.17 In order to make the SRS viable, the CEO of SRA shall be competent to make any relaxation wherever necessary for reasons to be recorded in writing.
6.18 For rehabilitation tenements under Regulations 33(10) car parking at the rate mentioned in Regulation 44 Table-21 shall be provided or one parking space pertenements for two-wheeler shall be provided. The above parking spaces may be provided in any combination.

7. **Slums and Development Plan Reservations*:***

Slums situated in lands falling under various reservations/zones in the DP shall be developed in accordance with the Regulation No17(3)(D).

7.1 Wherever slum and municipal/MHADA property are found together or adjoining, it would be eligible for redevelopment using provisions of both DCPR 33(7) and of DCPR 33(10), development of slum and contiguous non-slum area provided slum area shallbe more than 51% of the scheme areaunder anyother provisions of these regulations may be allowed together in order to promote flexibility of design as well as toraise more resources. Provided that the FSI of non-slum quantum ofarea shall be restricted to that permissible in the surrounding zone, inclusive of admissible TDR on non-slum area including the plans for admissible TDR shall be approved by CEO, SRA. The power under D.C. Regulation 13(6) for shifting and/or interchanging the purpose of existing amenity/reservations shall be exercised by the CEO, SRA. However, in case of shifting of the alignment of Road /D P Road, same shall be done in consultation with MCGM.

Whenever a non-slum land other than SDZ ~~I~~, where zonal (basic) FSI offered is less than one in residential zone, is contiguousto a slum plot getting developed under 33(10) &is needed for better planning, SRA may sanction~~ed~~ the amalgamation of the said plot with the scheme provided that 30% of the area of non- slum plot is handed over free of cost & encumbrances to the Corporation for purposes of POS or amenity open space. On such amalgamation 70% of the area getting appended to the slum scheme shall be treated at par with non-slum residential plot that are attached to the scheme.However, utilization of 'TDR'or 'Additional FSI on payment of premium' on such non-slum plot shall not be permissible.

7.2 Slum Rehabilitation Permissible on Town Planning Scheme Plots: Slum Rehabilitation Project can be taken up on Town Planning Scheme plots also, after they are declared as slums/slum rehabilitationareas.

7.3 Contravening structures in the adjoining final plots, if declared as a slum rehabilitation area by the competent authority, may be included in the Slum Rehabilitation Scheme in the relevant Final Plot of the Town Planning Scheme.

7.4 In case of a slum rehabilitation project adjoining railway tracks, a boundary wall of minimum 2.4 m in height shall be constructed.

8. **Aaganwadi, Health Centre / Outpost, Community Hall /Gymnasium / Fitness Centre, Skill Development Centre, Women Entrepreneurship Centre, Yuva Kendra / Library Society Office, and Religious Structures*:***

8.1 *There shall be Balwadi, Welfare hall and any of twoamenities mentioned above* .There shall be health Centre/ outpost, Aaganwadi, skill development centre, women entrepreneurship centre, yuvakendra / library of size 27.88 sq. m for every multiple of or part of 250 hutment dwellers. In case of misuse, it shall be taken over by the SRA which will be competent to allot the same to some other organization /institution for public use. Balwadi shall also be provided for on a similar scale. An office for the Co-operative housing society shall be also constructed for every 100 rehab tenements in accordance will D.C. Regulations No. 37(9). However, if the number of rehab tenements exceeds 100 then for every 100rehab tenements such additional society office shall be constructed. There shall be acommunity hall for rehab bldg. of the Project as a part of the rehabilitation component. The area of such hall shall be 2% of rehab built up area of all the buildings or 200 sq. m whichever is less.

Religious structures existing prior to redevelopment, if allowed in accordance with the guidelines issued by Govt. from time to time as part of redevelopment shall not exceed the area that existed prior to redevelopment. Other social infrastructure like School, Dispensary and

Gymnasium run by Public Authority or Charitable Trust that existed prior to the redevelopment shall be allowed without increase in existing area.

However, it is provided that in the slum rehabilitation project of less than 250 hutments, there shall be Balwadi, Welfare hall and any of two amenities mentioned above, as decided by co-operative housing society of slum dwellers, of size of 27.88 sq.mt and office for the Co-operative housing society in accordance with D.C. Regulations No. 37(9). CEO, SRA may permit accumulation of the amenities mentioned above but ensure that it shall serve equitably to the rehab area.

8.2 All the areas underlying Aaganwadi, health centre / outpost, communityhall/gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra / library community hall/s, society office, balwadi/s, religious structure/s, social infrastructure like School, Dispensary, Gymnasium run by Public Authority or Charitable Trust, the commercial areas given by way of incentives to the co-operative society and the nongovernmental organisation shall be free of cost and shall form part of rehabilitation component and it is on this basis the free-sale component will be computed. These provisions shall apply to construction of transit camps under DC Regulations 33(11) also.

8.3 Aaganwadi, health centre / outpost, community hall /gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra / library society office, Balwadi/sand religious structures, social infrastructure like School, Dispensary and Gymnasium run by Public Authority or Charitable Trust in the rehab component shall not be counted towards the FSI even while computing permissible FSI on site.

9. **Payments to be made to SRA and Instalments*:***

9.1 An amount of Rs. 40,000/- or such an amount as may be decided by the Planning Authority from time to time per tenement including the welfare hall and balwadi in the rehab component as well as in the case of permanent transit camp tenements will have to be deposited by the owner/developer/society with the Slum Rehabilitation Authority, in accordance with the time-schedule for such payment as may be laid down by the CEO, SRA. However, by the time of completion of construction for occupation of tenements by the hutment dwellers, the totalamount at the rate of Rs. 40,000/- per tenement completed should have been deposited in full. The building permission for the last 25 percent of the free-sale component would be given only after all the required amountis deposited in full with SRA.

9.2. An amount at the rate of 2% of ready reckoner rate as prevailing on the date of issue of LOI per sq. mor such an amount as may be decided by GOM from time to time shall be paid by the Owner/

Developer/Society/NGO for the BUA over and above the Zonal (basic) FSI (excludingfungible compensatory area), for the rehabilitation and free-sale components. Similarly, it shall be paid for the built- up area over and above the normally permissible FSI for construction of permanent transit camps in accordance with the provisions under DCR 33(11). This amount shall be paid to the SRA in accordance with the time-schedule for such payment as may be laid down by the CEO, SRA provided the installments shall not exceed beyond the completion of construction. This amount shall be used for Schemes to be prepared for the improvement of infrastructure in slum or slum rehabilitation areas. These infrastructural charges shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

Provided that out of amount so recovered as Infrastructural charges, 90% amount will go to MCGM and 10% amount will remain with SRA.

10 Clubbing:

The entire rehabilitation components for resettlement & rehabilitation of slum as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developers making an application under this regulation may club more than one plot belonging to single or multiple owners and offer resettlement & rehabilitation of slum on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with tenements being handed over to Planning Authority.

The developer shall have to pay premium as an unearned income Equal to 30% of sale value of interchanged BUA of Sale component as per ASR. Provided further that, if Scheme under this Regulation is clubbed with Scheme under clause 3.11 of Regulation 33(10) or 33(11), then the premium as uneraned income at the rate of 40% of Sale of interchanged BUA of Sale component as per ASR shall be recovered from the developer.

Provided further that, in case of non-viable scheme if CEO, SRA directs to club compulsorily with other scheme under this Regulation then same shall be allowed by charging premium at the rate of 20% of the ASR. Such clubbing of schemes may be allowed for schemes falling within 'Island City' with schemes in 'Island City' and within 'Western Suburbs & Extended Suburbs' with schemesin 'Western Suburbs & Extended Suburbs' and within 'Eastern Suburbs & Extended Suburbs' with schemes in 'Eastern Suburbs & Extended Suburbs'.

Provided that such clubbing will also be allowed in adjoining ward irrespective of location.

Provided that, for a scheme where clubbing has been permitted by the earlier DCR, the same can be continued for the slum dwellers who become eligible at later stage.

Note (I) This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.

(II): The premium amount so collected under rehabilitation scheme under this regulation shall be kept in the separate account to be utilized as shelter fund for the State of Maharashtra.

In this Regulation 33(10) wherever carpet area of rehab tenamens appears as 25 sq.mt. it should be read as 27.88 sq.mt.

11. Conversion of Old Project into New Project:

11.1 *Provision of the Regulation 9 (6) shall be applicable. Provided futher that Projects*, where LOI has been granted, shall be treated as per the DCR provisions existing on the date of LOI. In case such a project comes up for revised LOI or change of developer or any other change, including recording and resubmission without change in slum boundary, prevailing DCR provisions shall apply. Provided further that for clubbing of schemes or amalgamation of schemes being sought and for schemes that have been sanctioned under different regulations (earlier as well as current one), FSI calculations shall apply as per the DCR regulations as on LOI dates of differentschemes.

11.2 Exceptions

1) Schemes approved prior to coming into force of these Regulation: The slum rehab schemes where LOI has been issued by SRA prior to the date of coming into force of these Regulations and which is valid (where not opted for revision) may continue to be governed by the regulation applicable prior to these Regulations.

2) Wherever the S.R. Scheme sanctioned by CEO (SRA) is under progress on reservations as per sanctioned scheme, shall be valid & continue.

33 (10) *(A) Slum Rehabilitation Scheme* within *Dharavi Notified Area (DNA) for Dharavi Redevelopment Project (DRP):*

Areas undertaken by Slum Rehabilitation Authority under DRP for redevelopment of hutments situated on slum areas within DNA shall be part of entire DRP Area.The DRP area shall have an overall **FSI of 4.00**. The entitlement of FSI on that particular plot would be in accordance with the guidelines given below

I Eligibility for redevelopment scheme

(a) For redevelopment of slums including pavements, whose inhabitant's names and structures appear in the electoral roll prepared with reference to 1st Jan, 2000 or a date prior thereto, but where the inhabitants stay at present in the structure, the provisions of this Regulation shall apply on the basis of a tenement in exchange for an independently numbered structure.

(b) Subject to the foregoing provision, only the actual occupants of the hutments shall be considered eligible, and the so-called structure owner other than theactualoccupant if any, even if his name is shown in the electoral roll for the structure, shall have no right whatsoever to the reconstructed tenement against that structure.

II Definition of Slum, Pavement, Structure of hut, planning sectors and related terms:

i) For this purpose, slums shall mean those censused, or declared and notified, in the past or hereafter under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act. 1971 as amended time to time, hereinafter referred to as Slum Act. Slums shall also mean areas/portions of pavement stretches, existing & proposed roads, Railway Lands, area under electric H.T. power lines, Nalla banks hereafter notified or deemed to be and treated as DRP Area.

ii) If any area fulfills the condition laid down in section 4 of the Slum Act to qualify as a slum area and has been censused or declared and notified shall be deemed to be and treated as DRP Area.

iii) DRP Area shall also mean any area declared as such by the SRA though preferably fulfilling conditions laid down in section 4 of the Slum Act to qualify as slum area and/or required for implementation of (DRP). Any area where a scheme under DRP within DNA has been approved by Officer on Special Duty (OSD),DRP (SRA) shall be a deemed DRP Area.

iv) Any area required or proposed for the purpose of construction of temporary or permanent transit camps and projects on any/adjacent land for the amalgamated land for developments so approved by the SRA shall also be deemed to be and treated as DRP Area, and projects approved in such area by the DRP cell of SRA shall be deemed to be DRP.

v) A pavement shall mean any Municipal/Govt./Semi–Govt. pavement and shall include any viable stretch of the pavement as may be considered viable for the purpose of DRP scheme.

vi) A structure shall mean by all dwelling areas of all persons whowere enumerated as living in that one numbered house in the electoral roll of the latest date, upto 1stJan 2000 and regardless of the number of persons, or location of rooms or access.

vii) A composite building shall mean a building comprising both rehab and free- sale components and part thereof along with built up amenity, if proposed, in the same building.

viii) Censused shall mean those slums located on lands belonging to Govt., any undertaking of Govt., or MCGM and incorporated in the records of land owning authority as having been censused in 1976, 1980, 1985, 1995 or prior to 1stJan 2000.

ix) "Dharavi Notified Area (DNA)" shall mean the area of Dharavi for which GoM, by exercising the powers conferred by sub-section(1B) of section 40 of MR &TP Act, 1966, have appointed 'SRA' as SPA for Planning & Development and which is specifically defined in the Govt.'s notification no.TPB-4304/322/CR-56/04/UD-11 dt. 9/3/2005. and no. TPB-4308/3499/CR-83/09/UD-11 dtd.25.6.2009.

x) "Planning sector" shall mean the plot of lands comprising C.S. Nos. /CTS Nos. partly or wholly derived from DNA and which will be bounded mainly by existing major roads, railway lines, village boundary and the proposed major roads so as to achieve well planned and controlled development of DRP along with various amenities and facilities to be provided for people at large within the boundaries of such plots/areas. Such divided plots/areas are termed as planning sectors. The extent of area and number of planning sectors shall be as per approval obtained from the Committee of Secretaries appointed to monitor DRP vide Government Resolution of Housing Department No. SRA/2003/CR-189/SI-1A dt. 4.2.2004 (hereinafter referred to as "Committee of Secretaries").

III Joint ownership with spouse: The reconstructed tenement shall be of the ownership of the hutment dweller and spouse co-jointly, and shall be so entered and be deemed to be so entered in the records of the co-operative housing society to be formed after getting allotment in the completed rehab building through Asst. Register of societies (SRA), including the share certificates or all other relevant documents.

IV **Denotification as DRP Area**: OSD, DRP (SRA) on being satisfied that it is necessary so to do, or when directed by the state GoM, shall denotify the DRP Area.

1. Applicability of the provisions of this appendix:

The following provisions will apply for redevelopment/construction of accommodation for hutment/pavement –dwellers which are part of DRP undertaken by DRP (SRA) through the developer to be appointed by DRP(SRA) with the prior approval of the committee formed by the Housing Department Resolution no. Zopuyo 2003/CR-189/Zopsu-1 dt. 4.2.2004 by following competitive bidding process for DRP (SRA) through the developer or through Publi Authority or as decided by Government from time to time. This Regulation is not applicable to the properties which are not part of DRP.

The properties which are not part of DRP as defined above shall be developed in accordance with Regulation No 30 only. The other provisions of DCR allowing higher FSI which are permitted under Regulation No 33 shall not be applicable to such properties which are not part of DRP.

Right of the Hutment Dwellers:

1.1 Hutment-dwellers having existing carpet areas upto 27.88 sq. m (300 sq.ft.), in the slum or on the pavement, eligible in accordance with the provisions of DCR 33(10) (A) shall in exchange for their structure, be given free of cost a residential tenement having a carpet area totaling to 27.88 sq. m (300 sq.ft.) with a separate living room, kitchen, bedroom, bath and water closet, but excluding common areas. Carpet area shall mean exclusive of all areas under walls including partition walls if any in the tenement.

1.2 For those structures having residential areas more than 27.88 sq. m (300 sq. ft.) will be eligible for residential tenement having carpet area totaling to 37.16 sq. m (400 sq. ft.). Out of this total 37.16 sq. m area, 27.88 sq. m (300 sq. ft.) area will befree of cost and area above 27.88 sq. m (300 sq.ft.) admeasuring 9.29 sq. m (100 sq. ft.) will be at construction cost to be determined by OSD, DRP (SRA) and the said cost to be paid by the hutment dweller to the developer. Carpet area shall mean exclusive of all areas under walls including partition walls if any in the tenement. Only 37.16 sq. m (400 sq. ft.) carpet area shall be given and if proposal contains more area, it shall not be taken up for consideration.

For the purpose of, "Carpet area" as per 1.1 &1.2 above means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation

1.3 All eligible hutment dwellers taking part in the DRP shall have to be rehabilitated according to the provisions in this Regulation. It may be in the same sector or other sectors within the jurisdiction of DRP.

1.4 Pavement dwellers and hutment dwellers in the slum on the land required for vital urgent public utility/purpose or on the hazardous location or affected by DP proposals shall not be rehabilitated in-situ but in other available plots within jurisdiction of DRP.

1.5 A certified extract of the relevant electoral roll shall be considered adequate evidence to establish the eligibility of a person provided he isfound residing in the structure. This is to avoid the possibility of persons who have left the structure coming back to claim free tenement under the scheme even though they have in the normal course left the slum and gone away into a proper non-slum area or out of DRP Area. If the hutment dwellers are found resident in the structure, but the names are on the electoral roll on or prior to 1st Jan 2000, at another slum/pavement site in Brihan Mumbai, they shall be considered eligible but only at the place of present residence. In case of doubt or

dispute, the decision of the Competent Authority to be appointed by the Govt in Housing Department shall be final and binding on all the parties concerned.

1.6 An individual agreement shall be entered into by the developer so appointed under DRP by DRP (SRA) with the eligible hutment dwellers of each structure in the slum/pavement.

1.7 The individual agreement entered into between hutment dwellers and the land-owning authority/SRA/developer shall be in the joint names of pramukh hutment dweller and spouse for every structure.

1.8 Hutments having a physically handicapped person or female-headed households shall be given first preference in allotment of tenements to the other hutment-dwellers. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the other hutment-dwellers.

1.9 Transfer of Photo passes – Since only the actual occupant at present will be eligible for redevelopment, there shall be no need to regularize the transfers of photo passes that have occurred so far.

1.10 Any person whose name is enrolled in a non-slum area in Brihan Mumbai but has purchased a hutment in DRP area and therefore got his name also included in electoral roll for the slum area, i.e. he has his name in the electoral roll at two places, he shall not be eligible for the scheme.

1.11 'Premium for ownership and terms of lease-. That part of Government/MCGM/MHADA land on which the rehabilitation component of the SRS will be constructed shall be leased to the Co-operative Housing Society of the slum-dwellers for 30 years. Annual lease rent of Rs. 1001 for 4000 per sq. m. of land or part thereof and lease shall be renewable for a further period of 30 years at a time. Simultaneously, land under free sale component shall be leased directly to the Society/Association of the purchasers of the tenement under free sale component. Pending the formation of the Society/Association of the purchasers in the free sale component with a provision for further renewal for a period of 30 years at a time. The lease rent for the free sale component shall be fixed by SRA.

In addition to above, the Developer/Co-op. Housing Society shall pay premium at the rate of 25% of ASR in respect of SRS proposed to be undertaken on lands owned by Government, Semi-Government undertakings and Local Bodies and premium shall go to land owing authority such as MHADA, MCGM, MMRDA as the case may be. The premium installment so recovered shall be remitted to concerned land owing authority within 30 days from the date of recovery.

In the case of Govt. land, the premium shall be deposited in Nivara Nidhi.

The amount of premium shall be recovered in installment as may be prescribed by Govt. from time to time. Land owning authority such as MCGM, MMRDA, MHADA shall not recover land premium in any other form. Proposals for SRS on land owned by Central Govt shall be accepted only after NOC for the scheme is obtained from the concerned Central Govt. Department.

1.12 Automatic cancellation of Vacant Land Tenure – If any land or part of any land on which slum is located is under vacant land tenure the said tenure/lease created by MCGM or Municipal Commissioner shall stand automatically terminated as soon as DRP, which is a public purpose, on such land is prepared and submitted for approval to the DRP cell of SRA. Any arrears of dues to be collected by MCGM shall not be linked to the issue of any certificate or NOC relating to the DRP.

1.13 Recovery of pending dues such as assessment, compensation, occupational charges, non-agricultural tax/dues etc. pending with public authorities such as State Govt, MHADA, and/or MCGM shall be dealt with separately and not be linked to grant of approval or building permission to the DRP.

1.14 In respect of those eligible hutment dwellers on site who do not join the Project willingly the following steps shall betaken:

i) Provision for all of them shall be made in the renewal/ rehabilitation component of thescheme.

ii) The transit tenement that would be allotted to them would also be indicated along with those who have joined theProject

iii) If they do not join the scheme within 15 days after the developer informs OSD, DRP (SRA) of the unwillingness of the said dweller, then action under the relevant provisions of the Slum Act, shall be taken and their structures will be removed, and it shall be ensured that no obstruction is caused to the scheme of the majority of persons who have joined the scheme willingly.

iv) After this action under the foregoing clause is initiated, they will not be eligible for transit tenement along with the others, and they will not be eligible for the reconstructed tenement by lots, but they will stillbe entitled only to what is available after others have chosen which may be on the same or some other site.

v) If they do not join till the building permission to the Project is given, they will completely lose the right to any built-up tenement, and their tenement shall be taken over by the SRA and used for the purpose of accommodating pavement dwellers and other slum dwellers who cannot be accommodated in situ etc.

vi) A pitch of about 3m x 3.5m will be given elsewhere if and when available, and construction therein will have to be done on their own.

1.15 The Managing Committee of the Co-operative Housing Society of hutment dwellers to be formed after allotment of reconstructed tenements shall have women to the extent of one-third of the total strength of actual members on the committee at any time.

1.16 Restriction on Transfer of Tenements: The tenement obtained under this scheme cannot be sold/leased/assigned or transferred in any manner for a period of ten years from the date of allotment/ possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by Slum Rehabilitation Authority.

1.17 "The concerned land owning authority shall give development rights on their land to DRP (SRA) in lieu of 70% of net premium that is payable by the developers, proportionate to the Rehab Component generated on the said land. In case project to be undertaken by the Public Authority, the premium payable shall be as per decision of Government. Provided that, notwithstanding anything contained above, for the land which are not usable for building construction but have to be vested with DRP/ SRA compensation shall be as decided by the Committee of Secretaries (CoS)."

2. Building Permission under Dharavi Redevelopment Project:

2.1 The proposal for each planning sector of DRP shall be submitted to the DRP cell of SRA with all the necessary documents, no-objection certificates and the plans as may be decided by the SRA from time to time.

2.2 The approval to the Project shall be given by the DRPcell of SRA within a period of 60 days from the date of submission of all relevant documents. In the event of a failure by SRA to do so, the said approval shall be deemed to have been given, provided the Project is in accordance with the provisions of this Regulation.

2.3 For DRP the SRA while giving the approval may lay down terms and conditions as may be necessary.

2.4 DRP (SRA) shall adopt the procedure laid down in the MR&TP Act, 1966 for giving building permission to any development in DRP under this Scheme

2.5 On compliance with the terms and conditions, the building permission shall be given in accordance with the provisions under Section 45 of the MR&TP Act, 1966 to the sectoral development under DRP, first to the Rehabilitation component and there after to the free sale component subject to the provisions in clause below.

2.6 Correlation between Rehabilitation and Free sale components: Building permission for 10 percent of BUA of both the rehab and free sale components may be given simultaneously and thereafter proportionately or as may be decided by the OSD, DRP, and SRA.

2.7 As soon as the approval (Letter of Intent) is given to the Project, the NOC for building permission of the landowning authority shall be given in respect of that lands belonging to any department, undertaking, agency of the State Govt including MHADA, or any local self – Govt such as the MCGM within 60 days after the intimation of such approval to the Project is communicated. In the event of its refusal to grant NOC, reasons there of shall be stated and in the event of its not been given within the period, it shall be deemed to have been given.

2.8 Occupation certificate shall not be held up only for want of lease documents to be executed in all sectoral developments under DRP taken up on lands belonging to any department, undertaking, agency of the State Govt, including MHADA and any local self-Govt such as the MCGM.

3. Rehabilitation and Free Sale Component

3.1 FSI for rehabilitation of eligible slum/pavement dwellers includes the FSI for the rehab component and for the free sale component. The ratio between the two components shall be as laid down herein below.

3.2 BUA for rehabilitation component shall mean total construction area of rehabilitation component, excluding what is set down in 31(1) of D.C. Regulations, including areas under passages,aaganwadi, health centre/outpost, communityhall /gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra/ library balwadis, welfare centers, society office, religious structures, as permitted under Government Home Department Resolution dt. 05/05/2011 and 18/11/2015'other social infrastructure like school, dispensary, Gymnasium run by Public Authority or Charitable trust' 5 percent incentive commercial areas for the Co- operative society, and the further 5 percent incentive commercial area for the NGO, Govt./Public Authority/Govt. Company wherever eligible.

3.3 If the rehab component is 10 sq. m of BUA, then an additional 13.33 sq. m of BUA will be permitted and this area of additional 13.33 sq. m can be utilized for disposal in the open market and the rehab component subsidized.

3.4 (a) If the FSI required for rehabilitation of existing hutment dwellers plus free sale component exceeds FSI 4.00 of a particular plot, such excess quantum shall get absorbed while calculating overall FSI of 4.00 on entire DRP Area.

(b) The FSI in CRZ area within DNA, shall be governed by the MOEF notifications issued from time to time.

3.5 The rehabilitation component shall mean all residential tenements as well as non-residential built up premises given free of cost in accordance with the provisions of the DRP outlined in this Regulation excluding what is set down in Regulation31(1)Including anganwadi, health centre /outpost, community hall /gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra / library existing eligible religious structure, school, dispensary, gymnasium run by Public Authority or Charitable Trust etc. as per provision of 8.1 & 8.2 and additional amenities & facilities to be provided as per regulation no. 7.1 below.

3.6 Minimum Density on the Plot including Non-Residential Units: The minimum density of rehabilitation component on plot shall be 650 tenements per net ha that is, after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational/amenity open space on the remaining area. If the number of tenements to be provided to the hutment dwellers is less than the minimum, the balance shall be handed over free of cost to the SRA, the Authority shall use them for the purpose of transit or Project affected persons or pavement dwellers or slum dwellers from other slums.

3.7 All non-residential BUA shall be included in the computation of minimum density and on the scale of 27.88 sq. m. of carpet area being one tenement. The calculation of FSI for all purposes shall be on gross area, that is, without deducting any percentage for recreational/ amenity open space. This shall not affect the requirement of keeping aside the said recreational/amenity open space physically on site, subject to the provisions in this Regulation in that regard.

3.8 Amalgamation/Subdivision of Plots and Balancing of FSI thereon: Any land declared as DRP Area or on which DRP has been sanctioned, if it is spread on part or parts of C.S. Nos. or CTS Nos. or S. Nos. or F.P. No shall be treated as natural amalgamation/subdivisions/ of that C.S or CTS or S. No. or F.P. No. for which no separate approval for amalgamation/subdivision of land would be necessary.

3.9 Boundaries and the measurement of plot areas of the DRP Area shall be declared by the competent authority after actual measurement of plot area on site and the same shall be adopted for planning purpose for calculation of density and floor space index.

3.10 The OSD, DRP(SRA) may if required, adjust the boundary of the plot declared as DRP Area so as to suit the building design and provide proper access to the Project/any other plot/s located within Sector/s.

3.11 After approval is given to the DRP, the area may be further subdivided if necessary to earmark separate plots for the rehab component, amenity plot and the free sale component. The Plot area and the BUA in terms of square meters on the said plot shall be separately mentioned in the lease agreements and Record of Rights.

3.12 The Settlement Commissioner, Maharashtra State on payment of such fees as may be decided by the Govt ensure that the City Survey sheet and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property and TDR given that is, the FSI used on that plot.

4. **Temporary Transit Camps*:***

4.1 The temporary transit camp/transit accommodation shall be provided within DNA or nearby lands with prior approval of DRP(SRA) and if need be on the area of statutory open space to be left in accordance with Regulation No.27 on the plot.

Temporary transit accommodation shall be provided within DNA. If it falls on the area of amenity open space excluding D.P. road / open space reservation in accordance with the procedure laid lown under this Regulation.

4.2 On the slum site itself approved for rehabilitation, multi-storeyed temporary transit tenement may be allowed to beconstructed.

4.3 The area of temporary transit tenements shall be excluded from the computation of FSI, but the safety of the structure shall be ensured.

4.4 Such building permission shall be given within 15 days from the date of application of the appointed developer of a sector, by OSD, DRP(SRA) failing which it shall be deemed to be given.

4.5 On any vacant site without any reservation in the DP Excluding construction of temporary transit tenements made of light material with the consent of the land- owners or concerned govt authority shall be allowed upto the FSI of 4.0 Temporary shall mean made of detachablematerial such as tubular/prefabricated light structural or any other materials approved by OSD, DRP (SRA) but such structures which are erected temporarily.

4.6 In all such cases where the temporary transit camp is erected, the condition shall be that the structures shall be demolished by the Developer within 30 days after such intimation given by SRA and as perphase programme of development as approved by DRP Cell and the site should be brought back to the original state.

5. **Commercial/Office/Shop/Industrial Structures/Structures for Potters Business Activity Free of Cost*:***

5.1 The eligible existing area under commercial/ office/ shops/ industrial establishments/structures for potters business activity shall be computed on actual measurement/inspection, and/or on the basis of

official documents such as License under Shops and Establishment Act, Trade License, Factory License, Electricity bills and Photo pass etc.

5.2 In the rehabilitation component, the BUA for commercial/ office/shop/Industrial establishments/potters structures/economic activity that existed prior to 1st January, 2000, subject to the provisions in the sub- regulation below, shall be given. Where a person has residential and commercial premises without common wall between residential and commercial premises, for commercial/office/shop/ structures for potter's economic activity in the slum/pavement, he shall be considered as eligible for a residential unit and also for BUA for commercial/office/shop/Industrial establishments/structures for potter's/economic activity, both free of cost.

5.3(a)Commercial & Industrial Structures:

BUA for Commercial and Industrial establishment upto 20.90 sq. m (225 sq. ft.) carpet area or actual area whichever is less, shall be provided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of 20.90 sq. m may, if required, be sold to the extent of area in the followingmanner:

Existing Carpet Area in the range of … (in sq.ft.)	Carpet Area to be provided (in sq. ft.)			
	At free of cost, as apart of Rehab component	With Cost But not as part of incentive sale area		
		With 10% Reduction	With 20% Reduction	With 30% Reduction
225 to 250	225	Nil	Nil	Nil
251 to 1000	225	251 to 1000	Nil	Nil
1001 to 1500	225	251 to 1000	1001 to 1500	Nil
1501 and above	225	251 to 1000	1001 to 1500	1501 and above

However, only non-polluting and non-hazardous industry can beallowed to be re- accommodated under this scheme. The rehab area inexcess of 20.90 sq. m. (225 sq. ft.) will be at construction cost to be determined by OSD, DRP (SRA) and the said cost to be paid by the hutment dweller to the developer.

(b) Structures of Potters' Business Activity:

BUA Structures of Potters' Business Activity up to 20.90 sq. m (225 sq. ft.) carpet area or actual area whichever is less, shall be nprovided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of 20.90 sq.m may, if required, be sold to the extent of area in the following manner.

Existing Carpet Area in the range of … (in sq.ft.)	Carpet Area to be provided (in sq. ft.)			
	At free of cost, as a Part of Rehab component	With Cost But not as part of incentive sale area		
		With 10% Reduction	With 20% Reduction	With 30% reduction
225 to 250	225	Nil	Nil	Nil
251 to 1000	225	251 to 1000	Nil	Nil
1001 to 1500	225	251 to 1000	1001 to 1500	Nil
1501 and above	225	251 to 1000	1001 to 1500	1501 and above

The rehab area in excess of 20.90 sq. m (225 sq. ft.) will be at construction cost to be determined by OSD, DRP/SRA and the said cost to be paid by the hutment dweller to the developer.

5.4 Such area may be allowed on any side of the plot abutting atleast 6.0 m wide pathway and deriving access from atleast 6.0 m wide pathway/open space. Back-to- back shopping on ground floor shall also be allowed for the purpose of rehabilitation. After exhausting these provisions, it may be allowed on the first floor to the extent necessary.

5.5 **Non-Conforming Activities:** All activities which previously existed shall be allowed to be relocated regardless of the non-conforming nature of the activities, except those which are hazardous and highly polluting and except in cases where the alternative accommodation has already been allotted elsewhere by the MCGM.

5.6 Non-Residential User in Free Sale Component:

Non-Residential User as permissible in R and C zones as per DCR 34 shall be allowed in Free Sale Components.

6. RELAXATION IN BUILDING AND OTHER REQUIREMENTS:

6.1 A Residential rehab/renewal tenement shall essentially have a separate living room, kitchen, bedroom, water closet unit, bathroom along with enclosed balcony merged in carpet area of thetenement

6.2 There shall be no restriction on zone and balcony shall not reduce marginal open space to less than 2.0 m for calculating of area of 27.88 sq. m and 37.16 sq. m size of rehab tenements, the area of the balcony shall beincluded.

6.3 Notwithstanding anything contained in these Regulations, common passages to be provided in the Rehab Component to give accesses to Residential tenements and Commercial/Industrial units shall not be less than 2.0 m in width. If podium is proposed, the corridors formed under the podium upto 12.00 m in width to be used as passage for Rehab & Renewal Commercial/Industrial units & Amenities, shall

not be counted towards FSI even while computing 4.00 FSI on site. The areas under such common passages not exceeding 2.00 m in width and upto 12.00 m width shall form part of Rehab Component and it is on this basis the free sale component will be calculated.

6.4 Corridors formed under the podium up to 12.00 m in width giving access to the sale commercial component shall also be considered free of FSI.

6.5 Front and marginal open spaces for building having height upto 32m in the rehab component or composite building for the ground + 1 podium to be proposed to accommodate rehab commercial/industrial units as well as sale commercial areas in composite structures, the front and marginal open space shall be at least 3.0 m for these buildings.

6.6 Notwithstanding the provisions of Regulation No. 41 Table No 18 where the location of the plot abuts DP Road, having width of 18.3 m and above, the front marginal open space shall be at least 3.00 m provided it is not an express highway or road wider than 52m

6.7 Where the location of the plot abuts a nallah, the marginal open space along the nallah shall not be insisted upon beyond 6 m from the edge of the trained nallah.

6.8 The distance between any two rehab/composite buildings shall not be less than 6 m for the height up to 32 m and for the building with height more than 32 m the open spaces shall be as per Regulation No 41(5).

6.9 A composite building shall contain at least 40 percent of the built-up area as rehabilitation components.

6.10 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered as part of the AOS in the project comprising both rehabilitation and free sale components, and without charging any premium in relaxation of the stipulations in DCR No.27, wherever necessary.

6.11 The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.

6.12The means of access shall be normally governed by the provisions of Regulation No. 23. However, in the project, wherever the design of the buildings in the same land requires relaxation, it may be given. Access through existing pathways including the roads maintained under Section 63K of the MMC Act, 1888 but not less than 3.6 m in width, shall be considered adequate for any slum rehabilitation project, containing buildings having height up to 32 m including stilts.

6.13 Even if the AOS is reduced to make the planning of the rehab sub-plot viable, a minimum of 15 percent of amenity open space shall be maintained.

6.14 Premium shall not be charged for exclusion of staircase and lift-well etc. as covered under the provisions of DCR31(1).

6.15 All relaxations outlined hereinabove shall be given to the rehabilitation component, and also to the composite buildings in the project. Premium shall not be charged for all or any of the relaxations given hereinabove, or for any other mentioned in DCR 31(1). Provided that further relaxation in open spaces if any is considered, then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of Annual Schedule of Rate.

6.16 Relaxations for the free sale component – Relaxation contained in sub- regulation No.6.6, 6.7, 6.11, 6.12, 6.13 above, other necessary relaxation shall be given to the free sale components for deficient area on payment of premium at the 2.5% rate of ASR for open land (for FSI 1) or 10% of normal premium whichever is more.

6.17 In order to make the Slum Rehabilitation Scheme viable, the OSD, DRP shall be competent to make any relaxation wherever necessary for reasons to be recorded in writing by charging 2.5% rate of ASR of open land (for FSI 1.) or 10% of normal premium whichever is more.

7. SLUMS AND DEVELOPMENT PLAN RESERVATIONS:

7.1 Reservations in the DP shall be developed to the fullest extent. Additional amenities and facilities shall be provided as per the quantum shown in Annexure – 'A' to this Regulation. Relocation of reservations within sector if so required to overcome the sector planning constraint shall be permitted with thespecial permission of CEO/OSD(DRP) of SRA.

Area of amenities and facilities to be provided as per Annexure-A shall be inclusive of reservations in sanctioned DP. Types of reservations and area of reservations shall in no case be reduced

7.2 Slums/Structures under renewal situated in lands falling under residential(R), commercial(C), industrial (I) zones which are not affected by any other allocations/designations/reservations in the final DP& may be developed subject to the following:

(i) (a) Lands in residential (R) and commercial (C) zones occupied by existing slums/structures under renewal be allowed to be developed in accordance with the provisions contained in thisRegulation.

(b) Lands in industrial zones (I)/Industrial estate may be allowed to be converted into residential users in accordance with Regulation No

14(B). Such lands occupied by existing slums/structures under renewal may further be allowed to be developed in accordance with the provisions contained in this Regulation.

(ii) Lands in industrial zone (I) occupied by existing slums/structures under renewal shall be allowed to be developed in accordance with the provisions contained in this sub-regulation 33(10) (A) and 33 (9)(A).

(iii) As a special case for DRP non residential activities to be developed as described under clause no.5.3 and 5.6 of this Regulation& clause no. 4 & 7 Regulation No 33 (9) (A) shall be allowed to be developed without going through the process of the change of zone.

7.3 Slums/structures under renewal situated on lands reserved/ designated/allotted for existing or proposed non-buildable reservations such as playground, garden, park and any other open users in the Final DP occupied by existing slums/structures under renewal shall be shifted within the same planning sector in which such plots belongs/vests and sites occupied by them shall be cleared for the implementation of DRP in which such quantum of designated/allotted for existing or proposed non-buildable reservation shall be fully subsumed in the additional amenities & facilities to be provided under DRP as in clause no. 7.1 above as per the specifications of DRP (SRA) or the concerned Govt. authority and shall be handed over free of cost and charge to the DRP (SRA) or the concerned Govt. authority. The land area under such reservation shall be allowed to be included in the project plot area to be considered for FSI purpose.

7.4.(a) Slums/structures under renewal situated on lands reserved/ designated/allotted for existing or proposed buildable Public reservations in the Final DP such as Municipal/Private primary or secondary schools, Municipal dispensary, Municipal hospitals, Maternity home, Municipal chowky, Fire brigade, Sewage treatment plant, Pump house, Municipal retail market shall be shifted within the same planning sector in which such plots belong/vest and sites occupied by them shall be cleared for the implementation of DRP in which such quantum of designated/allotted for existing or proposed buildable reservation shall be fully subsumed in the additional amenities & facilities to be provided under DRP as in clause no. 7.1 above as per the specifications of DRP/SRA or the concerned Govt. authority to whom this developed amenity is to be handed over. This developed buildable amenity shall be handed over free of cost & charge to the DRP/SRA or the concerned Govt. authority. The BUA of such amenity shall be excluded for the purpose of FSI. Thereafter the full permissible FSI of the plot according to this Regulation shall be allowed to be included in the project plot area to be considered for FSI purpose.

7.4 (b) For other buildable reservations on lands under slum which are not covered under clause no. 7.4(a) above, BUA equal to 25 percent of the area under that reservation in that plot shall be demanded free of cost by the SRA for MCGM or any other appropriate Authority. The BUA of such amenity shall be excluded for the purpose of FSI computation. Thereafter the development for DRA be allowed as per the full permissible FSI of the entire plot according to regulation 33(10) (A) read with this Regulation and subject to provisions in clause No.7.1

7.5 Where DP road/Proposed road passes through DRP area, the entire 100 percent FSI of the road may be given in the same site, on the remainder of the plot.

7.6 Development of Slum Plots under DCR 33(10) (A) and Urban Renewal plots under DCR 33(9) (A) in a planning sector may be allowed to be developed together in order to promote flexibility of design as well as to raise more resources. The power under Regulation 13(6) for shifting and/or interchanging the purpose of designations/reservations shall be exercised by the OSD, DRP (SRA) in respect of DNA as a SPA .

7.7 In case of DRP adjoining railway tracks, a boundary wall of minimum, 2.4 m in height shall be constructed.

7.8 Slums/structures under renewal on lands designated or reserved for purpose of Rehabilitation and Resettlement shall be treated as sites for slum redevelopment and redevelopment to be allowed according to this Regulation.

7.9 Existing slums occupying lands/structures under renewal in dangerous locations such as marshy lands, near water bodies, lands abutting railway tracks/in railway lands, NDZ and sites immediately required for the public and semi-public projects may be relocated at other suitable locations within the planning sectors and may be allowed to be developed in accordance with this Regulation.

8. Aaganwadi, Health Centre / Outpost, Community Hall /Gymnasium / Fitness Centre, Skill Development Centre, Women Entrepreneurship Centre, Yuva Kendra /Library, Society Office, and Religious Structures:

8.1 There shall be Balwadi, Welfare hall and any of two amenities mentioned above. There shall be health Centre/ outpost, Aaganwadi, skill development centre, women entrepreneurship centre, yuvakendra / library of size 25 sq. m for every multiple or part of 250 hutment dwellers. In case of misuse, it shall be taken over by the DRP(SRA) which will be competent to allot the same to some other organization /institution for public use. Balwadi shall also be provided for on a similar scale. An office for the Co-operative housing society shall be also

constructed for every 100 rehab tenements in accordance will D.C. Regulations No. 37(9). However, if the number of rehab tenements exceeds 100 then for every 100 rehab tenements such additional society office shall be constructed. There shall be a community hall for rehab bldg. of the Project as a part of the rehabilitation component. The area of such hall shall be 2% of rehab built up area of all the buildings or 200 sq. m whichever is less.

Religious structures existing prior to redevelopment, if allowed in accordance with the guidelines issued by Govt. from time to time as part of redevelopment shall not exceed the area that existed prior to redevelopment. Other social infrastructure like School, Dispensary and Gymnasium run by Public Authority or Charitable Trust that existed prior to the redevelopment shall be allowed without increase in existing area.
However, it is provided that in the DRP of less than 250 hutments, there shall be Balwadi, Welfare hall and any of two amenities mentioned above, as decided by co-operative housing society of slum dwellers, of size of 25 sq.mt and office for the Co-operative housing society in accordance with D.C. Regulations No. 37(9). OSD, DRP(SRA) may permit accumulation of the amenities mentioned above but ensure that it shall serve equitably to the rehab area.

All the areas underlying Aaganwadi, health centre / outpost, community hall/gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra / library community hall/s, society office, balwadi/s, religious structure/s, social infrastructure like School, Dispensary, Gymnasium run by Public Authority or Charitable Trust, the commercial areas given by way of incentives to the co-operative society and the nongovernmental organisation shall be free of cost and shall form part of rehabilitation component and it is on this basis the free-sale component will be computed.
These provisions shall apply to construction of transit camps under DC Regulations 33(11) also.

Aaganwadi, health centre / outpost, community hall /gymnasium / fitness centre, skill development centre, women entrepreneurship centre, yuvakendra / library, society office, Balwadi/s, and religious structures, social infrastructure like School, Dispensary and Gymnasium run by Public Authority or Charitable Trust in the rehab component shall not be counted towards the FSI even while computing permissible FSI on site.

9. PAYMENTS TO BE MADE TO SRA AND INSTALMENTS:

9.1 An amount of Rs 40000/-or such an amount as may be decided bythe Govt from time to time per tenement/unit will have to be deposited by the developer with DRP as a corpus fund for utilization by the co-operative housing society of the rehab residents for the purpose of maintenance, in accordance with the time-schedule for such payment as may be laid down by OSD, DRP (SRA). However, by the time of

completion of construction for occupation of tenements by the hutment dwellers, the total amount at the rate of Rs 40000 per tenement completed should have been deposited in full. The building permission for the last 25 percent of the free sale component would be given only after the entire required amount is deposited in full with DRP (SRA).

9.2 An amount at the rate of ***Rs. 840 per Sq.Mt.*** for BUA or such an amountas may be decided by Govt from time to time shall be paid by the Developer for the BUA over and above the normally permissible FSI, for the rehabilitation and free sale components. This amount shall be paid to the SRA in accordance with the time schedule for such payment as may be laid down by the OSD, DRP of SRA, provided the installments shall not exceed beyond the completion of construction. These infrastructural charges shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

Provided that amount so recovered as Infrastructural Charges, will remain with DRP (SRA) and same shall be use for schemes to be prepared for improvement of infrastructure within Dharavi Redevelopment Project Areas.

9.3 The part of land premium to be made available to the land-owning authority as per rates to be decided by GoM shall be exclusively used for schemes to be prepared for the improvement of infrastructural developments in the benefit of DRP.

ANNEXURE –"A"

10. Amenities and facilities to be provided under DRP to be read with clause 7.1 of Regulation no. 33 (10)(A):

Sr. No.	Descriptionof theAmenity	Legends	Units	Amenities & facilities to be provided under DRP					
				Sector I	Sector II	Sector III	Sector IV	Sector V	Total I to V
Buildable Amenities for which Sale Incentive is available.									
1	Primary School		sq. m	9066.97	16433.89	13600.46	12467.09	5100.17	**56668.58**

2	Secondary School		sq.m	6066.97	16433.89	12650.55	11517.18	10000.00 (with 2 colleges)	**56668.58**
3	Dispensary/ Maternity Homes Polyclinics		sq. m	6272.00	11368.00	9408.00	8624.00	3528.00	**39200.00**
4	WelfareCentres + Gysm Community Hall		sq. m	200.00	200.00	200.00	200.00	200.00	**1000.00**
5	Library	–	sq. m	200.00	200.00	200.00	200.00	200.00	**1000.00**
6	Fire Station		sq. m	0.00	0.00	0.00	3990.00	0.00	**3990.00**
7	Post Office	–	sq. m	665.00	0.00	0.00	665.00	0.00	**1330.00**
8	Police Station		sq. m	1995.00	1995.00	0.00	0.00	0.00	**3990.00**
9	Retail Market		sq. m	2511.04	4551.26	3766.56	3452.68	1412.46	**15694.00**
10	Police Chowky		sq. m	140.00	140.00	140.00	140.00	140.00	**700.00**

11	Potters Institute (common work space)	-	sq. m	0.00	2230.00	0.00	0.00	0.00	**2230.00**
	Total Land Area of Buildable Amenities not to be constructed by the developers			**27116.99**	**53552.04**	**39965.57**	**41255.95**	**20580.64**	**182471.17**
12	Best BusStation	**RT 1.4**	Ha	0.00	0.00	0.06	0.00	0.00	**0.06**
13	Tata Receiving Station		ha	0.00	1.30	0.00	0.00	0.00	**1.30**
14	Pumping station		Ha	0.00	0.00	0.37	0.00	0.00	**0.37**
15	ITI (Other Education)	**RE3.1**	Ha	0.00		0.30	0.00	0.00	**0.30**
	Total			**0.00**	**1.30**	**0.73**	**0.00**	**0.00**	**2.03**
Total Land Area of Un-Buildable Amenities									
16	Parking Lot	**RT1.6**	ha	0.00	0.00	0.00	0.00	1.28	1.28
17	Public Open Spaces (can be mixed user / part oflayout)		ha	1.58	0.00	1.58	1.58	1.58	**6.32**
18	Layout RG that would be provided in sale and		ha	0.77	1.39	1.15	1.06	0.43	**4.81**

	rehab areas to be multiused								
19	Play Ground attached to schools (mixed use / part of layout)		Ha	0.40	0.73	0.60	0.55	0.23	**2.50**
20	Mahim Nature Park Extension **(**1.33 ha), Affore station (0.83 ha) andRG below HTL (1.04 ha)		Ha	0.00	0.00	0.00	0.00	3.20	**3.2**
21	Potters Institute (common open space)	-	Ha	0.00	0.22	0.00	0.00	0.00	**0.22**
22	Land to be given to TATA Power Electric Co.		Ha	0.00	0.40	0.00	0.00	0.00	**0.40**
	Total			**2.75**	**2.74**	**3.33**	**3.19**	**6.72**	**18.73**
Note	All the additional amenities and facilities to be provided within DRA are deemed to be treated as DP Proposals. All proposed roads having width of 12 m & above are deemedto be treated as DP Proposals. The SRA may add, alter or amend category and quantum of additional amenities and facilities to be provided within DNA with the approval of GoM.								

Note:

The provisions of the DC Rules for Greater Mumbai, and all other applicable sections of the MA & TP Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions "MCGM" and "Municipal Commissioner" shall be substituted by the expressions "SRA" and "OSD, DRP (SRA)" respectively.

33(11) ***Provisions relating to Permanent Transit Camp tenements for Slum Rehabilitation Scheme:***

Total FSI onplot area may be allowed to be exceeded upto 4 for construction of Transit Camp tenements for SRA**.**

(A) The FSI & distribution of additional FSI for the construction of Transit Camp Tenements/Rental Housing shall be as shown below:

Location	Minimum Road Width	Total permissible FSI	Zonal FSI	Additional FSI	% FSI for Transit tenements for SRA/ of total additional FSI	%FSI for sale component of total Additional FSI
	1	2	3	4	5	6
Island City	12m	Up to 3.0	1.33	Up to 1.67	63%	37%
	18m	Up to4.0	1.33	Up to 2.67		
Suburbs& Extended Suburbs	12m	Up to 3.0	1.00	Up to 2.0	50%	50%
	18m	Up to4.0	1.00	Up to 3.00		

Note: On the plot area excluding area to be handed over to MCGM/ Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/ prescribed RL under MMC Act

(B) Such Schemes shall not be permissible on lands reserved/ existing amenity in the DP & in SDZ/ GZ.

(C)Transit tenements for SRA out of additional FSI could be used for construction of Transit Camp of tenements having carpet area of 27.88 sqm (300 sq.ft.) Ground floor shall be used for commercial tenements having carpet area of 20.90 sq. m (225 sq. ft.) for project affected commercial tenements & same shall be handed over free of cost to SRA. Alternatively, residential tenements can be used for Govt. Staff Quarters etc.

For the purpose of this regulation, BUA shall be as clause 3.2 of Regulation 33(10).

D) Provision of Aaganwadi, Health Centre / Outpost, Community Hall /Gymnasium/ Fitness Centre, Skill Development Centre, Women Entrepreneurship Centre, Yuva Kendra / Library, Society Office, Balwadi, shall be as per sub-regulation 8 of regulation 33(10) to these transit camps. 25% of Zonal(basic) FSI shall be exclusively used for the purpose of shops along layout road for use of residential occupants of layout.

(E) Additional FSI over & above Zonal (basic) FSI may be released in co-relation to the BUA of the tenements that are required to be handed over free of cost to SRA/ MCGM as the case may be. Alternatively, TDR in lieu of unconsumed sale component of additional FSI, as per this Regulation, may be permitted for Permanent Transit Camp (PTC) for which SRA will be the Planning Authority for the purpose of this regulation, BUA of PTC tenements shall be calculated as per clause 3.2 of Regulation 33(10).

(F) Only after the Transit Camps are handed over free of cost to the SRA, the Occupation Certificate, water connection, power connection etc. for the other portion shall be given by the Appropriate Authority.

(G) This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.

The entire Permanent Transit Camp components including Base FSI may be categorized as permanent transit component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developers making an application under this regulation may club more than one plot belonging to single or multiple owners and offer permanent transit component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with permanent transit camp component being handed over to Planning Authority.

The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of Permanent Transit Camp component as per ASR.

Such clubbing can be allowed for the schemes falling in same ward oradjoining ward or within the distance of 5 km.

The premium shall be paid to the Planning Authority in two stages 50% at the time IOA and 50% at the time of issuing C.C. for the incentive FSI. or the developer has to surrender equivalent sale FSI in form of constructed BUA to the extent of premium in the scheme to be valued at ASR rate of sale in the year of such surrender of built up area.

(H) Notwithstanding anything contained in these regulations for Permanent Transit Camp (PTC) tenements car parking at the rate mentioned in Regulation 44 Table-21 shall be provided or one parking space per tenements for two-wheeler shall be provided. The above parking spaces may be provided in any combination.

Note: Out of the total premium amount collected under these Regulation, 2/3 shall be kept in a separate account to be utilized as shelter fund for the State of Maharashtra and 1/3 shall be deposited at the Office of the Deputy Director of Town Planning, Greater Mumbai.

33(12). ***Redevelopment of contravening structures included in the Final Plot of a Town Planning (TP) Scheme and Removal and re-accommodation of tolerated structures falling in the alignment of road*****:**

(A) Redevelopment of contravening structures included in the Final Plot of a TP Scheme**.**

For the redevelopment/reconstruction of contravening structures situated in TP Schemes, additional FSI over and above permissible FSI prescribed under these Regulations shall be admissible as under:

a.In the redevelopment scheme the number of tenants as recorded in the TP Scheme Book and residing in the contravening structures shall be accommodated by giving alternative accommodation in the redevelopment schemes in the same scheme or in the same administrative wardhaving carpet area of 27.88 sqm (300 sq.ft.) each, irrespective of their original holding provided the overall FSI consumption of the Final Plot shall not exceed 4.0.

b. The Commercial users may be permitted in the redevelopment scheme to accommodate the existing commercial tenants, provided the commercial area in the redevelopment scheme shall not exceed the original commercial area.

c. The tenants not listed in the records of TP Scheme but residing in contravening structure or such structures which have come up after TP Scheme is finalized, but are existing on date as notified by the GoM from time to timeand where structures and inhabitants names are appeared in the Legislative Assembly Voter's List of year as notified by the GoMfrom time to time shall also be eligible for being included in the Redevelopment Scheme. Such tenants shall also be granted accommodation at the rate of 27.88 sq. m. in case of residential/ residential cum commercial occupants and in case of commercial occupants, existing area or 20.90 sq.m, whichever is lessprovided the total FSI of the plot does not exceed 4.0.

d. BUA equivalent to the area held by the tenant or 27.88 sq. m whichever is less, shall be handed over free of cost to the respective

tenant by the Developer/Owner, while for the balance BUA, an amount as may be mutually agreed to between tenant and Owner/Developer shall be paid by the tenant. Condition to this effect shall be prescribed by the MCGM while approving redevelopment proposal.

e. For the purpose of this redevelopment scheme, the owner/ developer shall get further additional FSI to the extent of 50% of the area of the structures covered under Sr.No. (a),(b),(c)&(d) above provided further that the overall FSI of the Final Plot shall not exceed 4.0.

f. The Fungible compensatory area shall be permissible for rehab component for the tenants as recorded in the TP Scheme Book and residing in the contravening structures without charging premium and to the incentive BUA by charging premium

Notes: For the purpose of this Regulations the contravening structures shall mean:

i. Structure situated outside the original plot but included fully or partly within the final plot allotted to a person in the TPScheme.

ii. Structures which are partly included in the final plot allotted to a person and partly included in the roads sites reserved for public purpose/ adjoining final plot.

4iii. Structures which are included in the TP Scheme area but situated outside the final plot allotted to a person and are affected by sites reserved for public purpose, provided the Planning Authority has no objection for rehabilitation of such structures.

iv. However, structures included in the common area comprising of original plots and final plots shall not be treated as contravening structures.

(B) Removal and re-accommodation of tolerated /protected structures falling in the alignment of road: -

In a scheme where removal of tolerated/protectedstructures falling in the alignment of existing road or widening of existing road for which road line has been prescribed or DP Road and re-accommodation of these tolerated/protected structures in the same administrative ward has been proposed for the expeditious removal of bottlenecks, the FSI may be allowed to be exceeded above the permissible FSI as mentioned below subject to following condition:

a) The tolerated residential structures shall be existing since prior to 17.04.1964 and non-residential structure shall be existing since prior to 01.04.1962 falling in the alignment of existing road or widening of existing road for which road line has been prescribed or DP Road.

b) The structures shall be reflected in the true extract of Revenue Record prior to 1961-62 or in the assessment records prior to datum line as mentioned (a) above.

c) The scheme plot and the tolerated structures as mentioned above falling in the alignment of the road shall be relocated in the same administrative ward.

d) The provisions of this Regulation shall not be applicable to the structures where development of plot, where such tolerated/protected structures are situated, is proposed to be undertaken or in progress.

e) It shall be responsibility of the scheme owner/developer who wishes to seek benefit under this Regulation to execute tri party registered agreement with the owner of the plot where such tolerated/protected structures are situated and with the occupiers of such structures in respect of removal of structures falling on road and the copy of the same shall be submitted to MCGM.

f) The owner/developer will have to submit the advance possession receipt to MCGM for handing over of such plot affected by road line/DP road having built up structures as detailed above toMCGM.

g) The owner of the plot shall be eligible for TDR as per Zonal (basic) FSI of the plot in lieu of handing over of the land affected by road. TDR for such land shall be issued only when ownership of land has been transferred in PR card in the name of MCGM.

h) The existence of the structure on site, carpet area of the structures and occupancy of the eligible occupants in case of non-cess structures shall be certified as detailed above by the Assistant Commissioner of respective ward and by MHADA in case of cessed structures.

i) In case of such area is occupied by cessed structures and affected by road widening/DP Road, NOC from MHADA shall be insisted.

j) The eligible residential/residential cum commercial tenant/ occupants of tolerated structuresshall be entitled for the minimum carpet area of 27.88 sq. m or the area equivalent to existing carpet area and in case of non-residential tenant/occupants, area equal to existing carpet area shall be allotted.

k) The owner of scheme shall be eligible for the BUA required for rehabilitation of existing tenants/occupants plus incentive BUA to the extent of 50% of BUA required for rehabilitation. However, the FSI on plot/layout shall not be allowed to be exceeded up to 4.0.

l) If the part of the structures is falling in alignment of roads, then such occupants shall, be eligible for the benefit as above. However, TDR equivalent to Zonal (basic) FSI of the land so handed over will be eligible.

m) The owner shall be eligible for the commencement certificate for the incentive BUA only after rehabilitation of occupants of affected tolerated structure/removal of structures falling in the alignment of road line/DP Road.

n) The fungible compensatory areashall be permissible for rehab without charging premium and to the incentive BUA by charging premium.

o) The protected structures falling in the alignment of Road/DP road as notified by government from time to time and as certified by competent authority shall also be eligible for the rehabilitation as per this regulation subject to condition that rehabilitation area shall be 27.88 sq. m in case of residential/residential cum commercial occupants and in case of commercial occupants, existing area or 20.90 sq. m, whichever is less.

33(13) – Buildings of Information Technology Establishments

With the Special permission, the Commissioner may permit the floor space indices to be exceeded beyond Zonal (basic) FSI specified in this Regulation No.30 Table No. 12as given in the following table,to all registered Public & Private IT/ITES Parks/ AVGC Parks/IT SEZs or IT Parks in SEZs/Stand-alone IT/ITES units in public IT Park (including IT/ITES units located in Residential/ Commercial/ Industrial in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present/ previous IT/ITES policies by charging premium as per the conditions specified below this table.

Sr No	Minimum Road Width	Maximum Permissible FSI
1	12m	Up to 3
2	18m	Up to 4
3	27 m	Up to 5

Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

The grant of additional FSI as stated above shall be subjectto following conditions,

a) The additional FSI shall be granted beyondpermissible FSI as per regulation 30(A)(1)upon the payment of premium. Such premium shall be recovered for the BUA at the rateof 50% of ASR for open develop land (for FSI 1).

b) The premium so collected shall be shared between the Planning Authority and the Government in the proportion of 50:50. The share of the Government shall be paid to the Deputy Director of Town Planning, Greater Mumbai.

(Explanation:-Premium charges shall be calculated on the value of lands under such zones, determined by considering the land rates of the said land as prescribed in Annual Statement of Rates (ASR). These charges shall be paid at the time of permittingadditionalF.S.I. by considering the ASR for the relevant year without applying the guidelines)

c) Maximum 20% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may be permitted for support services as defined in IT/ITES Policy 2015, in IT Parks and remaining built-up area shall be utilized forIT/ITES.

d) Maximum 40% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may be permitted for support services in IT Parks in Municipal Corporations which are not covered under Serial No. c) above and remaining built- up area shall be utilized forIT/ITES.

e) New said unit shall allocate at least 2% of the total proposed built-up area, for providing incubation facilities for new units. This area would be treated as a part of the Park to be used for IT activities and eligible for additional FSI benefits accordingly.

f) Premium to be received by the Planning Authority as per provisions in this regulation shall be deposited in a separate fund viz. "Critical Infrastructure Fund for IT/ITES Industries" and this fund shall be utilized only for creation of Critical Infrastructure for IT/ITES Industries:

Provided that in the event, the developer come forward for providing such off site infrastructure at his own cost, instead of paying premium as prescribed above, then the Planning Authority may

determine the estimated cost of the work by using rates prescribed in District Schedule of Rates (DSR) of the relevant year, in which order for commencement of such work is issued. The Planning Authority shall also prescribe the standards for the work. After completion of the works, the Planning Authority shall verify and satisfy itself that the same is developed as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered from such developer before issuing Occupancy Certificate.

Provided that, in case the cost of work is more than the premium to be recovered, such additional cost to be borne by such developer.

g) Permission for erecting towers and antenna upto height permitted by the Civil Aviation Department shall be granted by the Commissioner as per the procedure followed for development permission or otherwise as may he decided by the Government.

h) While developing site for IT/ITES with additional FSI, support services as defined in the IT Policy 2015, shall beallowed.

i) Notwithstanding anything contained in these regulations, no amenity space is required to be left for development of plot/land upto 2.00 Hect. for IT/ITES.

j) The Directorate of industries will develop a web portal on which the developer of every IT park will be bound to provide/update detailed information about names of the units in the park, utilization of built-up area and activities being carried out, man power employed in the It Park for IT/ITES and support services on yearly basis.

If a private IT park has availed additional FSI as per the provisions of IT/ITES policy and subsequently it is found that the built-up space in the park is being used for non IT/ITES / commercial activities/ any other activity not permitted as per the IT/ITES policy under which the said park was approved, a penal action as below will be taken, the payment shall be shared between the concerned Planning Authority and the Government in the ratio of 3:1.

a) The misuse shall be ascertained by physical site verification of the said private IT park by a team of officers from the Directorate of industries and the Planning Authority which has approved the building plans of the said private IT park.

b) A per day penalty equal to 0.3% of the prevailing ready reckoner value of the built-up area that has been found to be used for non-IT/ITES activities.

c) The penalty will be recovered from the date of commencement of unauthorized use till the day non IT use continues.

After payment of the penalty to the concerned Planning Authority which has sanctioned the building plans of the concerned private IT park, the said private IT Park will restore the use of premises to the original purpose for which LOI/Registration was granted. If the private IT Park fails to pay penalty and / or restore the use to its original intended use, the concerned Planning Authority will take suitable action under the Maharashtra Regional and Town Planning Act 1966, against the erring private IT Park under intimation to the Directorate of Industries. This provision will also be applicable to existing IT Parks.

These provisions will be over and above the penal provisions of the MRTP Act.1966.

33(13)(A) Buildings of Smart Fin Tech Centre

1) The Commissioner may permit additional FSI up to 200 % over and above the basic permissible F.S.I. to Smart Fin Tech Centre located in Residential / Industrial/Commercial Zone, which have been approved by the Directorate of Information Technology, proposed to be set up (hereinafter referred to as the "said unit") by charging premium of 40% of the land rate for the said land as prescribed in Annual Statement of Rates for the relevant year of granting such additional F.S.I.

Provided that additional FSI shall be permissible only on plots having an access road of minimum 18 meters width and subject to approval by committee chaired by the Principal Secretary, Information Technology and comprising representatives of Industries, Finance and Urban Development Department(UD-1).

Provided further that, the premium so collected shall be shared between the Planning Authority and the Government in the proportion of 50 : 50. The share of the Government shall be deposited in the Fin Tech Corpus fund which is being set up by Director of Information Technology.

(Explanation :- Premium charges shall be calculated on the value of lands under such zones, determined by considering the land rates of the said land as prescribed in Annual Statement of Rates (ASR). These charges shall be paid at the time of permitting additional F.S.I. by considering the ASR for the relevant year without applying the guidelines)

2) The total maximum permissible F.S.I. shall not exceed limit of 3.00. in suburbs and extended suburbs and Mumbai City. In case of plot having area of 2,00,000 sq. mtr. or above, which front on roads having width of 24.00m or more,theF.S.I. may be permitted to be exceeded upto 4.00.

3) Notwithstanding anything contained in these Regulations, no amenity space is required to be left for development of plot/land up to 2.00 Hectare for Smart Fin Tech Centre.

4) At least 85% of total proposed Built-up area (excluding parking area) shall be permitted for business of Fin Tech (start-ups, incubators, and accelerators), banking, financial service including NBFC and insurance, and IT/ITES with focus on Fin Tech.

5) The Directorate of Information Technology will develop a web portal on which the developer of every Smart Fin Tech Centre will be bound to provide / update detailed information about names of the units in the park, utilization of built-up area and activities being carried out, manpower employed in the Smart Fin Tech Centre on yearly basis.

6) If a Smart Fin Tech Centre has availed additional FSI as per the provisions of Smart Fin Tech Centre policy and subsequently it is found that the built-up space in the Smart Fin Tech Centre is being used for non-Fin Tech / commercial activities / any other activity, not permitted as per the Smart Fin Tech Centre policy under which the said Centre was approved, a penal action as below will be taken, the payment shall be shared between the MCGM and the Government in the ratio of 3:1.

a) The misuse shall be ascertained by physical site verification of the said Smart Fin Tech Centre policy by a team of officers from the Directorate of Information Technology and the MCGM, which has approved the building plans of the said Smart Fin Tech Centre.

b) A per day penalty equal to 0.3% of the prevailing ready reckoner value of the built-up area that has been found to be used for non-Fin Tech activities, shall be imposed

c) The penalty will be recovered from the date of commencement of unauthorized use till the day non-Fin Techactivities.

After payment of the penalty to the MCGM, which has sanctioned the building plans of the concerned Smart Fin Tech Centre, the said Smart Fin Tech Centre will restore the use of premises to the original purpose for which LOI/ Registration was granted. If the Smart Fin Tech Centre fails to pay penalty and / or restore the use to its original intended use, the MCGM will take suitable action under the Maharashtra Regional and Town Planning Act 1966, against the erring Smart Fin Tech Centre under intimation to the Directorate of Information Technology.

These provisions will be over and above the penal provisions of the MRTP Act, 1966.

7) In this regulation the terms and expression shall have the meaning specified in Fin Tech Policy declared by Directorate of Information Technology vide Govt. Resolution No.DIT-2018/CR-17/D-1/39 dated 16th February 2018. Notwithstanding anything contained in the existing regulation, the above provisions shall be applicable for Smart Fin Tech Centre. Other provisions of existing regulations, which are not specifically mentioned in this regulation shall be applicable.

33(14) ***Shifting of cattle sheds outside Greater Mumbai:***

For Development of lands becoming vacant consequent upon shifting of cattle sheds existing thereon, to places outside Greater Mumbai, additional FSI to the extent of 33% over and above Zonal (basic) permissible FSI, shall be allowed on land occupied by cattle sheds and subject to the following conditions:

(i) Such additional FSI shall be available for authorized /tolerated (existing prior to 01/04/1962) cattle sheds existing in Suburbs & extended Suburbsonly;

(ii) The development of such lands that have become vacant consequent upon shifting of cattle shall be regulated by the zoning Regulations of the zone in which such lands aresituated.

(iii) The additional FSI shall be worked out case by case by a Committee comprising of following members as constituted by Govt in Urban Development Department.

1.	The Chief Engineer (D.P), Municipal Corporation of Greater Mumbai, Mumbai	Chairman
2.	Cattle Controller, ADF Department, Mumbai	Member
3.	The Deputy Director of Town Planning Greater Mumbai, Mumbai	Member
4.	The Superintendent of Land Records, Mumbai Suburban District, Mumbai	Member

The proposed development shall further be subject to such conditions as may be prescribed by the Committee and payment of such amount of premium as may be fixed by Govt. in Urban Development Department.

33(15) - Development of land earmarked for the MHADA/Mill Workers Housing under Regulation No 35.

For development of land for transit camp/mill workers housing undertaken by MHADA,FSIup to 4.0including Zonal (basic) FSI shall be allowed on land earmarked for MHADA/Mill Workers Housing under Regulation No 35 subject to following conditions-

(i) The development of land earmarked for mill workers shall be exclusively used for mill workers housing,

(ii) The development of land earmarked for MHADA for publichousing, at least100%FSI shall be exclusively used for mill workers housing and balance FSI for transit camponly.

Relaxation in buildings and other requirements:

1) The permissible FSI shall be calculated on gross plot area.
2) Recreational Open Spaces up to 8% shall be allowed.
3) Requirement of open spaces shall be as per the Regulation No41(5)

33(16) Reconstruction/Redevelopment in Gaothan/ Koliwada/Adiwasi pada area –

FSI for reconstruction/ redevelopment of any property in gaothan/ koliwada/adiwasipada i.e. on land with tenure 'A' shall be asfollows:

(a) For plots fronting on roads below 9 m width but more than 6.0 m, permissible FSI will be 1.5

(b) for plot fronting on road width of 9 m andabove (existing or proposed), additional0.5 FSI shall be allowed for commercial use subject to condition that margin and parking space as required under these Regulations are provided.

Provided that for (a) & (b) above, consumed FSI of existing buildings, utilized authorizedly shall be permitted.

(c) The boundaries of Gaothan/ Koliwada/Adiwasipada as finalized by Revenu Department shall be deemed to be reflected as boundaries of Gaothan/ Koliwada/Adiwasipada on the Development Plan.

(d) Independent provision for development of Gaothan/ Koliwada/ Adiwasipada areas may be made byGovernment.

33(17) ***Buildings of Biotechnology Establishments: -***

With the Special permission, the Commissioner may permit the floor space indices to be exceeded beyond Zonal (basic) FSI specified in this Regulation No. 30 Table No. 12 as specified in the following table, in respect of buildings in independent plots for exclusively developing Biotechnology units set up by Public Bodies like MHADA, SEEPZ, MIDC, SICOM, CIDCO or their joint venture companies having more than 11% stake of these bodies or their lessees.

Sr No	***Minimum Road Width***	***Maximum Permissible FSI***
1	*12m*	*Up to 3*
2	*18m*	*Up to 4*
3	*27 m*	*Up to 5*

Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

The Commissioner may specify terms and conditions.

Provided that in the above cited cases of grant of additional FSI for Biotechnology units, premium recovered for the BUA at the rate of 50% of ASR for open develop land (for FSI 1) or as may be determined by Govt shall be paid to MCGM out of which 50% shall be payable to the Govt.

33(18) ***Development of Multi Storey Public Parking Lots (PPL)*****:**

For development of Multi-storeyed PPL on any plot abutting aroad of minimum width of 18m, additional FSI (hereinafter referred to as "Incentive FSI") as specified below on built up parking area, created andhanded over to the MCGM free of cost, shall be allowed, on the land belonging to a private owner/Lease hold plots of Govt. and MCGM with prior consent, which is not reserved for any public purpose, subject to the conditions contained herein below:

I. The minimum area of plot shall be 1000 sq. m**.**The minimum number of Motor Vehicle public parking spaces provided shall not be less than 50 subject to minimum parking space of 700 sq. m. The location of parking

spaces can be in basement, ground floor or upper floors, with access through ramp/lift or combination of both subject to clearance from CFO with special emphasis on fire hazard.

II. Till the formation of Parking Authority, aCommittee under the Chairmanship of Municipal Commissioner, MCGM shall earmark/select the plots for public parking, on the basis of their suitability. The Committee shall comprisethe following or their representatives (i) Metropolitan Commissioner, MMRDA. (ii) Joint Commissioner of Police (Traffic), (iii) Dy. Director of Town Planning, Greater Mumbai (iv) Chief Engineer (Road), MCGM (Member Secretary).

III. The incentive FSI given on this account will be over and above the Zonal (basic) FSI permissible under any other provisions of DCPR. This incentive FSI shall be allowed to be used on the same plot in conformity with DCPR/DP, within the overall cap/limit of total maximum permissible FSI as given at (vii)below.

IV. The proposed development shall be subject to any other conditions prescribed by the Municipal Commissioner.

V. Concerned land owner/development/society/company shall not be allowed to operate the public parking.

VI. Area covered under parking shall not be counted towards FSI consumption.

VII. The incentive FSI permissible under this Regulation against BUA of the PPL, shall be 50% of the BUA of the PPL, such that the total permissible FSI including the incentive FSI under this Regulation does not exceed as detailed below:-

Plot Area	Maximum permissible FSI
Up to 2000 sq. m	3.00
Above 2000 sq. m	4.00

VIII. Public Parking shall be limited to G + 4 and three basements.

IX. The maximum cap on BUA per parking shall be 50 sq. m for LMVs, 65 sq. m for LCVs and 120 sq. m for HMVs/Buses. Incentive FSI shall be calculated as per BUA of the PPL, based on these norms or the actual BUA of the PPL, whichever is less.

X. The developer of the PPL shall pay 'premium', worked out as per the following formula:

Premium = 60% of [Value of the additional BUA corresponding to theincentive FSI admissible under this Regulation, as per A.S.R. – (Cost of construction of PPL + cost of any extra amenities/facilities provided + cost of construction of BUA corresponding to the incentive F.S.I. admissible under this Regulation)]

For the purpose of calculating premium as above, the cost of construction of PPL including amenities/facilities and the cost of construction of BUA corresponding to the Incentive FSI admissible under this Regulationshall be 75% and 125% respectively of the rate of RCC construction as per ASR.

XI. The Premium shall be paid in two stages – 50% before the issuance of I.O.D. for the PPL and 50% before the issuance of C.C. for the incentive FSI admissible under this Regulation.

Upon Payment of 100% premium as foresaid, C.C. shall be issued in respect of 50% of incentive FSI.In no case, shall the remaining 50% Incentive FSI be released without the handing over of the PPL, complete in all respects, to MCGM.

The year in which 50% premium is paid before the issuance of I.O.D. for the PPL shall be taken as the year for determination of construction cost as well as ASR for calculation of the premium. Out of the total premium payable, 50% shall be paid to the GoM and the remaining 50% to MCGM.

Provision of this Regulation may also be applicable to lease hold plots of Govt and MCGM with prior approval from Gov. /Municipal Corporation.

33(19) Additional FSI for Commercial user development in Central Business District (CBD) or plot situated in Residential or Commercial Zone or Independent plot converted in Residential or Commercial Zone from Industrial zone:

The Commissioner may allow FSI up to 5.0 including permissible FSI as per provision of Regulation 30(A)1 Table No 12 for commercial user/development on plots in marked as CBD or plot situated in Residential or Commercial Zone or independent plot converted in Residential or Commercial zone from Industrial zone after compliance of Regulation 14(B) of these Regulations subject to the condition that permissible FSI as per Table 12 will be utilized first and the additional FSI under this Regulation on payment of premium subject to following conditions:-

1) Additional FSI shall be allowed for plots which are not reserved/ designated in the DP except affected by proposed DP roads/Sanctioned RL under MMCAct and parking reservation.
2) The development of reserved/designated plots in CBD shall be governed by provisions of these Regulations.
3) Development for residential purpose to the extent of maximum 30% of the permissible FSI as per provisions of Regulation No.30 (A) 1, Table No 12 may be allowed. Additional FSI as per this regulation shall not be permissible for residential user/development.
4) Premium for granting such additional BUA beyond permissible FSI as per Table No 12 shall be charged at the rate of 50% of ASR for open

developed land of FSI 1 and shall be equally shared between the GoM. and MCGM.

5) Provision of IH shall not be applicable for development inCBD.

Provided further that in case the entire commercial development is on aplot situated in Commercial Zone/Independent plot in Residential Zone, and satisfies other related provisions of these Regulations, the Commissioner may allow FSI as detailed below including permissible FSI as per provision of Regulation 30(A)1 Table No 12 for commercial uses/development on area of plots excluding area covered under Reservation/Designation in the DP except affected by proposed DP roads/Sanctioned RL under MMC Act, on payment of premium for BUA @ 50% of ASR for open developed land for FSI 1 and shall be equally shared between the GoM and MCGM. In this case,no residential development will be allowed on suchplot.

Sr. No	*Minimum Road Width*	Maximum Permissible FSI
1	12m	3
2	18m	4
3	27 m	5

Note: On the plot area excluding area to be handed over to MCGM/ Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

33(20) ***Affordable Housing (AH)/Rehabilitation & Resettlement (R & R):***

(A) Development or redevelopment of plots earmarked/reserved for AH/R&R on the lands of MCGM/Govt./Appropriate Authority as notified by Govt.or unreserved plot of these authorities and in possession, may undertake development for AH and/or R&R for the purpose of the housing those who are displaced by projects undertaken by the Corporation/ Appropriate Authority for implementation of proposals such as DP/ MUTP/MUIP and othervital public projects with permissible FSI as detailed below:

Plot Area	*Minimum Road Width*	*Maximum permissible FSI*
Up to 2000 sq. m	12 m	3.00
Above 2000 sq. m	18 m	4.00

The following conditions shall be observed:

1) The carpet areas of the tenements to be constructed under the concept of “AH” shall be for EWS, LIG MIG, or as decided by Govt. from time to time subject to a minimum 25 sq. m. Development of other types of tenements shall not be permissible under this Regulation.

2) No premium shall be charged for fungible compensatory area and for features covered under the provision of Regulation No 31(1) for the development for AH/R&R tenements.
3) The MCGM/Public Authority shall make provision for of fsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1 for BUA beyond Zonal (basic) FSI. Out of 7% charges, 5/7 of such charges shall be transferred to the fund allocated for infrastructural development for developing necessary off site infrastructure.
4) The requirement of open spaces shall be as per Regulation No 41(5) subject to clearance from CFO.
5) Once the development of AH/R&R tenements is completed and Occupation Certificate is granted, it shall be the responsibility of the MCGM/Public Authority of allotment of AH/R&R tenements within 12 months from the date of grant of occupation or earlier. Once development proposal is approved for AH/R&R, the MCGM/Public Authority may start process of sale proceeds.
6) The fund so received on account of sale proceeds of such tenements i.e. EWS,LIG,MIG, after deduction of cost of development including off site infrastructure charges for development of AH/R&R, 50% amount shall be utilized towards implementation of D.P. and rest amount shall be used for the development of AH/R&R tenements at other locations.
7) The MCGM/Public Authority may develop AH/R&R in the plot of land reserved for Rehabilitation & Resettlement, but the same shall not be applicable when private owner undertakes development.
8) The land with approved BUA shall be leased out to such society of occupants of building.
9) In case of layout 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road.

(B) *Development of AH/R&R on private plotor plot of authority other than Govt./MCGM/Appropriate Authority.*

The permissible FSI may be allowed to be exceeded up to 4.0 when the private owner other authority proposes to develop non-reserved/non-designated private land for AH/R&R tenements and hand over the area of AH/R&R tenements free of cost to MCGM.

(a) The FSI & distribution of additional FSI for the construction AH/R&R shall be as shown below:

Location	Minimum Road Width	Total permissible FSI	Zonal FSI	Additional FSI	%FSI for Transit tenements for SRA/ of total additional FSI	% FSI for sale componentof totaladditionalFSI
1	2	3	4	5	6	7
Island City	12m	Up to3.0	1.33	Up to1.67	63%	37%
	18m	Up to 4.0	1.33	Upto2.67		
Suburbs & Extended Suburbs	12m	Up to 3.0	1.00	Up to 2.0	50%	50%
	18m	Up to4.0	1.00	Up to3.00		

[Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP except affected by proposed DP roads sanctioned RL MMC Act and parking Reservation.] (2)

(b) Such Scheme shall not be permissible inSDZ/GZ.

(c) The carpet areas for AH/R&R tenements to be constructed shall be as required for EWS, LIG and MIG as decided by Govt. from time to time subject to a minimum 25 sq. m

(d) The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas.

(e) The owner shall have to declare the intension for developing the plot for AH/R&R initially. The AH/R&R shall be marked on the plan clearly with note, "to be handed over to MCGM''.

(f) The additional FSI over & above Zonal (basic) FSI may be released in co-relation as per BUA of tenements that are required to be handed over free of cost to MCGM, in proportion 0.50 sale: 1 AH/R&R area and 100% sale area can be released only after handing over of entire AH/R&R tenements.

Alternatively, TDR in lieu of unconsumed sale component of additional FSI, as per provision of this Regulation in proportion as stated above can be released. However, 20 % of such admissible TDR shall be released only after handing over the entire area of AH to MCGM.

(g) After AH/R&R tenements are handed over free of cost to MCGM, Occupation Certificate forsale portion shall be given.

(h) No premium shall be charged for fungible compensatory area andfeatures permitted free of FSI as per Regulation No 31 for the

development for AH/R&R tenements. However, payments of the premium shall be applicable on the owners share wherever required.

(i) The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable.

(j) The owner shall be allowed to utilize the Zonal (basic) FSI and BUA as per column no (7) of above tablefor the uses permissible in the zone.

(k) In case of layout, 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road**.**

(l) ***Clubbing :***

This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.

The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developers making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with AH/ R&R component being handed over to Planning Authority.

The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR. Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km.

The premium shall be paid to the Planning Authority in two stages 50% at the time IOA and 50% at the time of issuing C.C. for the incentive FSI. or the developer has to surrender equivalent sale FSI in form of constructed BUA to the extent of premium in the scheme to be valued at ASR rate of sale in the year of such surrender of built up area.

Note: Out of the total premium amount collected under this Regulation, 2/3 shall be kept in a separate account to be utilized for infrastructure development by MCGM and 1/3 shall be deposited at the Office of the Deputy Director of Town Planning, Greater Mumbai.

(C) Shramamsafaly/Ashray Yojana

The tenements required for Shramsafalya/Ashrayyojana may be allowed to be constructed as per the provisions of Regulation (A) & (B) above with the special permission of Municipal Commissioner subject to condition that the sizes of tenements constructed shall be governed by the requirements of such schemes.

33(21) Development and Redevelopment of Municipal Market/Public Amenities by MCGM/Government

(A) Development and Redevelopment of Municipal Market

If development/redevelopment of existing Municipal Market of MCGM orland Reserved/ for Municipal Market/Existing Municipal market on land belonging to MCGM is proposed by MCGM itself, then development/redevelopment of such existing Municipal market/ reserved land of Municipal Market shall be as follows:

i. The permissible FSI shall be as specified below:

Sr No	*Minimum Road Width*	*Maximum Permissible FSI*
1	12m	3
2	18m	4
3	27 m	5

Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

ii. The existing licensed vendors on such lands, if any, as certified by Market Department of MCGM, shall be allotted spaces in the proposed redevelopment. While reallocating, they shall be reallocated with 20% more carpet area over and above their existing carpet area (excluding fungible compensatory area). The status of the licensed vendor shall remain asit was prior to redevelopment.

iii. BUA as per Zonal (basic) FSI or BUA required for accommodation/ rehabilitation of existing licensed vendors certified by the Market Department of MCGM, whichever is more, shall be exclusively developed for Market purpose and balance potential may be utilised for the users permissible in the respective zone and conforming with these regulations or the user as stated below in this Regulation.

iv. The commercial galas so constructed and available with MCGM, will be first allocated to existing licensed vendors certified by Market Department, second to PAPs of vital public purpose projects, third to new licensees as per policy decided by the MCGM.

v. The MCGM may undertake such development on its own

vi. Minimum 6 m open space or open spaces as required under Regulation no 41(5) shall be deemed to be sufficient subject to fulfilment of requirement from fire safety point of view.

vii. Separate access for the market area and other development shall be provided.

viii. Notwithstanding anything contained in this Regulation, where the existing Market/designated land is having combination of user/ reservation, the existing BUA of such user shall be necessarily put to such use.

ix. No premium shall be charged for Fungible compensatory areaas per Regulation No 31(3).

(B) Public Amenities by MCGM/Government:

For the construction of building for public purpose/ public amenities by the Corporation/Govt.on their own, on the plot of land belonging to them, the FSI shall be as specified below:-

Sr No	Minimum Road Width	Maximum Permissible FSI
1	12m	3
2	18m	4
3	27 m	5

Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

Such additional FSI will not beavailable when private owner undertakes development as per Regulation No.17.

No premium shall be charged for Fungible compensatory area as per Regulation No31(3).

33 (22) Regulation for Exhibition-cum-Convention Centers in MCGM Area

1) Definition: An Exhibition-cum-Convention Centre is a complex comprising buildings, halls and open spaces which are designed to host and/or organize

(a) business-to-business and business-to-customer exhibitions where products, machinery, art, skills, services, activities etc. are displayed on temporary or permanent basis; and

(b) large congregations for the purpose of conventions, meetings, conferences, assemblies, rallies, concerts, cultural activities and performances.

2) Admissibility: - Development of Exhibition-cum-Convention Centre shall be permissible on a plot in Residential / Industrial /Commercial Zone subject to following conditions:-

i) For the purpose of calculating the FSI, the remaining area after excluding the land under the Development Plan Roads/ Reservation of public amenities shall be considered.

ii) In case of plots in Residential /Industrial / Commercial Zone, the Floor Space Indices specified in Table 12 above may be permitted to be exceeded up to4.00 F.S.I by charging premium at the rate of 10% of the land rate as prescribed in Annual Statement of Rates published by Revenue Authority for the relevant year of granting such F.S.I. without applying the guidelines mentioned therein.

3) Conditions for Development of Exhibition-cum-Convention Centre:-

a. Such Plot should have a minimum area of 5 hectares excluding Development Plan proposals of reservation and/or roads, if any.

b. Entry Gates of the Exhibition-cum-Convention Centre must abut a main road/ highway having a minimum width of 18.30 mtr. with minimum 2 each of ingress and egress of proper width.

c. The ground coverage of the Exhibition-cum-Convention Centre on such plot shall not exceed 2/ 3rdof the gross plot area excluding Development Plan proposals of reservation and/ or roads, if any.

d. LOS and Amenity Area shall be provided on such plot as prescribed in Regulation 27. The LOS area shall be counted in 1/3 open space required as per Clause 3(c) above.

e. Out of the total permissible built up area on such plot, at least 2/3rd shall be allocated for Exhibition-cum-Convention Centre buildings/ halls, toilet blocks, Organiser's office; protocol lounge; VIP lounge; Press lounge; registration areas; pre-function areas; refreshment & snack centres; meeting rooms; business centre; creche; meditation rooms; wellness centre; bank & forex service counters; surveillance & security rooms; service contractor's office; audio-visual/ sound room; green room; maintenance workshop; maintenance staff office; strong rooms, first aid and emergency room.

f. Remaining permissible built up area, not exceeding 1/ 3rdof the total built up area, on such plot may be allocated for Support Services as described below in Table-1.

TABLE-1

Sr. No.	Support Services
1.	Hotels not less than 3-star category Hotels
2.	Dining Areas: Food Courts, Cafeteria, Fine Dining Restaurants, Restaurants & Bar, Convenience Store
3.	Recreation Areas: Indoor children's play area, Indoor games area, Fitness center
4.	Fire Services
5.	Health post for emergency services with ambulance facility shall be provided.
6.	Staff quarters for minimum 25 tenements per 5 Ha. Each having not less than 25 Sq.mtr. BUA
7.	Space for Police Chowky of minimum 100 sq. mtr. shall be provided as per requirement of Police Department.
8.	Sewerage treatment system as per design and drawings approved by MCGM.
9.	Rain water harvesting plant shall be provided.
10.	Special provisions for Drinking water & PSC blocks for gents & ladies shall be provided.
11.	Dedicated Electric Sub-station as per requirement of Power Supply Company, shall be provided

Note: Regulation 33(4) pertaining to hotels shall not be applicable to the hotels in any Exhibition-cum-Convention Centre.

g. Occupation Certificate (OC) in respect of a minimum of 1/6th built-up area of the Exhibition-cum-Convention Centre shall be obtained prior to obtaining Commencement Certificate in respect of SupportServices.

4). FSI Computation for Exhibition-cum-Convention Centre:-

FSI computation for areas shall be as per these Regulations.

Provided that height of any Exhibition Hall or Convention Hall greater than 4.20 meters shall not be deemed to have consumed an additional FSI of 50% of the relevant floor area.

5) Marginal OpenSpaces:

i) The marginal open space shall be minimum 12.00 mt. from all sides of the plot.

ii) Canopies may be permitted in front open space, provided the marginal open space does not become less than 6.00mt.

6) General Requirements for Exhibition / Convention Halls shall be as under:

i) The size of each hall shall not be less than 4,000 sq.m.

ii) Minimum width of the hall shall not be less than 50m.

iii) The minimum floor to floor height of the Exhibition Hall / Convention Hall shall be 8.00mt.

iv) It shall be permissible to construct the Exhibition-cum-Convention Centre buildings / halls in multiple levels.

v) For the planning of all the other habitable / non habitable areas for amenities areas and Support services, Regulation 37 shall be applicable.

vi) Minimum width of the internal road shall be 13.40mtr.

vii) Requirement of fire shall be as per Regulation 47 of these Regulations.

7). Parking requirements for Exhibition-cum-Convention Centre shall be follows:-

i) Allotted parking space for one (1) Fire Engine and one (1) Ambulance shall be compulsorily provided.

ii) (a)ConventionCenter- For every 10 seats, parking space for 2 cars shall be provided.

(b) ExhibitionArea-- For every 1000 Sq. mtrs of exhibition area,including open exhibition area, parking space for 25 cars shall be provided.

(c) In addition to the parking spaces provided for 4-wheeler vehicles.

The following shall be provided.

1. For 2-wheeler vehicles, minimum 25% of the total number of required parking for 4-wheelers, shall be provided.
2. Taxi Stand for minimum 25 taxis and 50 Auto Rikshaws.
3. Bus Terminal for minimum 10 buses shall be provided.

iii) For the area of Support Services, parking shall be provided as per Regulation 44.

iv) The additional parking space may be granted without counting the such area of parking into F.S.I.

8) In CRZ areas, the FSI for such proposals, shall be governed by the MoEF Notification issued for time to time.

9) No relaxation shall be granted.

33(23) The regulations for Transit Oriented Development (TOD) FSI with the other conditionality to promote densification along Mass Transport Corridor will be formulated separately

(kept in abeyance)

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[1] Vide Govt. Notification u/s 37(1AA)(c) of MRTP act under No. TPB-4318/629/CR-55/2019/UD-11 dt. 13th sept 2019.

[2] This rectification of error & mistake in provision below sub Regulation (5) vide corrigendum No. TPB-4319/220/CR-140/2019/UD-11, Dt. 24th September 2020

PART VII LAND USE CLASSIFICATION AND USES PERMITTED

34. Land use Zoning & Uses Permitted

The Proposed Land-use plan depicts the land use zones.

***1 General**:*

In case of development of any land, the intended use shall conform to the permissible uses of the zone in which the land is situated.

2 Zoning definitions:

Following land use zones are demarcated on the Proposed Land-use Plan.

Table No. A

Zoning Definitions

Zone	Representation	Broad Description
Residential Zone(R –Zone)	R	The Residential Zone is a mixed use zone with residential use as the predominant one and where Other uses as specified are permitted.
Commercial Zone (C –Zone)	C	The Commercial Zone is a mixed use zone with commercial use as the predominant one and where other uses as specified are permitted
Industrial Zone (I –Zone)	I	Industrial zoneis a zone with manufacturing as the primary activity. In addition, warehousing and logistics are also permissible. New industrial activity shall be non-polluting, non-hazardous and subject to clearance from MPCB. Existing Industrial users are protected subject to certification by MPCB. Conversion of land use can be permitted as specified in these Regulations.

Zone	Representation	Broad Description
Special Development Zone	SDZ	Special Development Zone (SDZ) is a zone which is to be developed predominantly for the society at large with emphasis on Affordable Housing, POS and necessary Social infrastructures.
Port's Operational Zone	POZ	Port's Operational Zone (POZ) is a zone for development of Port and Port related activities
Port's Water Front Development Zone	PWFDZ	Port's Water Front Development Zone (PWFDZ) is a zone with a focus on the water front development with mixed land use.
Natural Areas /Zone	NA	Natural Area Zone (NA) is an environmentally sensitive zone amenable to buildable development with the approval of the Competent Authority.
Green Zone	GZ	Green Zone (GZ) is a large area predominantly with green cover.

Note: In conformity with the intent and spirit of these Regulations, ***with the special permission of*** the Commissioner may modify the boundary limit of a zone where the boundary line of the zone dividesa plot.

3 Uses and ancillary uses permitted in the zones:

The purpose of this Regulation is to allow environmentally compatible uses inazone on a given plot of land and specifically prevent non-compatible uses. Where an activity not specifically listed in these Regulations isproposed, its approval or rejection will be decided with the special permission of the Commissioner.

3.1 *Conditions/parameters under which land-uses are permissible*

The conditions under which land-uses are permissible in the zones and which are required to be complied with as detailed in Table No. C are described in this Regulation listed in Table No. B below.

Table No. B.

Conditions/parameters under which land-uses and occupancies are permissible.

Sr No	Conditions under which Land-use and Occupancies are permissible
1	Independent plot
2	Independent building
3	Separate wing with separate access
4	Separate floor with separate access
5	On ground floor
6	On ground floor with separate access.
7	On stilt
8	On the top of podium
9	On ground/stilt, 1st&2nd floors with separate access
10	On Terrace
11	Minimum area of plot-1,000 sq. m
12	Minimum area of plot-2,500 sq. m
13	Minimum width of street on which the plot abuts-9.00 m
14	Minimum width of street on which the plot abuts-12.00 m
15	Minimum width of street on which the plot abuts-13.40 m
16	Minimum width of street on which the plot abuts-18.30 m
17	Permissible on street on which the plot abuts road having width more than 18.3 m excepting roads as statedin regulation below this table
18	All ancillary uses limited to 50% floor space of principal use
19	Minimum width of side &rear marginal open Space-6.0m.
20	In a single-storeyed detached or semi-detached structure each unit having an area not more than100 sq. m

Sr No	Conditions under which Land-use and Occupancies are permissible
21	With the Special permission of Commissioner
22	Subject to permission of Commissioner of Police
23	Subject to approval from Traffic Police.
24	Subject to permission from Executive Health Officer of MCGM.
25	Subject to permission from Director of Industries
26	Subject to permission from Controller of Explosives
27	Minimum width of side & rear marginal Open Space - 9.0 m.
28	By maintaining segregating distances as per Regulation No 41

Roads listed as per serial no. 17 of above Table

(a) (1) All ExpressHighways/Freeways

(2) East West Corridor i.e. JogeshwariVikroli link Roads, Goregaon Mulund Link Road General Arun Kumar Vaidya Marg, Santacruz Chembur Link Road, Ghatkopar Mankhurd Link Road, Andheri Ghatkopar Link Roads, Mathurdas Visanji Marg (Andheri Kurla Road), Jai Prakash Road

(3) WesternCorridor-:From Regal Cinema junction to Vithabhai Patel Road, Khar covering Madam CamaRoad, Netaji Subhash Road, Dr. N.A. Purandare Marg, Babulnath Road, Justice Patkar Marg, Bhulabhai Desai Road, LalaLajpatrai Road, Dr. Annie Besant Road, Veer Savarkar Marg, Mahim Causeway, Vithalbhai Road upto its junction with Chitrakar Dhurandhar Marg ,Kharand Juhu Tara Road.

(4) Central Corridor.- From Regal Cinema junction to V.N.Purav Marg, Trombay, covering Mahatma Gandhi Road, Dadabhai Navroji Road, Lokmanya Tilak Road, Dr.B. Ambedkar Marg, Sion Road, Tatya Tope Road, V.N. Purav Marg upto Anushakti Nagar.

(5) Other Roads viz. Shahid Bhagat singh Road, Lokmanya Tilak Road, L. Jagmohandas Road (Napean Sea Road), Bhulabhai Desai Road (Warden Road), August Kranti Marg, Walkeshwar Road, S.K. Barodawala Marg (Altamount Road), Dahanukar Marg (Carmichael Road), Manav Mandir Road,

b) Proposed Roads having width 45.70 m and above.

3.2 Conditions applicable for permitting various land-uses and occupancies

The conditions applicable for permitting various land-uses and occupancies in Residential, Commercial & Industrial Zones as described in Table No. B, are given in Table No. C with following for their permissibility.

P	"P"Denotes Permissible Use without conditions in a Zone. When conditions are reflected without indication of "P", such uses shall be permissible in that zone subject to compliance of those conditions.
NP	Denotes Non-Permissible Uses in a Zone.

Table No. C.

Conditions under which uses and occupancies will be permitted in Residential, Commercial & Industrial Zones

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
1	Residential	P	1 or 2 or 3or 4	NP	In case of CBD, FSI will be regulated as per Regulation No 33(19) subject to compliance of condition 1 or 2 or3
2	Customary home occupations including professional works from home in all such as detached, semi-detached and multi-family houses	P	1 or 2 or 3or 4	N P	
3	Residential care activities for the elderly and disabled, orphanages, boarding homes/institutions for children and women	1or 2 or 3or 4	1 or 2 or 3 or4	NP	
4	Short term accommodation (i) 4 or 5 Star category hotels	1 or 2& 11,16, 21	1 or 2& 11,16,21	1 or 2 &11,16, 21,28	
	(ii)3 Star category hotels	1 or 2 or 3&15,21	1 or2 or 3&15,21	1 or 2 or 3&15,21 ,28	
	(iii)Other categ ories of Hotels	1 or 2 or 3,&14,21	1 or 2 or 3&14,21	1 or 2 or 3&21,28	

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted in zones			
		R	C	I	Additional Conditions/ Parameters
	iv)Motels, resorts,	1 or 2 & 14,21	1 or 2 or 3 &,21	1 or 2or 3&21,28	In case of 3 in residential premises, it shall be subject to condition no18
	v)Guest houses, circuit houses, hostels and boarding / lodging houses, Dharamshala	1 or 2 or 3 or 4 & 13	1 or 2 or 3 or 4	1 or 2 & 28	In case of 3 or 4 and in residential premises, it shall be subject to condition no 18
	vi)Club Houses or Gymkhanas with extension counter or branch of Bank	1 or 2 or 3 or 8	P	NP	Branch of bank shall not be permissible as per 8
	General agriculture, horticulture and poultry farming (but not dairy farming)	1 or 2	1 or 2	NP	Poultry farming permitted at the rate of 0.25 sq. m. BUA per bird in plot measuring not less than 1 ha.; provided that no offensive odors, dirt and/or dust are created, that there is no sale of products not produced on the premises, and the accessory buildings are not located within 9 m of the boundaries or 6 m. from the main buildings or the plot: Provided further that the above restriction on space shall not apply to any poultry kept for domestic consumption only.

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted in zones			
		R	C	I	Additional Conditions/ Parameters
[5	A)Health Care facilities withoutindoor bedding facilities for patients like, dental, medical practitioners, pathological laboratory, diagnostic clinic, eyeclinic ,veterinary clinic & clinicsof other medical allied facilities	1 or 2 or3or 4 or6 or 9 and with the prior NOC from MOH, CFO upto 45 m in entirely non-residential wing/ building with special permission of commissioner. However, as per Reg. 34(3.3)(1)(h) in entirely non residential building/ wing without separate staircase may be permitted.	1 or 2 or3or 4 or 6 or 9and with the prior NOC from MOH, CFO upto 45m in entirely non residential wing/ building with special permission of commissioner.	NP	
	B)Health Care facilities with indoor bedding facilitiesforpatient like maternity homes,polyclinics, nursing homes, eyehospitals & other medical allied Facilities	1 or 2 or3or4 or 6 or 9and with prior NOC from MOH, CFO upto 45 m in entirely non-residential wing/ building with special permission of commissioner. However, as per Reg. 34(3.3)(1)(h) in entirely non residential building/ wing without separate staircase may be permitted	1 or 2 or3or4 or 6 or 9and with prior NOC from MOH, CFO upto 45 m in entirely non-residential wing/ building with special permission of commissioner.	NP	In case of use already existing prior to coming in force of earlier Regulation i.e. DCR 1991, without fulfilment of condition no 3,6 and 9, the said use may beallowed to continue subject to compliance of condition no 21 & 24& requirements of CFO. In case of 4 or 9 Residential user shall be permitted above commercial user only.](3)

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted in zones			
		R	C	I	Additional Conditions/ Parameters
6	All other hospitals correctional and mental institutions,institutions for children, the aged or widows sanatoria and hospitals (except veterinary hospitals)	1 or 2 or 3&16	1 or 2 or 3 & 16	NP	Hospital principally for contagious diseases shall be located not less than 36m. from any boundaries. In case of 3 in residential premises, it shall be subject to condition no 18
7	(i)Pre-primary school, Montessori school , kindergarten schools, Balwadis & coaching classes	1or 2 or 3 or 6 or 9	1or 2 or 3 or 6 or 9	NP	Permissible with minimum area 40 sq. m inresidential building & incase of 3, 6, 9 subject to no nuisance being caused to the occupants of the building. In case of 3,6,9 in residential premises, it shall be subject to condition no 18
	(ii)Primary schools/Primary cum secondary school	1 or 2 or 3 & 13	1 or 2 or 3or 6 or 9& 13	NP	In case user is proposed inresidential building as Per 3, the same shall be permissible subject to nonuisance being caused to the occupants & as percondition no 21. In case of 3 in residential premises it shall be subject to condition no 18
	(iii)Composite Schools andcolleges with other activitiessuch as sports, recreational,cultural and educational support services. Educational Universities, Hostels	1 or 2 or 3& 14	1 & 14	NP	
8	Institutional uses other than specified in this table	1 or 2 or 3 or 4 & 15	1 or 2 or 3 or 4 & 15	NP	In case of 3 & 4 in residential premises it shall be subject to condition no 18
9	Police Station, Govt. or Municipal sub-offices, branches of Banks with safe deposit vaults, telephone exchange, sub-office of consulate offices, sub offices of electric supply company, Postoffice, Civil Defense warden postand First Aid post, Home Guard & Civil Defense center.	1 or 2 or 3 or 6 & 14	1 or 2 or 3 or 6or 9	1 or 2 or 3 or 4 or 6	In case of 3,6 in Residential premises it shall be subject to condition no 18

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted in zones			
		R	C	I	Additional Conditions/ Parameters
10	Electricity consumer/ distribution substations	1 or 2 or3 or 6 or 7 or 8	1 or 2 or3 or 6 or 7 or 8	1 or 2 or 3 or 6 or 7 or 8	
11	Fire station,	1 or 2 or 3 & 13	1 or 2 or 3 & 13	1 or 2	In case of 3 in residential premises it shall be subject to condition no 18
12	Electricity distribution/ receiving stations, public utilities &services such as pumping station,sewage disposal work, water supply installation & ancillary structures there of	1 or 2 14	1 or 2 &12	1 or 2	
13	Convenience Shops	5 , 14 & 18	P	NP	In Gaonthan & Koliwadas areas shall be permissible on road width of 9.0m & above.
14	Photographic studios with laboratories, Photo-copying, video-taping establishments etc, local sub-offices of any public utility, pawnshops, undertaker's premises, private lockers, data processing unit including desk top publishing, with use of computers, travel agencies, ticket booking and selling agencies for air, surface or water travel or transport of any other modes of travel or transport, shoe repair and sports shops, fish or meat or frozen food store	5,14 &18	P	P	Each employing not more than 9 persons &Power not more than 3.75KW for Photographic studios with laboratories, Photo copying,video-taping establishments.
15	Shops for the collection and distribution of clothes and other materials for cleaning, pressing and dyeingest ablishments.	5,6 & 14	***P***	P	In case of 5, 6 in residential premises shall be subject to conditionno18. Cleaning, pressing and dyeing establishments may be permitted in service industrial estate

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
16	Tailoring, embroidery and button- hole making shops,	5 or 6 &14,17	P	P	In case of 5,6 in residential premises shall be subject to condition no18 Each employing not more than 9 persons. Tailoring, embroidery and button-hole making shopsmay be permitted in service industrial estate
17	Cleaning and pressing establishments for clothes,	5 or 6 & 16,17	5 or 6	P	Each occupying a floor area not more than 200 sq. m. and not employing solvents with a flash point lower than 59^0C, machine with dry-load capacity not exceeding 30 Kg. and employing not more than 9 persons: Provided that the total power requirement does not exceed 4 KW.In case of 5, 6 in residential premises it shall be subject to condition no 18. Cleaning and pressing establishments for clothes may be permitted in service industrial estate.
18	Coffee grinding establishments	1 or 2 or 3 or 5 or 6 & 16,17	1 or 2 or 3 or 5 or 6	P	With electric motive power not exceeding 0.75 KW. (0.025 KW individual motor each). In case of 3, 5, 6 in residential premises it shall be subject to condition no18.
19	Establishments using power only for heating refrigeration or air- conditioning purposes.	1 or 2 or 3 or 5 or 6 16,17	1 or 2 or 3 or 5 or 6	P	In case of 3, 5, 6 in residential premises it shall be subject to condition no18.
20	Bulk storage of kerosene and bottled gas for domestic consumption	1 or 2 or3 or 5 or 6 & 16,17,21, 26	1 or 2 or3 or 5 or 6& 21 ,26	21,26	In case of 3, 5, 6 in residential premises it shall be subject to condition no18.

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
21	Fish or meat, Vegetable, fruit, flower, frozen fish, frozen meat or frozen food shops,	5,14 &17 & 18	5,14	NP	In Gaonthan & Koliwadas areas shall be permissible on road width of 9.0m & above.
22	Shops for goldsmiths, lock-smiths, watches and clocks, electronic goods and their repairs, bicycles and their rental and repairs, optical glass grinding and repairs, musical instruments and their repairs, picture-framing, radio, television and household appliances and their repairs, umbrellas and their repairs and upholstery work,	5,14 & 17 & 18	P	P	In Gaonthan & Koliwadas areas shall be permissible on road width of 9.0m &above. Each employing not more than 9persons. In the vicinity of obnoxious industries subject to28.
23	a) Art galleries i.e. display shops b) Personal services establishments c) Motor drivingschools d) Hair dressing saloons	1or 2 or 3or 5 or 6 or 20 & 16,17	P	NP	In case of 3,6 & 20 in residential premises it shall be subject to condition no 18
24	Professional offices and studies of a resident of the premises and incidental to such residential use, or medical and dental practitioners' dispensaries or clinics of a resident of the building with only outpatient treatment facilities without any indoor work,	18	P	NP	In residential premises each not occupying a floor area exceeding 50 sq. m on any floor
25	Business Offices and services establishments	1 or 2 or 3 & 14	1 or 2 or 3	NP	In case of 3 in residential premises it shall be subject to condition no 18 There shall be no restriction of width of street in case of business office in commercial zone.

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
26	Restaurants, eating houses, cafeteria, ice-cream and milk parlours	1 or 2 or 3 or 6 or 9 & 16 & 17 &18	1 or 2 or 3 or 6 or 9	NP	In case of 3,6,9 in residential premises it shall be subject to condition no18
27	Retail trade and shops/stores or shops for conduct of retail business,	6 or 20 & 15, 17 , 18	6 or 20 or 9 &17	NP	Storage or sale of combustible materials shall be permissible subject to condition no 21.In case of residential premises shall be subject to condition no 18.
28	Malls/shopping centers /Multiplex/Departmental Stores and Independent Market building along with their ancillary storage	1 or 2or 3& 16	1 or 2or 3&16	NP	Additional 3.0 m front open space for the traffic management / holding bay shall be provided.
29	Sale of used or second hand goods for merchandise, excepting for junk, cotton and other waste rags or other materials of an offensive nature.	1 or 2 & 16,17	P	P	
30	Storage of furniture and householdgoods	1 or 2or 3 or 6& 16,17	14	P	
31	Retailing of building materials, open or enclosed,	1 or 2 & 16,17	14	P	With not more than 500 sq.m of area per establishment.
32	Pasteurizing and milk processing plants each employing not more than 9 persons and 7.5 KW motive power within an area not more than 100 sq. m.	1 or 6 or 20 & 16,17	1 or 6 or 20&14	P	
33	Repair, cleaning shops and analytical experimental or testing laboratories	1 or 2 or3 or 6 or 20 & 16,17	14	P	Each employing not more than 15 persons (but not including cleaning and dyeing establishments, using a cleaning or dyeing fluid having a flash point lower than 50 degree C and machines with dry-load capacity not exceeding 30 kg. or

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Condition s/ Parameters
					Any establishment carrying on activities that are offensive because of emission of odour, dust, smoke, gas, noise or vibration or otherwise dangerous to public health and safety), provided that the motive power requirement of each such establishment does not exceed 7.5KW.
34	Paper-box manufacturing, including paper-cutting,	NP	1 or 2 or 5 or6,14	P	
35	Establishments requiring power for sealing tins, package,etc.	NP	1 or 2 or 5 or6,14	P	
36	Ice factories in independent buildings.	1 or 2& 16,17	1 or 2, 14	P	*In case of R &C Zone*each with an area of not more than 250 sq. m and power not more than 34 KW
37	Aquariums.	1 & 16,17	1,16	P	
38	Cemeteries and graveyards	1	1	1	subject to approval of the Corporation
39	Private parks, gardens and playfields on non-reservedplots	1	1	1	
40	Stadiums, golf coursesand amusementparks	1	1,16	NP	
41	Libraries, reading halls, study halls, creative arts, archives, museums and other cultural activities	1 or 2 or3 or 6 or 9&14	14	NP	In case of 3,6,9 in residential premises it shall be subject to condition no 18
42	Places of worship, Religiousbuildings.	1 or 2 &14,21 & 22	1 or 2 & 14,21&22	1 or 2 &14, 21&22	
43	Multipurpose Community halls, welfare centers,	1 or 2 or 3 & 14	1 or 2 or 3 & 14	NP	In case of 3 in residential premises it shall be subject to condition no18

Sr. No.	Uses and Occupancies	Conditions/ Parameters under which land uses and occupancieswill be permittedinzones			
		R	C	I	Additional Conditions/ Parameters
44	Commercial halls, exhibition halls, Marriage halls, Auditorium, clubs, assembly or concert halls, dance and music studios	1 or 2 or 3 &16	1 or 2 or 3 or 4 or 5 or 6 &16	NP	In case of 3 in residential premises it shall be subject to condition no18. Additional 3.0 mt front open space for the traffic management/ holding bay shall be provided.
45	Drama theatre, Cinema theatre, Drive-in-theatre	1 or 2or 3& 16	1 or 2 or 3 & 16	NP	Minimum front open space of 12 m shall be provided.
46	Gymnasiums,	1 or 2 or 3 or 9	P	NP	In case of 3 or 9 inresidential premises itshall be subject to condition no 18, if proposed other than permissible as per regulation no 37
47	Radio broadcasting and television studios,	1 or 2 or 3	P	NP	In case of 3 in residential premises it shall be subject to condition no18
48	Sound recording and dubbing studios/ Preview Theatre	1 or 2 or 3 or 6 or 9	P	NP	In case of 3 in residential premises it shall be subject to condition no 18
49	Flour Mill	1 or 2 or 3 or 20 & 18	1 or 2 or3 or20&17	NP	Power requirement shall not exceed 7.5 KW each
50	Storage and Retail sale ofhousehold fuel Storage of liquefied petroleum gas cylinders (bottled gas) for domestic consumption not exceeding 300 kg. in a residential building and not exceeding 8000 kg. in an independent ground floor structure (except a garage) at any one time, with the special permission of the Commissioner and subject to compliance with statutory safety requirements.	1, 14, 21 &26	1, 21 &26	1,21,& 26	
51	Vehicles repair/ servicing garages, driving school, repairing garages, without activities of body-building and spray painting,	1 or 6 or 20 & 16,17	1 or 6 or 20,15	P	In case of 6, 20 in residential premises it shall be subject to condition no 18. Employing not more than 9 persons or using 1.5 KW motive power

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
52	Sale of motor vehicles, parts and accessories, Showrooms for motor vehicles	1or 2 or 6 & 16,17	16	16	
53	Bus stations, taxi stands, auto- rickshaw stands, Bus Shelters, Bus Depots and Railway stations.	1 & 14 & 23	1 & 14 & 23	1 & 14 & 23	
54	Heliports				Heliports shall be allowed subject to compliance of Regulation No 37(35)
55	Public parking areas, including multi-storied parking	14	14	P	
56	Cottage Industries,	1 or 2 or 3 or 4 or 6	P	P	In case of 3,4,6 in residential premises it shall be subject to condition no18
57	Service industrial uses as per table (D)below	1 or 2 or 3 or 6 or 20 &16	1 or 2 or 3& 16	P	In case of 3,6 in residential premises it shall be subject to condition no 18
58	Service Industrial estates	1 or 2 & 16,17	1 or 2or 3,16 & 17	P	In case of 3in residential premises it shall be subject to condition no18
59	Collection and disposal of non-hazardouswaste	NP	1 or 2 & 19	P	
[60	a) Warehousing with storage of Non-hazardous material	1 or 2 and 16 & 19	1 or 2 and 16 & 19	1 or 2 and 16 & 19	Classified as Low Risk Category as per Regulation 60(A)
	b) Ware housing with Storage of hazardous material	NP	NP	1,2,16,21, 25,26 & 27	] (2)
61	Ware housing activities of hazardous material	NP	NP	25,26,27	
62	Logistics activities and truck terminals	NP	1 & 15, 16	1 & 15	
63	I.T.&I.T.E.S unit/s (pertaining to software only as per IT policy of GoM or Central Govt.)	1 or 2 or 3 or 4 or 9 &14	14	14	In case of 3,4,9 in residential premises it shall be subject to condition no18
64	Offices, Information Technology Establishment	1 or 2 & 14	1 or 2 or 3 &14	14	
65	Biotechnology units	NP	NP	14	

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
66	Wholesale trade and storage	1 or 2 or 3 or 20 &16,17	1 or 2 or3 or 6 or20 &16	1 or 2 or 6 or20	In case of 3 or 20 in residential premises it shall be subject to condition no18
67	Prisons	NP	1 or2 & 22	1 or 2 & 22	
68	a)Trade and other similar schools, not involving any danger of fire or explosion, or offensive noise, vibration, smoke, dust, odour, glare, heat or other objectionable features.	1 or 2 & 16, 17	15	P	
	b) Bakeries, with no floor above,each not occupying for productionan area more than 75 sq. m.	1 or 2 &16, 17,	1 or 2 or 3or 20	P	Not employing more than 9 persons, if the power requirement does not exceed 4 KW where onlyelectrical ovens are used, an additional heating load upto 12 KVA being permitted.
	c)Confectioneries and establishments for the preparation and sale of eatable each not occupying for production an area more than of 100 sq. m per establishment..	1 or 2 or3 or 6 20& 16, 17	15	P	Employing not more than 9 persons, motive power not exceeding 1.12 KW in residential lzone. In case of Commercial zone area not in excess of 250 sq.m per establishment, employing not more than 25 persons, motive power not exceeding 10 KW with no floors above over the furnace portion. If only electrical ovens are used an additional load upto 24 KVA may be permitted.
	d) Sugarcane and fruit juice crusher	5 or 20 & 14, 17,18	5	5	Employing not more than 6 persons with motive power not exceeding 1.12 KW
	e) Printing presses	5 or 20 or 16,17,18	14	P	Aggregate motive power each not exceeding 3.75 KW and not employing more than 9 persons and individual electric motors of not more than 1.5KW.

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted in zones			
		R	C	I	Additional Conditions/ Parameters
	f) Battery charging and repairing establishments with an area not more than50sq.m	5 or 20 or 16,17,18	16	P	Each not employing more than 6 persons and not more than 2 charges with power not exceeding 5 KW
	g) Electronic industry of assembly, but not of manufacturing type, .	5 or 20 or 16,17,18	14	P	Area not exceeding 100.00 sq. m. total electric power inclusive of motive power and heating load not to exceed 3.75 KW and employing not more than 9 persons each
69	Research & experimental & testing laboratories	1or 2or 3	P	P	Not involving anydanger of fire or explosion or of any obnoxious nature and located on a plot not less than 4 ha. in area, provided that the laboratory is at least 30 m. from any of the boundaries of the site and the accessory residential building is at least 30 m. from the laboratory.
70	Industrial manufacturing, fabrication, assembly and processing activities other than Service Industries	NP	NP	P	
71	Filling stations of petrol, diesel, compressed natural gas stations and/or any other motor vehicle fuel	1 or 2 or 3,26,16	1 or 2 or 3, 26,16	26, 16	Incase of existing petrol pump, criteria of road width may not be insisted
72	Manufacturing not classified elsewhere	NP	NP	25	
73	Manufacturing, processing &usage of	except regulation 57 (xi)	except regulation 57 (xi)		

Sr. No.	Uses and Occupancies	Conditions/Parameters under which land uses and occupancies will be permitted inzones			
		R	C	I	Additional Conditions/ Parameters
	(a)Chemicals, fertilizers, gases, metal compounds, soap, soda, acids, starch, automobiles, boiler works, metals, ceramics, asphalt, ammonia, alcohol, leather processing ,metal processing, paints, varnish, turpentine, dyestuff, tar products, paraffin, gypsum, plaster or plaster of paris manufacture; photographic films manufacture, lime manufacture, match manufacture pesticides, organic industry, match-sticks, fat rendering, fat tallow, grease or lard refining or manufacturing, gelatin or glue manufacture, or processes, involving recovery from fish or animal offal. pyroxylin manufacture;	NP	N P	25,26,27	
	(b)Cellulose manufacture, explosives, fireworks and petroleum & its products (in flammable)	NP	N P	25,26,27	
74	Ready Mix Plant	NP	NP	P	Subject to NOC from the Environment Department of MCGM
75	Electric Vehicle Charging station	P	P	P	This shall be allowed in Public Parking Lot (PPL) subject to condition that specific remarks/ requirements of EV charging provider companies /electric supply companies, regulatory requirements if any as decided by Govt. from time to time will have to be observed /complied with and also specific NOC from CFO and Chief Engineer (M&E) of M.C.G.M. shall be obtained from safety point of view.] (1)

[1] Speaking Order MCP/ dtd. _____

[2] Speaking Order MGR/821 dtd. 17.02.2020

[3] Speaking Order MCP/5172 dtd. 02.12.2020

TABLE No. D

Service Industrial users and conditions governing such uses:

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any (6)
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	
I	Food Products-				
	i Ground nut decorticators, ii. Grain mill for production of flour, iii. Manufacture of supari and masala grinding, iv. Rice-hullers, v. Manufacture of milk and dairy products, vi Manufacture of ice-cream and ice candy.	7.5	9	50	
	vii. Manufacture of bakery products	10	25	250	(i) Fuel used shall be electricity, gas or Smoke less fuel. (ii) No floor above the furnace portion (iii) Where only electric oven is used, anadditional heating load of 24 KVA permitted per establishment.
	viii. Coffee curing, roasting and grinding.	1.5	9	50	
	ix. Manufacture of ice	45.0	20	250	
	x. Sugarcane and fruit juice crashers	1.5	9	25 250	
II	Textile and Textile Products-	3.75	9		
	xi. Embroidery and making of crepe laces and fringes.			50	

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	(6)
	xii. Manufacture of textile goods, such as wearing apparel, curtains, mosquito net, mattresses, bedding material, pillow cases, and textilebags. xiii. Mattress making and cotton cleaning.	2.25	9	50	
III	Wood Products and Furniture-	2.75	9	50	Not permitted under or adjoining a dwelling unit.
	xiv. Manufacture of wooden furniture and fixtures.				
	xv. Manufacture of bamboo and cane furniture and fixtures.	2.25	9	50	
IV	Paper products and Printing Publishing-	3.75	9	50	(i) Manufacture with paper pulp not permitted. (ii)No restrictions on power, number of employees, area of hours of operation shall apply if located in a building on a separate plot not less than 500 sq. m in area and if special permission of the Commissioner is obtained.
	xvi. Manufacturing of containers and boxes from paper board.				
	xvii. Printing and publishing periodicals, books, journals, atlases, maps, envelopes, picture post-cards and embossing.				(i) Manufacture with paper pulp not permitted. (ii) No restrictions on

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	(6)
	xviii. Engraving, etching, block- making etc.	7.5	9	120	power, number of employees, area or hours of operation shall apply, if located in a building on a separate plot not less than 500 sq. m in area and if special permission of the Commissioner is obtained.
	xix. Book binding.				
V	Leather products excluding tanning-	3.75	9	50	Manufacture of leather or leather processing not permitted.
	xx. Manufacture of leather footwear.				
	xxi Manufacture of wearing apparel like coats, gloves.				
	xxii. Manufacture of leather consumer goods such as upholstery, suitcases, pocket books, cigarette and key cases, purses.				
	xxiii. Repair of footwear and other leather products.				
VI	Rubber and Plastic Products-	1.5	9	50	
	xxiv. Retreading, recapping and vulcanizing works.				
	xxv Manufacture of rubber balloons, hand-gloves and allied products.				
VII	Metal products-				

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	(6)
	xxvi. Tool sharpening and razor sharpening works.	0.75	9	25	
	xxvii Umbrella assembly works	0.75	9	50	
VII I	Electrical Goods-				
	xxviii. Repairs of household electrical appliances, such as radio and television sets, tape recorders, video sets, heaters, irons, shavers, vacuum cleaner, refrigerators, air-conditioners, washing machines, electric cooking ranges, meter rewinding works.	2.25	9	50	No spray painting permitted.
	xix. Electronic industry of assembly type.	3.75	9	50	Only permitted on ground floor.
IX	Transport Equipment				
	xxx. (a)Servicing of motor vehicles and motorcycles.	3.75	9	100	No floor above. No spray painting permitted.
	(b) Repair of motor vehicles and motor cycles.				
	(c)Battery charging and repairs.	5.0	6	25	
	(d) Repair of bicycles and cycle rickshaws.	3.75	6	50	
X	Other Manufacturing and Repairs, Industries and Services-				
	xxxi. Manufacture of jewellery and related articles.				

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any (6)
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	
	xxxii. Repairs of watches, clocks andjewellery.	2.25	9	50	
	xxxiii. Manufacture of musical instruments and their repairs.				
	xxxiv. (a) Repairs of locks, stoves, umbrellas, sewing machines gas-burners, buckets and other sundry household equipments.				
	(b) Optical glass grinding and repairs.	2.25	3	50	
XI	xxxv. Petrol filling stations in plot size of 30.5 m. x 16.75 m. and petrol filling and service stations in plot size of 36.5 m. x 30.5 m.	7.5	9	No limit	
	Xxxvi Filling stations of Petrol, Diesel, Compressed Natural Gas stations and/or any other motor vehicle fuel in plot size of 30.5 Mt x 16.75 Mt. And filling and service stations. Petrol, Diesel, Compressed Natural Gas Stations and/or any other motor vehicle fuel in plot size of 36.5 mt x 30.5 Mt. and (B) Filling stations of only Compressed Natural Gas Minimum area of plot 300 sq.mt	***(a)*** 15 ***(b)*** 30 per compressor or (not more 3 compressor) ***(c)*** 150 per compressor(not more than 3compressor)	9 6 6	No limit No limit No limit	***(i)*** quantities in (b) or (c) will be permitted for daughter booster pumping station and on pumping station respectively over(a) ***(ii)*** permissible power mentioned in (b) & (c) will be used exclusively for compressing and filling gas in vehicle ***(iii)*** Special permission of commissioner is

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any (6)
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	
					necessary after clearance by MaharashtraPollution Control Board from noise pollution point of view and controller of Explosive and chief fire officer and observance of conditions as they may prescribe.
	Xxxvii Audio, taping recording, manufacture of equipment for the same and recording studio.	4.0	9	50	
	xxxviiii Laundries, laundry services and cleaning, dyeing, bleaching and dry cleaning.	4.0	9	50	i) Cleaning and dyeing fluid used should not have a flash point lower than a 59 0 C. (ii)Machinery having dry load capacity of 20 kg. and above.
	xxxix Data Procession units with use of computer.	4.0	9	50	
	xl Photo-processing, laboratories, Xeroxing, photocopying, video taping and their laboratories.	3.75	9	50	

Serial No. (1)	Category of Industry (2)	Service Industry permitted subject to			Special conditions, if any (6)
		Maximum permissible power (inKW) (3)	Maximum permissible employment. (4)	Maximum permissibl e floor area (sq. m) (5)	
	Xli Repacking and mixing of liquids, powders, pastes etc. not involving any chemical reaction which is non- hazardous in nature.	2.25	9	50	
XII	Xlii Business /Administrative office				
	Xliii Business /Administrative Offices of the Service Industry/ Small Scale Industrywithin the same premises			50% of the area under the Service Industry/ Small Scale Industry	

Note 1 i) Service industrial uses amended from time to time by government shall be allowed.

ii) With the special permission, Commissioner may from time to time add to, alter or amend the above Tables.

Note 2**:** (a) Conditions governingother uses permitted in Residential Zone: The uses permissible in the Residential zone shall be restricted and subjectto the conditions below:

(i) A depth of 12 m. measured from the building line along the front portion abutting the street shall be provided.
(ii) Shops, except convenience shopping, may be permitted up to second floor with separate access unless otherwise specified, subject to road having width of 18 m or more,except as stated in condition no 17 of Table B.
(iii) Motive power, no of persons working in shops shall be such that it shall not attract provisions of Factory Act
(iv) Power may be discontinued if the Commissioner is satisfied that the particular use is a nuisance to the residents.

(b) Other uses in the Industries Zone (I-Zone): If a plot in the Industrial Zone (I- Zone)becomes un-buildable for industrial use because

of restrictions in the Industrial Location Policy of GoM or restrictions regarding segregating distances under these Regulations, the following uses may be permitted on such plot without maintaining the required segregation distances:

i. Fuel-stations and service stations/motor garage;
ii. Parking lots/Parkinggarages;
iii. Electric sub-stations, Distribution Sub Station;
iv. Offices for public utility concerns or organizations
iv. Police stations, Government and Semi-Government offices, municipal sub- offices, fire stations and posts and telegraph offices.
v. Warehouses.
vi. CommunityFacilities
vii. viii Convenience shops
viii. Hotels with rooms not exceeding 75 nos.
ix. Branches of banks with safe deposit vaults.

The Commissioner may alter, amend or add to the list of the above uses.

3.3 Exceptions

In case of Residential/Commercial/Industrial Zone following exceptions shall apply to the permissible uses:

1) Existing non-conforming uses to continue in certain circumstances:

a) The existing authorized uses in the zone that are not listed in the permissible uses will be allowed to continue and will not be considered as non- conforming.

b) Any lawful use of land/building premises existing before the coming into force of these Regulations may continue even after redevelopment/reconstruction of land/building even if it does not conform to the use provisions of these Regulations provided such non-conforming use is not extended or enlarged except as provided in these Regulations.

c) In case a building accommodating any non conforming use collapses, is pulled down or is destroyed, any newbuilding on the site shall conform to these Regulations and to the land use prescribed for the plot in DP.

d) In rehabilitation scheme undertaken by Mumbai Repair and Reconstruction Board (A MHADA unit) or Slum Rehabilitation Authority (SRA) or in Dharavi Redevelopment Project (DRP) where a new building is constructed in place of an old building, containing authorized non-conforming uses, the Commissioner may allow the same non-conforming use in new building provided such user is not industrial, hazardous or likely to cause pollution. In case of such rehabilitation scheme in Industrial Zone, authorized residential use may be permitted only in independent building subject to 2 below

e) In case of redevelopment, existing authorized non-residential uses in a residential building will be allowed to be continued on the ground floor, first or second floor or floor above stilts/parking floors or in a separate wing of a building with the special permission of the Commissioner.

f) Any permitted non-conforming uses or those existing prior to 01.04.1962 including industries which are non-hazardous or non-polluting may be allowed to continue without addition to such non-conforming use

g) Non-conforming industries.- Non-conforming industries which are neither hazardous nor polluting and which have been permitted to operate, without any requirement that they may shift to a conforming zone after a specific period, may, with the Commissioner's special permission, be allowed to make additions to start a new process or to manufacture new products, provided the degree of nuisance from the existing unit will in no way be affected by such additions and subject to requirements of these Regulations for such additions.

h) In C and I Zone, if entire building is constructed for non-residential use, the requirement of separate access shall not be insisted upon.

2) Prohibition of Factories in Residential Building in Conforming Zones:

Notwithstanding anything contained in these Regulations, no permission shall be granted for establishing any factory, workshop or work place (for the establishment of which previous permission is required under Section 390 of the MMC Act, 1888) wholly or partly on lands used forresidential purposes even if such use is in conformity with these Regulations and the aforesaid Act;

Provided that the uses in a residential building permissible under this Regulation which are compatible with the residential use unless & otherwise specified may be permitted on the ground floor.

3) All Municipal land of the Municipal Octroi Nakas, shown for existing 'Truck Terminus' or otherwise, shall be developed as 'Comprehensive Transport Hub', which will interalia include a bus/truck terminus and such land shall be considered as falling in commercial zone for development apart from primary function and shall be developed as per relevant provisions of these Regulations.

Provided that, if development is proposed by MCGM on its own, then the payment of premium for BUA beyond zonal (basic) FSI, shall not be applicable. However, payment of premium shall be applicable if the project is developed through PPP model/ allowed to be developed through any other agency excluding the area to be handed over to MCGM.

Provided further that in case of combined development of comprehensive transport hub interalia bus/truck terminus along with the Commercial development, area of the parking of vehicles including areas

required for maneuverability of vehicles of bus or truck terminus shall be allowed free of FSI.

3.4Special Development Zone (SDZ):-Special Development Zone (SDZ) is a zone which is to be developed predominantly for society at large with emphasis on Affordable Housing, POS and necessary Social infrastructures. The development of SDZ shall be under the provision of regulation 33(8).

Provided that the structures attracting the provisions of Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971 shall be developed under the provision of Regulation 33(10)

(A) Other Development in SDZ :

The following uses are also permissible provided, however,no services ofany kind or Limited/available services will be provided by the Corporation. No subdivision of the land creating size of plot less than ***2.0*** ha

(I) InstitutionalDevelopment / Convention Centre

Institutional Development such as Higher & Other educational Institutions, Medical Institutions, Urban Planning Institutions, Financial Institutions & Other Institutions such as Research & Development Institutions shall be permitted subject to the following conditions:

a. Maximum FSI limit shall be 0.20 (excluding area of DP road). As far as possible, the development shall be atone place of the total land.
b. Ground coverage shall not exceed 10% of the area of plot.
c. tree plantation shall be done at the rate of 500 trees/ha on the remaining land excluding the BUA and the surrounding open space/utility space.
d. Essential residential development for the staff/officer's accommodation shall be permitted upto the extent of 33% of the permissible BUA.

(II) Development of Cinema and TV Film production,

Development of Cinema and film production, shooting, editing and recording studios withits ancillary and supporting uses, including Film School with their shooting stages and screening rooms, Performing Art Academy, Students Hostels and faculty residences, Auditoria, Art Gallery, Museums, Preview Theatres, construction of staff quarters, rest rooms, canteens etc. shall be allowed subject to the following conditions:

a)The total permissible FSI shall not exceed 0.2 (excluding areaof DP road).

b) Out of the permissible BUA equivalent to 0.2 FSI; BUA of supporting uses shall not exceed 1/3 of permissible FSI 0.2.

c) The construction shall be confined to 10% of the plot and the remaining plot (excluding areas required for parking, roads etc.) shall be planted with trees at the rate of at least 500 trees per ha.

(III) Information Technology & Information Technology Enabled Services (IT/ITES) & Biotech units

IT/ITES Parks/Units or, set up by public or private sector; shall be permissible with the special permission of Commissioner, subject to following conditions:

A) Total FSI shall not exceed 0.20 (excluding area of DP road).

B) Construction of buildings for IT/ITES shall be permitted to the extent of 20% on 10% of the total plot area and shall be located such that, as much of remaining open space is available in a contiguous manner and on remaining 90% of plot area,trees shall be planted at the rate of at least 500 trees per ha.

C) The permission from the Director of Industries to set up IT/ITES Parks/Units shall be necessary.

(IV) Tourism Development Area(TDA)

Sites or plots identified by the Tourism Department of GoM. in consultation with the MTDC, and as specified by GoM from time to time as suitable for promotion of tourism to serve as holiday or beach resorts, hotels or motels may be included in a Tourism Development Area (TDA), and allowed to be developed for activities like beach resorts, hotels, motels, restaurants, health farms, water sports facilities, arts and crafts complexes, golf courses, gliding, powered gliding, grass skiing facilities, marinas, jetties and pontoons for docking of boats and swimming pools.

If such specified sites are situated in the SDZ, they shall be permitted to be developed for the aforesaid purposes with a FSI 0.50(excluding area of DP road) notwithstanding anything contained in these Regulations, additional FSI in such Zone shall not be admissible.

Note- If such sites are situated in zone other than SDZ and Natural Area, the FSI permissible shall be that corresponding to the FSI permissible in therespective zones as stipulated in Table 12 of Regulation No.30(1)(A).

Guidelines for identification of TDA and for development to be permitted therein

(1) General Conditions**:**

i) TDA can be developed by individual or Company or Partnership firm or Govt/Semi-Govt. organization/corporations.

ii) These guidelines shall be applicable for TDA, as set out hereinbelow.

iii) Proposals for lands to be specified as TDA shall be approved by UD department, GOM and shall not be permissible on plot Reserved/ Designated for Play Ground/Park/Garden/Any other POS reservation

TOURISM DEVELOPMENT AREA COMMITTEE

Proposals for lands to be specified as Tourism Development Area shall be recommended for consideration of Government in Urban Development Department by a Committee consisting of:

1	Secretary, Tourism Development Department Mantralaya	Chairman
2	Metropolitan Commissioner MMRDA	Member
3	Municipal Commissioner, Municipal Corporation of Greater Mumbai	Member
4	Dy. Director of Town Planning, Greater Mumbai	Member
5	Representative of Hotel Industries, Mumbai	Member
6	Environmentalist	Member
7	Architect, having 20 years experience in architectural practice.	Member.

This Committee may be called "Tourism Development Area Committee" (TDAC). The persons at 5, 6&7 of the Committee may be nominated by Secretary, Tourism Department and the tenure of these members shall change after every 3 years, provided that the same person shall be eligible for reappointment as a Member.

(2) SIZE OF PLOT AND FSI

Maximum area permissible as TDA out of a holding in SDZ shall be as follows:-

Special Development Zone-		
Total SDZ-II Holding	***Maximum TDA area permissible (fixed) (in ha.)***	***Maximum FSI Permissible***
More than 2 but less than 5 Ha	40%	0.5 FSI over the TDA area subject to premium of 10% of A.S.R. over and above theZonal (basic) F.S.I.
Equal to or more than 5 Ha but less than 6 Ha	50%	

Equal to or more than 6 Ha but less than 7 Ha	60%	i.e.0.025 for SDZ, out of the amount of premium 50% is payable to State Government and 50% payable to MCGM
Equal to or more than 7 Ha but less than 8 Ha	70%	
Equal to or more than 8 Ha but less than 9 Ha	80%	
Equal to or more than 9 Ha but less than 10 Ha	90%	
Equal to or more than 10 Ha	100%	

Explanation:

1. After deducting the area of TDA, FSI will be available for the rest of the land in SDZ, as provided for the area in SDZas per clause (VI)(xii).
2. In case of plots having area more than 2 ha in SDZ, no subdivision of plots shall bepermitted.

(a) SmallerPlots:

For existing landholders having smaller plots in SDZ, the provisions of promotion of Tourism through bed-and-breakfast type arrangements for tourists shall be permissible, approved by the Govt. in Urban Development Department. These shall have the same FSI as per (A)(VI) of this regulation.

(b) Prohibition for Inclusion in Tourism Development Land falling in categories specified below shall not be permissible for TDA:

i Lands affected beyond permissible levels by pollution in land, water and air, as may be decided and certified by theMPCB.

ii Lands covered by mangroves.

iii Areas from SDZ directlyabutting the Residential Zone without being separated by road having width not less than 18.30m.

(c) Infrastructural Facilities:

All the infrastructural facilities required on site and as specified by the MCGM shall be provided by the developer at his own cost on the site. Proper arrangement for treatment and disposal of sewage and sullage and solid wastes shall be made to the satisfaction of the MCGM and MPCB. No untreated effluent shall be allowed to pass into the sea or any water body.

(d) Reserved Sites for TourismDevelopment:

Where the lands are located in a unique/unusual area, particularly suitable for development of tourism in view of an existing water body, scenic beauty, tree plantations or geological formation can be specified as TDA. The minimum area of such site however shall not be less than 1.00 ha. The floor space index available for development in such asite will be 0.20.

(e) Environment: Places where rare species of migratory birds are known to visit and where there is a heritage of flora and fauna shall be given preference for development as TDA.

(f) (The projects identified as Mega Tourism Projects by Tourism and Cultural Affairs Department of the State Govt. under the Tourism Policy of Maharashtra- 2016" shall be governed by the following special provisions:-

Mega Tourism Projects:-

1) The ground coverage shall be 1/2 of the plot area under TDA.
2) The uses which are not covered under this Regulation like studio and Film School with their shooting stages and screening rooms, performing Arts Academy, Students Hostels and faculty residences, Auditoria, Art Gallery, Museums, Multiplex, Food & Beverage areas and also a combination of compatible uses may be allowed, with the approval of the Urban Development Departmentof GOM.
3) The height up to 70m may be allowed for Building of Film Studio, subject to the provisions of Regulation 47
4) The height of a room in occupancy mentioned at Sr. No.1(e) (ii) of Table15 of Regulation 37, may be permitted for Studio, Museum, Screening Rooms, Multiplex and Auditoria.
5) The 35% fungible Compensatory Floor Space Index may be allowed, subject to the provisions of Regulation 31(3).

Note:- The development in the Eco Sensitive Zone and Coastal Regulation Zone shall be governed and regulated as per MoEF's Notification in this regard and Circulars issued from time to time

(V) Amusement park:

Amusement park in a plot of not less than 4 ha. in area, with recreational and amusement devices like a giant wheel, roller coaster, merry-go-round or similar rides, ocean -park, swimming pool, magic mountain and lake, ethnic village, shops for souvenirs, toys, goods, refreshments and beverages shall be permissible with the special permission of commissioner. The Permissible FSI shall not Exceed 0.025 (excluding area of DP road)

a) The entire land for the amusement park shall vest in a single ownership and the land shall not be sub-divided at anytime.

b) The required infrastructure, like proper and adequate access to the park, water supply, sanitation, conservancy services, sewage disposal and adequate off-street parking will have to be provided and maintained by the promoters of the project at their cost and to the satisfaction of the Commissioner.

c) The promoters of the project shall provide adequate facilities forcollection and disposal of garbage at their cost, and to the satisfaction

of the Commissioner and will keep, at all times, the entire environment clean, neatand hygienic.

d) Structures for ancillary activities, such as administrative offices, exhibition hall or auditorium, restaurant, open air theatre, essential staff quarters, store buildings, fastfood shops, museum, souvenir and small shops, ancillary structures to swimming pool, may be permitted

e) Structures permitted in the amusement park (except those intended for park apparatus, entertainment such as magic mountain etc. and other equipment) should be ground floor structures, with the construction blending with the surrounding environment and land scape.

f) Except for minor dressing, hills and natural features, if any, shall be maintained in their natural condition and beautified with planting of trees etc.

g) All trees already growing on the land shall be preserved to the extent possible, except that if it becomes necessary to cut any tree, the required permission of the Competent Authority should be obtained under the law. At least 5 trees per 100 sq. m shall be planted and grown within the area of the park.

h) Structures, buildings or monuments of historical, aesthetical, architectural, or heritage importance, if any, shall be preserved and maintained properly.

i) Sufficient parking facilities and ancillary facilities for cars, buses, transport vehicles etc. shall be provided on site as prescribed by and to the satisfaction of the Commissioner and Commissioner of Police.

j) The promoters of the project will prepare a suitable layout with appropriate land-scaping of the recreational and other facilities and obtain approval of the Commissioner.

k) No objection certificate of the Tourism Department shall be obtained.

l) The development shall be regulated according to other requirements of these Regulations and subject to all other clearances as may be required.

m) Proper arrangements for safety, regulations of traffic approaches to the park etc. shall be made to the satisfaction of the Commissioner of Police from the law and order and traffic aspects.

(VI) ***Miscellaneous Use****s*:

The following uses shall be permissible where the permissible FSI shall not exceed 0.025 (excluding area of DP road)

(i) Agriculture, horticulture and animal husbandry (except for keeping

animals on a commercial scale), subject to a limit of 10 head of cattle per acre and providing necessary buildings, garages, pig sties, stables and storage buildings

(ii) Gardens and poultry farms; (iii.)Forestry;
(iv.) Golf clubs and links;
(v.) Public parks,private parks, play fields, stadia, gymkhanas, swimming pools, gliding facilities, temporary camps for recreation of all types.
(vi.) Race tracks and shooting ranges.
(vii.) Fish curing on open land/fish farming.
viii.) Salt manufacture from sea water.
(ix.) Public utility establishments such as electric sub-stations, receiving stations, switch yards, over-head line corridors, radio and television stations, receiving stations, main stations for public gas distribution, sewage treatment and disposal works, Storm Water Drain Pumping Station, facilities for the disposal of Solid Waste, water works along with residential quarters for essential staff for such works, with the special permission of the Commissioner.
(x.) Cemeteries and crematoria and structures incidental thereto.
(xi.) Structure for watchmen's quarters each not exceeding 20 sq.m numbers of such structures in each plot to be decided by the Commissioner
(xii.) A residential building, not more than ground and one story with a height not exceeding 9.75 m including the height of stilted portion.

(VII) ***Periphery of Vihar and Pawailake***:

In order to prevent erosion of soil and silting in lakes, an exclusive green belt of 100 m shall be provided around the periphery of Vihar and Pawai Lake, in which no construction whatsoever shall be allowed. If within 100 m from the periphery of Vihar and Pawailake there exists Municipal/Public Road, then buffer of green belt beyond Municipal/Public Road may not be insisted.

3.7 Natural Areas (N A)

It is an environmentally sensitive zone amenable to buildable development with the approval of the Competent Authority where following facilities may be permissible

a) Board walks in mangroves, trekking facilities, Public Sanitary Conveniences for visitors, Sewerage Pumping Station.

b) Uses permissible as per the notifications issued by the Ministry of Environment and Forest, if any, as amended from time to time.

Note: - 1.Structures constructed in NA, with due sanction of Competent Authority, before coming into force of these regulations stand protected.

2. Reservation proposed in Natural Area shall be allowed to be developed at par with other zones subject to approval of the Competent Authority and subject to compliance of conditions as mentioned in the notifications issued by the Ministry of Environment and Forest, if any, as amended from time to time.

3.8 Green Zone (GZ)

It is a large area predominantly with green coverwherefollowing facilities may be permissible

a) Construction of Zoo with FSI of 0.025;
b) Uses approved by GoM. with permission from the Ministry of Environment and Forest;
c) Rehabilitation and Resettlement of the original inhabitants of the forest (adiwasis, tribals of Sanjay Gandhi National Park) as per the provisions of Regulation No.30 with Zonal (basic)FSI

Note: - 1. Structures constructed in GZ, with due sanction of Competent Authority, before coming into force of these regulations stand protected.

2. Reservation proposed in Green Zone if any shall be allowed to be developed at par with other zones subject to approval of the Competent Authority and subject to compliance of conditions as mentioned in the notifications issued by the Ministry of Environment and Forest, if any, as amended from time to time.

35. Development or redevelopment of lands of cotton textile mills (mills).-

(1) Lands of sick and/or closed cotton textile mills:- With the previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and built-up area of a sick and/or closed cotton textile mill and on such conditions deemed appropriate and specified by him and as a part of a package of measures recommended by the Board of Industrial and Financial Reconstruction (BIFR) for the revival/rehabilitation of a potentially viable sick and/or closed mill, the Commissioner may allow:-

(a) The existing built-up areas to be utilised-

(i) For the same cotton textile or relateduses subject to observance of all other Regulations;

(ii) For diversified industrial uses in accordance with the industrial location policy, with office space only ancillary to and required for such uses, subject to and observance of all other Regulations;

(iii) For commercial purposes, as permitted under theseRegulations;

(b) Open lands and balance FSI shall be used as in the Table below:-

Serial No.	Extent	Percentage to be earmarked For Garden/ Playground or any other POS as specified by the Commissioner	Percentage to be earmarked and handed over for development by MHADA for Public Housing/for mill worker's housing as per guidelines approved by Government, to be shared equally	Percentage to be earmarked and to be developed for residential or commercial use (including uses permissible in residential or commercial zoneas per these Regulations) or diversified Industrial uses as per Industrial Location Policy, to bedeveloped by the owner
1	2	3	4	5
1	No limit	33	33	34

(kept in abeyance)

Notes-

(i) In addition to the land to be earmarked for garden/playground or any other open use as in column (3) of the above Table, open spaces, public amenities and utilities for the lands shown in columns (4) and (5) of the above Table as otherwise required under these Regulations shall also be provided.

(ii) Segregating distance as required under these Regulations shall be provided within the lands intended to be used for residential/commercial uses.

(iii) The owner of the land will be entitled for the FSI as per the Regulation No 30(A) (1) and (4), excluding area of notional plot of residential buildings/ chawls located on the lands of Cotton Textile Mills if any.

(iv) Where FSI is in balance but open land is not available, for the purposes of column (3) and (4) of the above Table, land will be made open by demolishing the existing structures to the extent necessary and made available accordingly

(v) Where the lands accruing as per Columns (3) & (4) are, in the opinion of the Commissioner, of such small sizes that they do not admit of separate specific uses provided for in the said columns, he may, earmark the said lands for use as provided in Column (3);the commissioner may allow any other POS Lands for any Mills received as Municipal Corporation of Greater Mumbai's share of Mill land as per column no.(3), to be earmarked for MHADA in exchange of such plots, for using as per column no. (4), special permission of Commissioner.

(vi) It shall be permissible for the owners of the land to submit a composite scheme for the development or redevelopment of lands of different cotton textile mills, whether under different/common ownership or otherwise, upon which the lands comprised in the integrated scheme shall be

considered by the Commissioner in an integrated manner. The land to be handed over as per column no (3) and (4) shall be preferably handed over in the respective land of mills. Provided further that where owner intends to hand over the share of land as per column no (3) and (4) at other mill within the integrated scheme having different stamp duty ready reckoner rate then area to be handed over shall be in proportion to the stamp duty ready reckoner rate of these lands of mills.

(vii) Notwithstanding anything above, the layout of mill land shall be submitted by the mill owner within six months of closure of the mill or within six months from sanction of these Regulations whichever is later and the lands earmarked for MHADA & POS shall be handed over to the concerned Authority within six months after the approval of layout and such period of handing over shall not be more than six months.

(2) Lands of cotton textile mills for purpose of modernization.- With previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and/or built-up area of the premises of a cotton textile mill which is not sick or closed, but requiring modernization on the same land as approved by the competent authorities, such development or redevelopment shall be permitted by the Commissioner, subject to the condition that it shall also be in accordance with scheme approved by Government, provided that, with regards to the utilization of built up area, the provisions of clause (a) of sub- Regulation (1) of this Regulation shall apply.

(3) Lands of cotton textile mills after shifting--If a cotton textile mill is to be shifted outside Greater Mumbai but within the State, with due permission of the competent authorities, andin accordance with a scheme approved by Government, the provisions of sub-clauses (a)and(b) of Sub-Regulation (1) of this Regulation shall also apply in regard to the development or redevelopment of its land after shifting.

(4) The condition of recommendation by the Board of Industrial and Financial Reconstruction (BIFR) shall not be mandatory in the case of the type referred to in sub-Regulations (2) and (3) above.

(5) Notwithstanding anything contained above, the Commissioner may allow additional development to the extent of the balance FSI on open lands or otherwise by the cotton textile mill itself for the same cotton textile or related use.

(6) With the previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and/or built up area of the premises of a cotton textile mill which is either sick and/or closed or requiring modernization on the same land, the Commissioner mayallow:--

a. Reconstruction after demolition of existing structures limited to the extent of the built up area of the demolished structures, including by aggregating in one or more structures the built up areas of the demolished structures;-

b. (b)Multi-mills aggregation of the built-up areas of existing structures where an integrated scheme for demolition and reconstruction of the

existing structures of more than one mill, whether under common ownership or otherwise, is duly submitted, provided that FSI is in balance in the receiving mill land.- (Kept in Abeyance)

Provided further that FSI on each individual plot of integrated scheme of mill land as per column no 5 of table of sub-regulation1(b) above (excluding the area of notional plot of residential buildings/chawls located on the lands of Cotton Textile Mills if any) shall not exceed 4.**(Clause 6(b) kept in abeyance)**

(7) Notwithstanding anything contained above--

7) (A) if and when the built up areas of a cotton textile mill occupied for residential/ residential cum commercial purposes as on the 1st of January, 2000 developed or redeveloped, it shall be obligatory on the part of the land owner to provide to the occupants in lieu of each tenement covered by the development or redevelopment scheme, free of cost, an alternative tenement of the size of 405 sq. ft carpet area; Provided that no such occupants shall be evicted till such time, he/she is provided with alternative accommodation of the size 405 sq. ft carpet area in such development or redevelopment scheme. However, fungible compensatory area as permissible as per Regulation No 31(3) on the rehab component shall not be allowed for residential/ residential cum commercial. Fungible compensatory area as permissible as per Regulation No 31(3) shall be allowed only for non residential units or existing authorized area.

For reconstruction/redevelopment to be undertaken by landlord/or Co-op. Housing society of occupiers in respect of residential buildings/chawls located on the lands of Cotton Textile Mills, the following conditions shall apply.

i) In case of redevelopment of buildings occupying part of larger holding, the notional area ofplot on the basis ofZonal (basic) FSI and the total built up area of the building shall be computed and thereafter considering such notional area of the plot, FSI of 4.0 shall be allowed.

ii) The FSI computation of 4.00 shall be as follows:

Rehab area shall be the total built up area required for rehabilitation of all the occupants of residential buildings/chawls with the carpet area of 37.63 sq.m. (405 sq. ft) each or existing carpet area whichever is more. In case of authorized non-residential occupier existing on 1st January , 2000 the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 37.63 sq.m. (405 sq. ft.). However, fungible compensatory area as permissible as per Regulation No 31(3) on the rehab component shall not be allowed for residential/residential cum commercial. Fungible compensatory area as permissible as per Regulation No 31(3) shall be allowed only for non residential units Or existing authorized area.

Difference between FSI 4.00 and FSI used for rehabilitation of existing occupants shall be used and shared as follow:

a) Available difference shall be divided into two parts in a ratio of1:60.
b) Out of these two parts, 1.00 shall be constructed by the mill owners in the

form ofadditional tenements having 27.88 sq. m(300 sq. ft) carpet area each and shall be handed over to MHADA/Government and to be used for rehabilitation of mill workers.

c) The mill owners shall be entitled for FSI of above 0.6parts as stated in (a) in lieu of construction done and handed over toMHADA/Government.

d) Construction for rehabilitation of all the occupants of residential buildings/ chawls shall be done by mill owner. No incentive FSI against such construction shall be shall be given to landlord/or Co-op. Housing society of occupiers.

iii) All the occupant of the old building shall be re-accommodated in there developed building.

iv) In case of the case building, the list of occupants and area occupied by each of them in the old building shall be certified by MHADA and for other building it shall also be certified by MHADA.

v) In case of dispute the matter shall be referred to the Monitoring Committee and the decision of the committee shall be binding on all parties.

vi) An amount of Rs. 50.000/- per tenement have to be deposited by developer as a corpus fund with the society of the occupants at the time of completion of construction, for maintenance of the buildings.

vii) Notwithstanding anything contained in these Regulation, the relaxations incorporated in clause 8 of regulation No. 33(7) of these regulations and amended from time to time, shall apply.

B. If and when a cotton textile mill is shifted or the mill owner establishes a diversified industry, he shall offer on priority in the relocated mill or the diversified industry, as the case may be, employment to the worker or at least one member of the family of the worker in the employ of the mill on the 1st January 2000 who possesses the requisite qualifications or skills for the job;

C. For purposes of clause (b) above, the cotton textile mill owner shall undertake and complete training of candidates for employment before the recruitment of personnel and starting of the relocated mill or diversified industry takes place.

D. Notwithstanding anything contained above, if and when a cotton textile mill is taken up for development / redevelopment for any industrial/ commercial purposes, the mill owner or the developer or the occupier of the premises shall on priority provide employment to the worker or at least one member of the family of the worker in the employ of the mill on the 1st January, 2000 who possesses the requisite qualifications or skills for the job.

E. Notwithstanding anything contained above, the reconstruction / redevelopment to be undertaken by landlord / or co-op. Housing Society of occupiers in respect of residential buildings /chawls located on the lands of cotton Textile Mills shall be carried out simultaneously with the reconstruction / redevelopment of mill land.

(8)(a) Funds accruing to a sick and/or closed cotton textile mill or a cotton textile mill requiring modernization or a cotton textile mill to be shifted, from the utilization of built up areas as per this Regulationshall be credited to an escrow account to be operated as hereinafter provided.

(b) The funds credited to the escrow account shall be utilised only for the revival/ rehabilitation or modernization or shifting of the cotton textile mill, as the case

may be, provided that the said funds may also be utilised for payment of workers dues, payments under Voluntary Retirement Schemes (VRS), repayment of loans of banks and financial institutions taken for the revival/rehabilitation or modernization of the cotton textile mill or for itsshifting outside Greater Mumbai but within the State. The escrow account may be closed after compliance of all the terms and conditions.

(9)(a) In order to oversee the due implementation of the package of measures recommended by the Board of Industrial and Financial Reconstruction (BIFR) for the revival/rehabilitation of a potentially sick and/or closed textile mill, or schemes approved by Government for the modernization or shifting of cotton textile mills, and the permissions for development or redevelopment of lands of cotton textile mills granted by the Commissioner under this Regulation, the Government shall appoint a Monitoring Committee under the chairmanship of a retired High Court Judge with one representative each of the cotton textile mill owners, recognised trade union of cotton textile mill workers, the Commissioner and the Government as members.

(b) The Commissioner shall provide to the Monitoring Committee the services of a Secretary and other required staff and also the necessary facilities for its functioning.

(c) Without prejudice to the generality of the functions provided for in clause (a) of this Sub- Regulation, the Monitoring Committee shall:--

(i) lay down guidelines for the transparent disposal by sale or otherwise of built up space, open lands and balance FSI by the cotton textilemills;

(ii) lay down guidelines for the opening, operation and closure ofescrowaccounts;

(iii) approve proposals for the withdrawal and applicationof funds from the escrow accounts;

(iv) monitor the implementation of the provisions of this regulation as regards housing, alternative employment and related training of cotton textile millworkers.

(d) The Monitoring Committee shall have the powers of issuing and enforcing notices and attendance in the manner of a Civil Court.

(e) Every direction or decision of the Monitoring Committee shall be final and conclusive and binding on all concerned.

(f) The Monitoring Committee shall determine for itself the procedures and modalities of its functioning.

10) Notwithstanding anything stated or omitted to be stated in these Regulations, the development or redevelopment of all lands in Gr. Mumbai owned or held by all cotton textile mills, irrespective of the operational or other status of the said mills or of the land use zoning relating to the said lands or of the actual use for the time being of the said lands or of any other factor, circumstance or consideration whatsoever shall be regulated by the provisions of this regulation and not under any other Regulation except TDR and Fungible Compensatory FSI. However the lands reserved for public purposes which is owned or held by CottonTextile Mills, shall not be regulated by the provisions of this regulations and reserved lands shall be handed over to MCGM or the Appropriate Authority

in lieu of TDR or shall be developed as per the provisions laid down under Regulation No 17.

If the residential buildings/chawls are situated on a reserved parcel of land, thenland component of the chawl shall be developed as per the provisions of clause (7) of this Regulation without considering the reservation & remaining reserved land shall be developed as per the provisions laid down under Regulation No 17.

11) The provisions of sub Regulation no 1(b) of this Regulation shall not be applicable where the share of MHADA and MCGM land has already been handed over as per then prevailing Regulations. (Kept in Abeyance)

12) "Not withstanding anything contained above, the provisions of this regulation will not be applicable to any future amendments which may be proposed in the layouts of existing integrated Development schemes for Textile Mills which have been approved under Regulations 58 of DCR 1991 and where the proportionate share of land of MCGM / MHADA as per the approved layout has been handed over to MCGM / Appropriate Authority prior to the coming in force of this regulation"

However, the total permissible FSI in such cases will be restricted to a maximum of 4 FSI. Provided further that in such cases the total permissible FSI may be allowed to be utilized by way of NTC FSI, TDR or Additional FSI by payment of premium in various combinations, at the option of the developer.- (Kept in Abeyance)

PART VIII GENERAL BUILDING REQUIREMENTS

36. Occupancy Load

Space requirements of various parts of Buildings, etc.- This Part sets out the standard space requirements of various parts of a building and those of light and ventilation, the building services, fire safety, etc. Some of these items depend on the number of persons who would normally occupy the building, forwhich the occupant load should be worked out from TableNo 13 hereunder:

Table No: 13

Occupant Load

Serial No. (1)	Type of Occupancy (2)	Occupant load per 100 sq. m. of plinth or covered area (3)
1	Residential	8
2	Educational	25
3	Institutional	6.6*
4	Assembly : (a)With fixed or loose seats and dancefloor (b)without seating facilities includingdining rooms	 166.6** 66.6**
5	Mercantile : (a)Street floor and sales basement (b)Upper sales floors	 33.3 16.6
6	Business and Industrial	10
7	Storage, Wholesale establishment	3.3
8	Hazardous	10

*The occupant load in dormitory portions of homes for the aged, orphanages or mental hospitals, etc. wheresleeping accommodation is provided shall be calculated at not less than 13.3 persons per 100sq.m.

** The plinth or covered area shall include, in addition to the main assembly room or space, any occupied connecting room or space in the same storey or in the storeys above or below, where entrance is common to such rooms and spaces and they are available for useby the occupants of the assembly place. No deductions shall be made in the plinth/covered area for corridors, closets and other sub-divisions; that area shall include all space serving the particular assembly occupancy.

37. Requirements of parts of buildings

(1) ***Plinth:*** The plinth or any part of a building or outhouse shall be so located with respect to the surrounding ground level that adequate drainage of the site is assured.

(i) ***Main Building****:* The height of the plinth shall not be less than 30 cm with respect to the surrounding ground level or plinth shall not be less than 15 cm with respect to the surrounding ground level in case of stilt/ covered parking spaces. In areas subject to flooding, the height of the plinth shall be at least 60 cm above the high flood level or shall be at least 45 cm above the high flood level in case of stilt/covered parking spaces. Architect on record shall certify that the plinth has been proposed after taking due cognizance of High Flood Level (HFL) with reference to available Contour map.

(ii) ***Interior court-yards, covered parking spaces and garages:*** These shall be raised at least 15 cm above the surrounding ground level and shall be satisfactorily drained.

(2) Habitable Rooms/Rooms:
(i) ***Size and Width:*** The minimum size and width shall be as given in the Table No 14 hereunder.

Table No: 14

Minimum size and width of Habitable Rooms

Serial No. (1)	**Occupancy (2)**	**Minimum size in sq.m (3)**	**Minimum width in m (4)**
1	Any habitable room.	----	2.4
2	Rooms in a two-room Kitchen tenement &above		
	one of the rooms.	----	2.4
	other room/rooms	----	2.4
	Kitchen	---	1.8
3	One room Kitchen tenements		
	one room	----	2.4

Serial No. (1)	Occupancy (2)	Minimum size in sq.m (3)	Minimum width in m (4)
	Kitchen	----	2.1
4	Multipurpose Room (with provision of alcove)	12.5	2.4
5	Single-bedded room in a hostel.	7.5	2.4
6	Shop	6.0	1.2
7	Vending stalls & kiosks	3.0	1.2
8	Class room in an Educational building	38.0 or area at the rate of 0.8 sq.m. per student or as decided by Govt. from time to time.	5.5
9	Institutional building (a) specialroom .. .. (b) generalward	 9.5 40.0	 3.0 5.5
10	Bathroom	1.50	1.10
11	Water Closet (W.C.)	1.10	0.90
12	Combined Bathroom and Water Closet (W.C.)	2.20	1.10
13	Cinema hall, theatre, auditorium, assembly hall, etc.	In conformity with the Maharashtra Cinema Rules.	
14	Multiplex/Multiplex theatre complex	In conformity with the Bombay Entertainment Duty Act 1923, Revenue and Forest Dept. Govt. of Maharashtra.	

(ii) **Height**-(i)The minimum and maximum height of a habitable room shall be as given in **T**able No 15 hereunder: -

(ii) Notwithstanding the above restriction as stated in **T**able No. 15, any telematics equipment storage or erection facility can have a height as required for effective functioning of that system.

(iii) Notwithstanding the above restrictions as stated in **T**ableNo.15, for cinema/TV films production, shooting, editing, recording studios, more height as required for their effective functioning shall be permitted.

Table No: 15

Height of Habitable Room/s

Sr. No.	Occupancy	Minimum height in meters (m)	Maximum height in meters (m)
(1)	**(2)**	**(3)**	**(4)**
1.	**Flat roof.**		
	(a) Any habitable room	2.75	4.2
	(b) Bathrooms, Water Closets, combined Bath & WC (Measured from the surface of the floor to the lowest point of the ceiling)	2.2	4.2
	(c) Air-conditioned habitable room.	2.4	4.2
	(d) i) Assembly halls, residential hotels of all types, institutional, educational, industrial, hazardous or storage occupancies, departmental stores, malls, entrance halls and lobbies to departmental stores and assembly,*Data Centre, Data ware house, Large/ Big Box Retailors*	3.6	6.0*
	ii)IT buildings, office buildings	2.75	4.2*
	(e)i) Exhibition cum Convention Centre, Sport facility requiring more height	4.2	8.8*
	ii) Sound Recording/Film Studio, Warehouse	4.2	12*

	(f) Shops.	2.75	4.2
2.	Pitched roof – (a) Any habitable room	2.75 (average with 2.4 m at the lowest point)	4.2 (Average with 2.8 m at the lowest point).

*** Subject to the special permission of the Commissioner greater height may be permitted.**

Provided that-

(i) the minimum clear head-way under any beam/tie beam of pitched roof shall be 2.4m.

(ii) In all occupancies except those included in Sr. No. 1(d) &(e) in the table above, any height in excess of 4.2 m shall be deemed to have consumed an additional F.S.I. of 50% of the relevant floorarea.

(iii) Other requirements- One full side of a habitable room must abut an exterior open space same as provided in sub-regulation(2) of Regulation41.

(iv)Other Requirements of Kitchen- Every room to be used as a kitchen shall have-

(a) unless separately provided in a pantry, means for the washing of kitchen utensils which shall lead directly or through a sink to a grated and trapped connection to the waste pipe;

(b) on an upper floor, an impermeable floor;

(c) at least a window not less than 1 sq.m in area, opening directly on to an interior or exterior open space.

(3) Bathroom and water closets:

(i) A sanitary block consisting of a bathroom and water closet for each wing of each floor at each mid-landing staircase level/stilt/ podium/ parking floor ofthe building for the use of domestic servants engaged on the premises may be permitted by the Commissioner

(ii) Other Requirements Bathroom or WaterCloset

(a) Every bathroom or water closet shall be so situated that at least one of its walls shall abut on to an exterior open space or an interior/exterior chowkor ventilation shaft of the size specified in clause (a) of sub-regulation (8) of Regulation 41 or a ventilation shaft of the size specified in sub-regulation (2) of Regulation 40 with the openings (windows, ventilators, louvers) not less than 0.3 sq.m in area or 0.3 m in width.

(b) No bathrooms or water closet shall be situated directly over any room other than another water closet, washing place, bathroom or terrace unless the said floor is made impervious with adequate water-proofing

treatment. However, in no case shall a water closet or bathroom be provided overa kitchen.

(c) Every bathroom or water closet shall have the platform or seat or flooring made of water-tight non-absorbent material.

(d) It shall be enclosed by walls or partitions and the surface of every such wall or partition shall be finished with a smooth impervious material to a height of not less than 1m above the floor of sucha room.

(e) It shall be provided with an impervious floor covering sloping towards the drain with a suitable grade and not towards a verandah or any other room.

(f) Everywater closet and/or a set of urinals shall have a flushing cistern of adequate capacity attached to it.

(g) All the sewerage outlets shall be connected to the municipal sewerage system. Where no such system exists, a septic tank shall be provided within the plot conforming to the requirements of sub-regulation 27 of Regulation37.

(4) Loft:

(i) Location: Lofts may be provided over kitchens, habitable rooms, bathrooms, water closets and corridors within a tenement in residential buildings, in shops and in industrial buildings.

(ii) Height: The height of the loft shall not be more than 1.5 m. If it exceeds 1.5 m, it shall be counted towards FSI.

(iii) The lofts in non-residential buildings shall be located at least 2 M away from the entrance**.**

(5) Mezzanine Floor:

(i) The aggregate area of mezzanine floor in any room shall not exceed 50% of the BUA of that room. The size of mezzanine floor shall not be less than 9.5 sq.m if it is used as a living room. The area of the mezzanine floor shall be counted towards FSI.

Provided, however, that in existing authorized buildings having no balance FSI, area of the mezzanine floors constructed prior to 15th August, 1997 without approval, may be exempted from FSI with special permission of the Commissioner subject to the terms and conditions and payment of premium as may be specified by the Commissioner.

Note-Lofts having head room more than 1.5 m above shall be treated as mezzanine floor.

(ii) *Height*-The minimum height/head-room above a mezzanine floor shall be 2.2m. The head-room under amezzanine floor shall not be less than 2.2m.

(iii) *Other Requirements*-A mezzanine floor may be permitted over a room or a compartment, if

(a) it conforms to the standards of living rooms in regard to lighting and ventilation in case its size is 9.5 sq.m or more;
(b) it is so constructed as not to interfere under any circumstances with the ventilation of the space over and under it;
(c) no part of it is put to use as a kitchen/sanitary block;
(d) it is not closed, so that it could be converted into an unventilated compartment;
(e) it is at least 1.8 m away from thewall deriving access of such room;
(f) access to the mezzanine floor is from within the respective room be low only;
(g) where it is in an industrial building, NOC from the relevant authorities of the Industries Department is obtained for the additional floor area.

(6)Garage:

(i) *Size*-The size of a private garage shall not be less than2.5 m x 5.5 m or 2.3 m x 4.5m as provided in clause (ii) and the note under it in sub-regulation (1) of Regulation 44.
(ii) *Location*-If not within the building the garage may be located at its side or rear, but at least 7.5 m away from any access road.
(iii) Area of garage shall be counted in FSI & it shall be at least 1.5m meter away from compound wall.

Explanation: For purposes of this Regulation, the term "garage" means a detached ground floor structure in the open space of the plot or on the ground floor of a building and intended for parking or shelter of mechanically controlled vehicles but not for their repairs.

(7)*Basement:*

(i) The basement may be allowed to be constructed beyond building line in the required front open space under the provision of these regulations provided clear distance of 3.0 m between plot boundary/edge of road and basement line is maintained. The open spaces from the other boundaries of the plot except front open space shall not be less than 1.5 m. Basement may be at one level or more.

Provided further that if total depth of basements exceed beyond 8.4 m then the open spaces from the boundaries of the plot shall be increased by 1.5 m for every 8.4 m or fraction thereof beyond the open spaces as described above.

(ii) Height- The height of the basement from the floor to the underside of the roof-slab or ceiling or under side of a beam when the basement has a beam shall not be less than 2.4 m. The height of basement below soffit of the slab shall not be more than 3.9 m. In case of mechanical parking more height as per the requirement may be allowed.

(iii) Ventilation- The extent of ventilation shall be the same as requiredby the particular occupancy for which the basement is used. Any deficiency mustbe made good by resort to a mechanical system, viz. blowers, exhaust fans, air- conditioning system, according to the standards in Part VIII Building Services Section I-Lighting and Ventilation, NBC.

(iv) Uses permitted – A basement may be put to the following uses only:

(a)(i) Storage of household or other non-hazardous goods;
(ii) Store rooms, bank lockers or safe deposit vaults;
(b) Air conditioning equipment/AHU and other machines used for services and utilities of the building;
(c) Parking spaces;
(d) DG set, meter room and Electric substation (which will conform to specified safety requirements);
(e) Effluent Treatment Plant, suction tank, pump room, Water Treatment Plant, Sewerage Treatment Plant, Laundry Room, Boiler Room;
(f) MRI, Cancer Radiation Area, X-Ray roomsand other uses allowed by GoM. from time to time;
(g) Shops and offices, recording studio;
(h) Commercial user except kitchen with flame. (kitchen without flame may be permitted)
(i) Sanitary facility
(j) Play area for school if other ancillary uses have not been proposed at that level of basement.

Provided that the uses mentioned at (a), (g), (h) & (j)above shall be permitted in the 1st basement and the uses as mentioned in (f) above shall be permitted in lower basement only by counting in FSI subject to compliance of requirements of habitable rooms subject to following conditions:

i) All requirements regarding access, safety (including fire safety), ventilation, etc. shall be complied with.
ii) All the planning standards (particularly as regarding parking) should be strictly adhered to.

(v) Other Requirements-Every basement shall meet the following specifications:

(a) The ceiling of an upper basement shall be at least 0.6 m and not more than 1.2 m above the average surrounding ground level within the building line&may be flush with the average surrounding ground level beyond building line, Provided further that the height of basement above average surrounding ground level within building line may be reduced up to 0.15 m case of stilt and 0.30 m in case ground floor, when basement beyond building line is flush with average surrounding ground level, subject to provision of artificial light and ventilation.

(b) Adequate arrangements shall be made to ensure that surface drainage does not enter thebasement.

(c) The walls and floors of the basement shall be water-tight and the effect of the surrounding soil and moisture, if any, should be taken into account in design and adequate damp-proofing treatment shall begiven.

(d) Any access to the basement through a staircase or pedestrian ramp shall meet requirements of clause (16) of this Regulation. Open ramps may be permitted in the open spaces except in the front open space within plot boundary, subject to
(b) above and the fire protection requirements.

(e) Any access to the basement through vehicular ramps shall meet the requirements of item, (ii)of clause (16) of this Regulation.

(8)Cabin: Where cabins are provided, a clear passage not less than 0.9 m wide will be maintained. The size of a cabin shall not be less than 3 sq. m and the distance from the farthest space of cabin to the nearest exit shall not be more than18.5 m.If the cabin does not derive direct light and ventilation from any open spaces/mechanical means, its maximum height shall be 2.2m.

(9)*Office Room:* In every residential/non-residential building, constructed or proposed to be constructed for the use of a co-operative society or an apartment owners'/lessee's association, an office room one for each society will be permitted on any floor or parking floors or stilt floor. In an already developed property, it may be on an upper floor. The area of the room inclusive of toilet shall be limited to 20 sq.m.

(10)(a) ***Letter Box Room:*** A separate letter box room of appropriate dimensions shall be provided on the ground floor /stilt floor/over podium or any other convenient location in residential, commercial and industrial occupancy in each wing.

(b)***Letter Boxes***- Letter boxes of appropriate dimensions shall be provided at a convenient location on the ground floor/stilt floor/over podium or any other convenient location for every unit of residential, commercial and industrial occupancy in each wing.

(11)Electric Meter/Service Utility Room: An independent and ventilated Electric meter/Service utility room directly accessible from the outside common areas shall be provided on ground floor and/or on upper floors/Podium/Parking floor and in the first basement floor with proper ventilation, according to the requirementsof the electric supply undertaking. The door to the room shall have fire resistance of not less than two hours.

(12) Refuse Chute/Garbage Chute: In all residential buildings, refuse chutes/garbage chute may be provided with openings on each floor or on mid-landing. Design and specifications of refuse chutes shall be in accordance with provisions of IS 6924.

(13) Corridor: The minimum width of a common corridor shall be as shown in Table No 16 hereunder. Provided that any corridor identified as an exit (vide Regulations 47) shall also conform the requirements therein.

(14) Door: Doors shall conform to the under mentioned provisions. In addition, in order to satisfy fire-fighting requirements, any doorway identified as an exit shall conform to the requirements stipulated in Regulation 47,

(i) Width- A door shall be at least 0.9 m wide, except that doors to bathrooms, water-closets or stores may at least be 0.7m wide.
(ii) *Height*-The minimum height of a doorway shall be 2m.

(15)Stairway: Stairways shall conform to the following provisions in addition to items (i) to (ix) below. In addition, in order to satisfy fire-fighting requirements, any stairway identified as an exit stairway shall conform to the requirements stipulated in Regulation 47
(i) *Width*- The minimum width of a staircase other than a fire escape shall be as given in Table No 16 hereunder.

Table No: 16

Minimum width of common Stairways/Corridors for various occupancies.

Sr. No.	Type of Occupancy	Minimum width of stairway/corridor (in meters) for buildings upto 70.00 m height	Minimum width of stair- way/corridor (in meters) for buildings more than 70.00 m height
1	Residential buildings-		
	(a) General	1.50	2.00
	(b) Row housing (2 storeyed) or internal staircase in duplex flat	0.90	-
	(c) Hotels	1.50	2.0
2	Educational buildings		
	(a) Upto 32 m high	1.50	-
	(b) Over 32 m high	2.0	-
3	Institutional buildings	1.50	2.0
4	Assembly buildings	2.0	2.0
5	Mercantile storage, hazardous buildings	1.50	2.0
6	Industrial Building	2.00	

Note:
Width of stairways or corridor in case of 1(b) above shall be limited to 1.20 m.

(ii) *Flight*- No flight shall contain more than 12 risers, but in residential buildings, in narrow plots a single flight staircase may bepermitted.

(iii) *Risers*- The maximum height of a riser shall be 17.50 cm in any occupancy. However, on an internal stairway within a dwelling unit a riser may be 25 cm high. *(iv)*T*reads*- The minimum widthof the tread without nosing shall be 25cm for staircases of a residential building, other than fire escapes.In other occupancies, the minimum width of the tread shall be 30cm it shall have a non-slippery finish. *(v)Head-room*- The minimum head-room in a passage under the landing of a staircase and under the staircase shall be2.2m.

(iv) *Floor Indicator*- The number of each floor shall be conspicuously painted in figures at least 15cm large on the wall facing the flights of a stairway or at such suitable place as is distinctly visible from theflights.

(v) *Hand rail*- Handrails with a minimum height of 0.9m from the center of the treads shall beprovided.

(vi) Except for the row houses or for the internal staircase of a duplex tenement, no staircase shall be made of wooden or other combustiblematerial.

(vii) Corridorsand Stairway side identified as fire exits shall conform to other relevant provisions of National BuildingCode.

(16)Ramps:

(i) ***Ramps for pedestrians***-
*(a)Genera****l:*** The provision applicable to stairways shall generally apply to ramps. A ramp in a hospital shall not be less than 2.25 m wide.In addition, to satisfy the fire- fighting requirements, a ramp shall conform to sub-regulation (7) of Regulation 48 *(b)Slope:* A ramp shall have a slope of not less than 1 in 8 for vehicular traffic & 1 in 12 for pedestrian. It shall be of non-slippery material.

a) *Handrail*- A hand rail shall be provided on both the sides of the ramp with minimum height of 0.90 m above the surface of the ramp.
b) For every 9 m of ramp length, a landing of 1.5 m shall be provided
c) Landing of minimum 1.5 m length shall be provided at every entry & exit of ramp.

(ii) ***Ramps for basement or podium, multi-storeyed parking***- For parking spaces in a basement and upper floors, ramps of adequate width as tabulated belowand adequate slope shall be provided preferably at the opposite ends. Such ramps may be permitted in the side and rear marginal open spaces after leaving sufficient space for movement of fire-fighting vehicles subject to the provision of sub-regulation (7) of Regulation 48. Provided that, when a building abuts 3 or more roads, then ramps shall be allowed in front marginal open space facing the road having least width. Alternatively, for ingress &egress of vehicles minimum two numbers of car lifts for vehicles up to 200 parking and one additional car lift for every 100 parking beyond200 parking or part thereof shall be provided.

Sr. No	Type of Vehicle	Clear width of Ramp in meters(m)	
		One Way Ramp	Two Way Ramp without central divider
I	Light Motor Vehicle (LMV)	3.00	6.00
Ii	Medium Commercial Vehicle (MCV)	3.50	7.00
Iii	Heavy Motor Vehicle (HMV)	4.50	9.00

Note- a) In case of two-way ramp with dividers, each carriageway will be considered as one way ramp.
b) At turnings, width of ramp mentioned above shall be enhanced/ increased for smooth maneuvering as per the sketch of Annexure 23 appended herewith.
c) The gradient of the ramp shall not be more than 1 in 8.
d) Separate provision for ingress & egress shall be made.

(17) Lifts: Lifts shall conform to the provisions given below and to the provisions of sub-regulation (2) of Regulation 50.

(i) At least one lift shall be provided in every building more than 16m in height.In case of buildings more than 24m high at least two lifts shall be provided in order to serve each dwelling unit. One of these lifts shall be fire lift & shall be in conformity with the fire safety regulations. It shall be ensured that atleast one lift must serveaccess to the lowest level of basement &may also extend up to terrace floor except in areas where civil aviation and other restrictions operate.

(ii) *Other requirements*.-

a. The number, type and capacity of lift shall satisfy the requirements of part 8, Sec.5, and those of Installation of Lifts and Escalators National Building Code of India and modified provision thereof from time to time.

b. At ground floor level, a grounding switch shall be provided to enable grounding the lift cars in an emergency.

c.The lift machine room shall be separate and no machinery other than required for the lift shall be installed therein.

d. The number of each floor shall be conspicuously painted in figures at least 15cm. large on the wall opposite the lift/lifts opening or on other suitable surface so as to be distinctly visible from the lift cage.

e. In high rise residential buildings having height more than 70m, one of the lifts installed shall be a freight lift. The freight lift will be designed in such a way that it shall serve as stretcher lift also.

f. A new lift with passage thereto in an existing building with height up to 16m may be permitted with the permission of the Commissioner.

(18) Porch: A porch, if any, shall be at least 1.5 m clear of the plot boundary, shall have a level difference of 0.3 m in relation to the level of the floor; the area of a porch upto 5.5 m in length (parallel to the main building) shall not be counted towards FSI. A parapet wall 0.23 m in height

is permissible over a porch. The Commissioner may permit larger porches for mercantile, institutional, IT, Mall, Commercial, hotel and public buildings.

(19) Canopy: A cantilevered and un-enclosed canopy with level difference of 0.3 m in relation to the floor level may be permitted over each entrance and staircase, if a clear distance of at least 1.5 m is maintained between the plot boundary and the outer edge of the canopy. The minimum clear height of the canopy shall be 2.2 m. The Commissioner may permit larger canopies for mercantile, institutional, IT, Mall,Commercial hotel and public buildings.

(20) ***Balcony:*** Balconies may be permitted at each floor.

(i) No balcony shall reduce the minimum marginal open space to less than 3 m at the rear and sides and 1.5m in the front. The width of the balcony will be measured perpendicular to the building line and reckoned from that line to the balcony's outermost edge. Balcony shall not be enclosed. Balcony shall not be permissible on ground floor.

(21) ***Roof:***

(i) Effective drainage of rain water- The roof of a building shall be so constructed or framed as to permit effective drainage of the rain water therefrom by means of rain water pipes at the scale of at least one pipe of 10cm diameter for every 40-sq.m of roof area.Such pipes shall be so arranged, jointed and fixed as to ensure that the rain water is carried away efficiently.

(ii) Rain water pipes shall be connected to Rain Water Harvesting system, if required to be provided under these Regulations or to a drain through a covered channel formed beneath the public footpath to connect the rain water pipes to the road side storm water drain or in any other approved manner.

(iii) Manner of fixing rain water pipes- Rainwater pipes shall be affixed to the outside of the walls of the building or in recesses or chases cut or formed in such walls or in such any other manner as may be approved by the Commissioner.

(22) Common Terraces: Common Terraces shall not be sub-divided and shall be accessible by a common staircases/lift. The terraces may be usedfor additional recreational green area over and above the mandatory LOS requirement underthese Regulations, provided that the terrace shall be designed and made impervious considering recreational green area. The terraces will also serve as community open spaces for the occupants of the building. The terraces may allowed for roof top farming/ gardening Overhang of terracetothe extent of 1.20 m beyond building line subject to requirement of open spaces as per Regulation no 42(e) &42(f)may be allowed from elevation point of view.

Provided further that completely commercial buildings including buildings of residential hotels,terraces may be permitted to be used as restaurant; subject to condition that no inflammable material shall be used and safety and security shall be ensured**.** No construction whatsoever, temporary or permanent, exceptservice platform &toilet block, shall be permissible.

(23) Parapet: Parapet walls and hand-rails provided on the edges of the roof terrace, balcony, etc. shall not be less than 1.50m from the finished floor level. Parapet wall having height more than 1.50m may be allowed on top most common terrace level with the approval of commissioner. For the height of building beyond 32 m & upto 70 m parapet wall of height 2 m, for the building height beyond 70 m parapet wall with height up to 5 m with 60% voids in surface area beyond height of 1.30 m only on two sides of common terrace may be allowed.

(24) Boundary wall and main entrance:

(i) Boundarywall-

(a) Exceptwith the permission of the Commissioner, the maximum height of a boundary wall shall be 2.4m above the surrounding ground level of plot. A boundary wall more than2.4 m height may be permitted if the top 0.9 m is of open type construction, to facilitate through vision.
(b) At a corner plot, the height of the boundary wall shall be restricted to 0.75m for a length of 10 m on the front and side of the inter-section and the balance height of 0.75m if requiredin accordance with (i) above may be made up of open type construction (through railings).
(c) The provisions of (a)and (b) above will not apply to the boundary walls of correction facilities (jails/prison/remand home).
(d) In case of transformer stations, institutional buildings like sanatoria, hospitals, educational buildings like schools, colleges,including hostels, industrial buildings and other uses of public utility undertakings, a height upto 2.4m may be permitted However, in case of electric sub-stationsa height up to 3.6 m may be permitted.

(e) In case a boundary wall around a POS such as Play Ground, is contemplated, the height of Boundary shall not be preferably higher than 0.45 m & shall have width of 0.45 m or wider (in any case the height of boundary wall shall not exceed 1.50 m or as per the requirements of Commissioner) with smooth top finish which can be comfortable for sitting purpose. However, for Gardens &Parks boundary wall upto 1.5 m height may be permitted if the top 0.9 m is of open type construction, to facilitate through vision.

(ii) Main Entrance-The main entrance to a plot accommodating a high rise or a special building shall be at least 4.5m wide and shall be so designed as not to obstruct easy movement of a fire-engine or truck. The entrance gate to it shall open inside and fold back against the compound wall.

Provided further that ornamental entrance gate with the height not less than 4.5m or as required for movement of fire Engine shall be permissible.

(25) Bore well/Tube well/Open well:
(a) May be constructed with the locational approval from the Hydraulic Engineering Department ofMCGM.
(b) The construction shall be as per the provision of State Ground Water Survey Department.

(26) Overhead Tanks: Every overhead water storage tank shall be maintained in proper hygienic condition. The distance between terrace & soffit of the overhead water tank shall not exceed 1.5 m. The construction of the water storage tanks shall be as per the guidelines issued by Hydraulic Engineering Department of MCGM.

(27) ***Septic Tanks-Location and sub-soil dispersion:*** A sub-soil dispersion system shall not be closer than 12m to any source of drinking water such as a well, to mitigate the possibility of bacterial pollution of water supply. It shall not be closer than 3 m from Tube well/Bore well. It shall also be as far removed from the nearest habitable building as economically feasible but not closer than 2 m to avoid damage to the structure.
The construction of septic tank shall be carried out as per the relevant provisions of IS Code 2470-1985 Part I & II.

(28) Yogalaya or Fitness Centre: In every residential building, either existing or constructed or proposed to be constructed for the use of existing or proposed Co- Operative Housing Society or anApartment Owners Association, a Yogalaya or Fitness Centre including toilet facilities will be permitted subject to following conditions:

i. The application for the proposed Yogalaya or Fitness Centre shall be made by the Registered Co-Operative Housing Society/Apartment Owners Association of the buildings that has been issued the occupation certificate/BCC. The owner/developer may make an application for proposed Yogalaya or Fitness Centre with registered undertaking stating that constructed Yogalaya or Fitness Centre shall be handed over to proposed Co-Operative Housing Society/Apartment Owners Association; and in turn shall ensure the handing over on completion.
ii. The area of such center shall be allowed free of FSI equivalent to 2(two) percent of the total BUA for every building distributed as desired.
Any additional BUA, in excess of this limit would be counted towards FSI.
iii. The center shall not be used for any purpose other than for fitness centre activities and Reading Room.
iv. The Yogalaya or Fitness Centre activities shall be exclusively confined for to the members of the concerned housing society or an Apartment Owners Association.
v. The ownership of the premises of the Yogalaya or Fitness Centre shall vest only with the concerned society or the apartment owner's association as the case may be.

vi. In case of larger layout where there is existing/proposed Club House in layout RG under Regulation 27 ofthese regulations, then the Yogalaya or Fitness Centre in the individual building shall not be permissible free of FSI.

(29) Special Provisions for Institutional, Assembly, Business or Mercantile and Industrial Buildings: A Crèche of minimum 40 sq.m BUA shall be provided for Institutional, Assembly, Business or Mercantile Building where total number of employees is 1000 or more.

(30) Parking floor: The parking floors above ground/stilt floor within building line, for the provision of parking, accessible either by ramp or by minimum two car lifts up to 200 parking and one additional car lift for every 100 parking beyond 200 parking or part thereof. The height of the parking floor shall not be more than 2.4m below soffit of the beam& maximum height of the floor permitted in this regulation below soffit of slab. In case of mechanical parking more height as per the requirement may be allowed.

(31) Podium: A podium may be permitted in plot admeasuring 1000 sq.m or more.

The podium provided with ramp may be permitted in one or more level, total height not exceeding 32 m above ground level.
Podium not provided with ramp but provided with car lifts may be allowed subject to minimum two numbers, for vehicles up to 200 parking and one additional car lift for every 100 parking beyond 200 parking or part thereof.
The podium shall be usedfor the parking of vehicles, provision of DG set, and substation as per requirement of electric supply company.Further, drivers' room, toilet block, society office, Air Handling Unit (AHU) and Yogalaya or Fitness Centre, swimming pool on top most podium open to sky may also be permitted without affecting recreational area if provided and if other requirements of these Regulations are fulfilled.

The LOS as laid down under Regulation No 27, may be provided as per note therein. The additional LOS, if any, may be provided on the podium.

Podium may be allowed to be constructed beyond building line in the required front open space under theprovisions of these Regulations provided clear distance of 3.0 m between plot boundary/edge of road and podium line is maintained. Such podium may be extended beyond the building line in consonance with provisions of Regulation 47(1).
Ramps may be provided in accordance with DCRegulation37(16).

(32) Service Floor: A service floor of height not exceeding 1.8m may be provided in a building exclusively for provision/diversion of services. Provided further that a service floor with height exceeding 1.8 m may be allowed in a building of medical use or in building having height more than 70m with the special permission of Commissioner with reasons recorded in writing.

(33) Helipad: A helipad may be allowed on the rooftop of th subject to;-

(i) Structural stability certificate from the registered Structural Engineer,
(ii) All other statutory permissions.
(iii) Unrestricted access as required by MCGM/any Government agencies in case of emergency and submission of registered undertaking to that effect.

38. Special Design Requirement For

(I) Educational Building:

(1) In addition to the class-rooms and other areas, every educational building shall be provided with-

(a) a tiffin room with a minimum area of 18 sq. m for every 800 students or part thereof;
(b) a separate tiffin room for teachers where strength of students exceeds 1000;
(c) a room/space with drinking water facilities for every 300 students or part thereof on each of the floors.

These requirements may be amended by the Commissioner in consultation with the Education Department of the State Government.

(2) Play Ground-

(a) In case of educational development by Educational Institution on their vacant land, at least 40% of the plot area at one place (inclusive of recreational area as required under Regulation No 27)shall be provided mandatorily for Play Ground. However as per these Regulations, for the educational purpose if additional FSI is due, then while allowing said due FSI, it is not necessary to increase the area of Play Ground.

(b) In case of educational development by Educational Institution on their land, if additional FSI is due and if the existing open area is less than 40% of the plot area, additional FSI can be sanctioned as per these regulations without reducing the open area further and without increasing the plinth coverage area, by ensuring structural stability of the existing building. Further where existing open area is more than 40%, then minimum 40% of plot area shall be maintained as open area (inclusive of recreational area as required under Regulation No 27) while allowing additional FSI as per these Regulations.

Note-

1) The permissible FSI shall be on the entire plot.

2) If existing Municipal Play Ground/POS is abutting to the plot of Educational Institute or may be across the road, then the provision of 40%

of play area within plot of Educational Institution may not be insisted upon if the combined play area available is at least 40% of plot area. Provided further, if ownership of Play Ground/POS having area at least 40% of area abutting to the plot of Educational Institute is vesting with the Educational Institution, then the provision of 40% of play area within plot of Educational Institution may not be insisted upon.

3)50% of the required Play Ground area may be allowed in stilt subject to condition that said carved out area will not be used for the parking or any other utility purpose by taking proper safety measures.

(II) ***Building for Medicaluse***-

For Hospital, Maternity Homes and Health Centre, Sanatorium, Multi-Specialty Hospitals:

a) minimum area of general wards shall be 40sq.m with no side less than 5.5m;

b) the basic requirements for building put to medical use shall conform to IS 12433:2001

(III) ***Public Building***-

A Crèche shall be provided as per the Regulation no 37(29)

39. Special Regulations for Differently abled persons

Differently Abled People

As per the provisions of the Persons with Disabilities Act, 1995, seven categories of disabilities have been identified viz., blindness, low vision, leprosy cured, hearing impairment, loco motor disability, mental retardation and mental illness. Persons falling under the above categories with a minimum of 40% disability arecovered under Differently Abled People. The provisions made under Differently Abled People are also applicable to elderly, pregnant women and mothers with small children on prams.

1 ***Scope***:

These bye laws are applicable to all existing and proposed public buildings & facilities having BUA more than 2000 sq.m.

In case of proposed residential buildings and public buildings/facilities having BUA less than 2000 sq.m the access path and walkways up to lift/staircase on ground level/stilt/podium fromdrop off zone shall be provided for differently abled persons.

2. ***Site Development***:

Level of the roads, access paths and parking areas shall be described in the plan along with specification of the materials.

2.1 Access path/walkway-

Access path from plot entry and surface parking to building entrance shall be of minimum 1.5 m width having even surface without any slope. Slope if any shall not have gradient greater than 1 in 20. Finishes shall have a nonskid surface with a texture traversable by a wheel chair. Where transfer has to be made from a vehicular surface to a pedestrian surface, the driveway and the pavement or footway surfaces shall be blended to a common level or ramp. Kerb Ramps shall be preferably provided.

(A) Kerb Ramps

Provision and Location	Kerb Ramps are to be provided where the vertical rise is less than 0.15m, located or protected to prevent obstruction by parked vehicles and should be free from any obstruction such as signposts, traffic lights, etc.
Dimensions and slopes	The gradient of a kerb ramp should not be steeper than 1:12, the flared sides should not be more than 1:10 and width should not be less than 0.9m.
Design and Finish	A slip-resistant surface, should be designed not to allow water accumulating on the walking surface, should not project onto the road surface

B) Drop-off Zone

Provision & Location	Drop-off zones if provided should be at the same grade as the driveway
Dimensions	• Min width of drop-off zone 1.5m, and min length 4.5m. • Change in level between the drop-off and the plinth
	should be through a ramp of maximum gradient 1:12
Design & Finish	The surface of the drop-off zone should be finished with a non-skid material

C) AccessPath:

Provision and Location	● At least one continuous unobstructed accessible route or accessible path of travel shall be provided which connects all accessible elements and spaces in a building or facility for Differently Abled individuals. ● An accessible route shall be provided from public transportation stops, accessible parking, passenger loading zones and public streetsor sidewalks to the accessible building entrances and liftsserved. ● Directional signs bearing the symbol shall be displayed at all other non-accessible entrances to direct to the accessible entrance. ● The access path should have an even surface without any slope.
Dimensions	Access path from plot entry and surface parking to building entrance shall be of minimum 1.5 m width and for atwo- way traffic, it should be 1.8 m wide.
Slope	● Slopeifanyshallnothavegradientgreaterthan1in20. ● Such access shall be free from protrusion, hazards, steps, kerbs other than dropper kerbs, doors or doorways which will impede the passage of a wheelchair, or other form of barrierwhich will prevent access by Differently Abled persons.
Design and Finish	● The surface of an access route shall be firm and non-slippery. ● Tactile guiding path is requirement to ensure visually impaired person familiarize with the road and path. It shall be avoided with the vehicular movement.

D) Ramps:

Provision and Location	● When the horizontal run of the approach ramp exceeds 9 m length, an alternative stepped approach (Refer Staircases section) is to be provided in addition to the ramp approach. ● Where there is a large change in elevation that requires multiple ramps andlanding combinations, other solutions such as elevators should be considered.

Design and Finish	• Single row of tactile warning blocks should be placed at beginning and end of each ramp at also at beginning and end of each run. • Ramps and landing surfaces should be slip resistant.

Dimensions

Level Difference	Minimum gradient	Ramp Width	Comments
≥ 0.15 m < 0.30 m	1:12	1.2 m	
≥ 0.30 m < 0.75 m	1:12	1.5 m	Landing every 5 m of ramp run
≥ 0.75 m < 3.0 m	1:15	1.8 m	Landing every 9 m of ramp run
≥ 3.0 m	1:20	1.8 m	Landing every 9 m of ramp run

2.2 Parking- For parking of vehicles by Differently abled individuals, the following provisions shall be made:

a) Minimum two surface parking spaces for the first 100 parking spaces and one parking space for next 200 parking spaces or part thereof shall be provided near entrance for the Differently abled persons with maximum travel distance of 30 m from building entrance.

b) The width of parking bay shall be minimum 3.6m.

c)The information stating that the space is reserved for wheel chair users shall be conspicuously displayed.

d) Indication/directional signage along driveway showing the way leading to the parking spaces reserved for Differently abled persons should be provided

3. ***Building Requirements***:

The specified facilities for the buildings for Differently abled persons shall be as follows:

1. Approach to plinth level.
2. Corridor connecting the entrance/exit for the Differently abled persons.
3. Stairways.
4. Lift.
5. Toilet.
6. Drinking Water.

3.1 Approach to Plinth Level- Every building shall have at least one entrance accessible to the Differently abled persons and shall be indicated by proper signage. This entrance shall be approached through a ramp together with the stepped entry.

3.1.1 Ramped Approach- Ramp to enter the building shall be finished with non- skid material. Minimum width of ramp shall be 1.5 m with maximum gradient 1:12. Length of ramp shall not exceed 9.0 m having 0.9 m high hand rail on both sides extending 0.3 m beyond top and bottom of the ramp. Minimum gap from the adjacent wall to the hand rail shall be 0.050 m.

3.1.2 Stepped Approach- For stepped approach size of tread shall not be less than0.3 m and maximum riser shall be 0.15 m with provision of 0.9 m high hand rail on both sides of the stepped approach similar to the ramped approach.

3.1.3 Exit/Entrance Door: -The details shall be as under:-

Provision & Location	Publicly accessible buildings should preferably have automatic/self-closing doors, instead of manual doors. Manual doors should be easyand light in operation. Revolving doors should be avoided, but, in cases where a revolving door is the single means of entry, adequate space to accommodate wheelchair users should be provided.
Dimensions	a. The minimum clear opening of doorways shall be 0.9 m measured between the face of the door and the face of the doorstop with the door open at 90° as illustrated in Sketch No 1 in Annexure23 b. Thresholds of doorways should not exceed12mm. Raised threshold and floor level changes at doorways should be leveled off with a slope on each side of threshold. c. Manual doors should incorporate kick plates 0.3 m-0.4 m high to withstand impact of wheelchair footrest (this is especially important where doors are glazed). d. All doors opening outwards (into a circulation space) should be fitted with vision panels between 0.9 m and 1.5 m from finished floor level. e. The doorway of a one-way swing door shall have maneuvering spaces on both sides for wheelchairs and the following clear spaces shall be provided adjacent to the leading edge of the door as illustrated in Sketch No 2 in Annexure23

	▸ On Pull Side–Minimum space of 0.6 m ▸ On Push Side–Minimum Space of 0.3 m Where two-way swing doors or sliding doors are used, a minimum space of 0.3 m adjacent to the leading edge of the door shall be provided on each side of the door. f. If frameless doors are used, it shall be prominently marked so as to make itvisible. g. Double action self-closing door shall have a check mechanism to prevent the door swinging beyond closed position

3.1.4 Entrance Landing- Entrance landing shall be provided adjacent to ramp with the minimum dimension 1.8 m x 2.0 m. It shall have a non-skid surface with a texture traversable by a wheel chair. Kerbs wherever provided should blend to a common level.

3.2 Corridor Connecting the Entrance/Exit for the Differently abled persons - The corridor connecting the outdoors to a place where information concerning the overall use of the specified building can be provided to visually impaired persons either by a person or by signs, shall be providedas follows:

a) The minimum width shall be 1.5 m

b) In case there is a difference of level, slope ways shall be provided with a slope of 1:12.

c) Hand rails shall be provided for ramps/slope ways.

d) No appliances, fixtures and fittings shall projectbeyond 90 mm from the surface of any wall in corridors, paths and lobbies below a level of 2000mm above the finished floor level unless they are unavoidable, in which case they shall also be extendeddownwards to the finished floor level or guided by tactile flowing materials.

e) To facilitate the way-finding for persons withvisual impairment, surfaces and finishes with luminous contrast between the wall and the ceiling, and between the wall and the floor should be adopted. Appropriate lighting designwith adequate illumination should be considered.

f) All corridors should have non-slippery-resistant surfaces.

g) A minimum luminous contrast of 30% should clearly define between wall, floor and door surfaces.

3.3 Stair Ways- One of the stair-ways near the entrance/exit for the Differently abled persons shall have the following provisions:

a) The minimum width shall be1.5m.

b) Height of the riser shall not be more than 0.15 m and width of the tread 0.3 m. The steps shall not have abrupt (square)nosing.

c) Maximum number of risers on a flight shall be limited to12.

d) Hand rails shall be provided on both sides and shall extend 0.3 m on both sides and shall extend 0.3 m on the top and bottom of each flight of steps.

e) The minimum clear headroom in pedestrian area such as walkways, halls, corridors, passageways or aisles shall be 2.2 m.

f) A detectable guardrail or other barrier having its leading edge at or below 0.580 m from the floor level shall be provided where the head room of an area adjoining an accessible route is reduced to less than 2.2 m as shown in the Sketch No 3 in Annexure 23

g) The provision of Braille and high luminous contrast signs is recommended along with tactile guiding path

3.4 Lifts- Wherever lift is required as per bye-laws, provision of at least one lift shall be made for the wheel chair user with the following cage dimensions:
Clear internal depth: 1.2 m
Clear internal width:1.4 m
Entrance door width: 0.9 m

a) A hand rail not less than 0.6 m long at 1.0 m above floor level shall be fixed adjacent to the control panel. Also,switch control /call button shall be at an operating height of 0.9 m to 1.2m.
b) The lift lobby shall be of an inside measurement of 1.8m x 1.8m or more.
c) The time of an automatically closing door should be minimum 5 second and the closing speed should not exceed0.25 m/sec.
d) The interior of the cage shall be provided with a device that audibly indicates the floor the cage has reached and indicates that the door of the cage for entrance/exit is either open or closed.
e) The gap between the lift floor and floor landing shall not be more than 12mm.
f) Grab bars shall be placed on all three internal sides of the lift car at a height of 0.9 m from the finished floor level. Grab bars shall not have a gap of wider than 0.15 m at the corners as shown in the Sketch No 4 in Annexure 23.
g) Audio announcement system in lift shall be provided.

3.5 Toilets- One special W.C. in a set of toilet with non-skid surface shall be provided for the use by the Differently abled persons with essential provision of wash basin near the entrance:-
a) The minimum size shall be 1.5 m x 1.75m
b) Minimum clear opening of the door shall be 0.9 m and the door shall swingout.
c) Suitable arrangement of vertical/horizontal handrails with 50 mm clearance from wall shall be made in the toilet.
d) The WC seat shall be 0.5 m from the floor. The flushing control shall

be mounted on the wide side of the cubicle at a height from 0.6 m to 1.05 m above the finished floor level.

e) The wash basin shall be mounted with the rim not higher than 0.75 m above the finished floor level. A clearance of 0.55 m shall be maintained from the finished floor level to the bottom of the apron.

f) Two horizontal grab rails not less than 0.35 m to 0.50 m shall be provided on the rear side and on other side (different side from the one with wash basin). Drop down vertical grab bars shall be provided on both sides of WC. Grab bars shall have 50 mm clearance from the wall. The grip space shall be 0.30 m clear of mounting wall. One folding grab rail on the wide side of the cubicle adjacent to the WC at a height from 0.725 m to 0.75 m above the finished floor level when lowered from the wall.

g) If more than one urinal is provided, at least one urinal shall have a clear leveled space of not less than 0.80 m wide x 1.5 m deep in front. A vertical grab rail near urinal.

h) An emergency call bell shall be provided in an accessible WC cubicle.

3.6 Drinking Water- Suitable provision of drinking water shall be made for the Differently abled persons near the special toilet provided for them.

3.7 Designing for Children- In the buildings, including toilet, meant for the predominant use by children, it will be mandatory to adjust the height of the handrail and other fittings and fixtures, etc. suitably.

3.8 Protruded objects in the common areas or common ways

1. Objects or obstructions, with their leading edges at any height above 0.580 m from the floor level shall not protrude more than 0.1 m in to pedestrian areas as illustrated in Sketch No 5in Annexure 23.

2. Objects or obstructions, with their leading edges upto a maximum height of 580 mm from the floor level, may protrude more than 0.1 m into pedestrian are as illustrated in Sketch No 5 in Annexure 23.

3. Free standing objects placed between the height of 0.58 m and 2.0 m from the floor level shall have an overhang of not more than 0.3 m as illustrated in Sketch No 6 in Annexure23.

4. The maximum height of the bottom edge of free standing objects with a space of more than 0.3 m between supports shall be 0.58 m from the floor level as illustrated in Sketch No 6 in Annexure 23.

3.9 Special requirements at public spaces like auditorium and theatre

Provision &Location Dimensions	a. In cinemas, theaters, concert halls, stadia or other places of publicrecreation where permanent fixed seating arrangement is provided, a minimum of two wheelchair spaces shall be provided for every 200 seats or less. Additional one wheel chair space shall be provided for every subsequent addition of 200 seats or part thereof accessible seating should be distributed and integrated throughout seating areas of assembly rooms with different vantage points accessible to all persons withdisabilities. b. Guideline: All entertainment and assembly areas should be able to cater for and accommodate Differently abled persons using various mobilityaids. c. Wheelchair spaces should be an integral part of anyseating plan. Efforts must be made to distribute such seating spaces throughout the seating area and in each pricing tier, arranged so as not to obstruct the view of persons who may beseated behind. The wheelchair spaces, each measuring 0.9 m x 1.2 m shall be located alongside the fixed seats to enable wheelchair users to sit together with their able bodied or ambulant companion.

3.10 Proper signage

a) Appropriate identification of specific facilities within a building for the differently abled persons should be done with proper signals.
b) Visually impaired persons make use of other senses such as hearing and touch to compensate for the lack of vision, whereas visual signals benefit those with hearing disabilities. Signs should be designed and located so that they are easily legible by using suitable letter size (not less than 20 mmhigh).
c) For visually impaired persons, information board in brail should be installed on the wall at a suitable height and it should be possible to approach them closely.
d) Directional signs and tactile guiding path should readily identify and provide a logical sequence from a starting point to a point of destination and a clear indication of return routes to the named exits. Clear indication of the existence of steps or ramps on a route should be provided at both ends of the route
d) To ensure safe walking, there should not be any protruding sign which creates obstruction in walking.
e) Public Address System may also be provided in busy public areas.
f) The symbols/information should be in contrasting colour and properly illuminated because people with limited vision may be able to differentiate amongst primary colours.

g) International Symbol Mark for wheel chair be installed in a lift, toilet, staircase, parking areas, etc., that have been provided for the differently abled

4.0 ***Design Guidelines – Streetscapes for Public Street***

Road Intersections, Median Refuge, Traffic Signals, Subways & Foot over Bridges

a. Guide strips should be constructed to indicate the position of pedestrian crossings for the benefit of people with visual impairments and have kerb ramps

b. Raised Median Refuges are to be cut through and levelled with the street and should have kerb ramps.

c. A colouredtactile marking strip at least 0.6 m wide should mark the beginning and the end of a traffic island, to guide pedestrian with visual impairments to its location.

d. Pedestrian traffic lights should be provided with clear audible signals and these acoustic devices should be installed on a pole at the point at the origin of crossing and not at the point of destination

e. Signages for Foot over bridges and Subways are to be provided.

f. There should be a provision of slope ramps/lifts at both ends to enable wheelchair accessibility.

g. Provisions of a side walk are to be followed

5.0 ***Guidelines and Provisions****:*

For details & additional information/guidelines reference may be made to following

1. The Handbook on Barrier Freeand Accessibility", (2014), Central Public Works Department,GoI
2. Model Building Bye-Laws, (2016), Town and Country Planning organisation, Ministry of urban Development, GoI.
3. "National Building Code", amended up to date (2005), Bureau of Indian Standards,
4. "National Policy for Persons with Disabilities", (2006), Ministry of Social Justice and Empowerment, GoI.

40. Lighting and Ventilation

(1) Adequacy and manner of provision- All parts of any habitable room shall be adequately lighted and ventilated. For this purpose, every room shall have -

(a) one or more apertures, excluding doors, with area not less than one-sixth of the floor area of the habitable room, with no part of any habitable room being more than 7.50 m away from the source of light and ventilation. However, a staircase shall be deemed to be adequately lighted and ventilated, if it has one or more openings, their area taken together measuring not less than 1 sq.m per landing on the external wall;

(b) an opening with a minimum area of 1 sq. m in any habitable room including a kitchen, and 0.3 sq. m with one dimension of 0.3 m for any bathroom, water closet or store;

(c) all the walls, containing the openings for light and ventilation fully exposed to an exterior open space either directly or through a balcony not exceeding 2m. in width provided that a room meant for non-residential user shall be considered as adequately lighted and ventilated if its depth from the side abutting the required open space does not exceed 12 m and in case centrally air-conditioned building may be allowed to be exceeded up to 20m.

(2)Artificial ventilation shaft- A bathroom, water closet, staircase or store/prayer room may abut on the ventilation shaft, the size of which shall not be less than the values given below;

Height of buildings in metres.(m)	**Cross-section of ventilation** shaft in sq. m	**Minimum dimension of one side of shaft** inmetres (m).
Upto 12	2.8	1.2
Upto18	4.0	1.5
Upto24	5.4	1.8
Upto30	8.0	2.4
Above 30	*9.0*	*3.0*

Mechanical ventilation system shall invariably be installed in such ventilation shafts. Further, such ventilation shaft shall be adequately accessible for maintenance.

(2) Artificial Lighting & Mechanical Ventilation- Where lighting andventilation requirements are not met through day-lighting and natural ventilation, they shall be ensuredthrough artificial lighting and ventilation in accordance with the provisions of Part VIII, Building Service Section I, Lightning and Ventilation, National Building Code.

(3)In any residential hotel where toilets are provided with a mechanical ventilation system, the size of the ventilation shaft prescribed in this Regulation may be suitably relaxed by the Commissioner

41. Open Spaces within Building Plots/Layout

(1) *(a)* ***Open spaces separate for each building or wing***. -The open spaces required under these Regulations shall be separate or distinct for each building and where a building has two or more wings, each wing shall have separate or distinct open spaces as required under these Regulations;

Provided that if one of the wings does not depend for light and ventilation on the open space between the two wings, the said open space shall be the one required for the higher wingor one required for deriving the light and ventilation whichever is higher.

Open spaces to be provided for the full consumption of FSI-The open spaces to be left at the sides and rear shall relate to the height necessary to consume the full FSI permissible, for the occupancy in the zone.

(b) Manner of computing front open space/setback where the street is to be widened-If the building plot abutsany road which is proposed to be widened underthe Development Plan or because of the prescription of regular lines of streets under the Mumbai Municipal Corporation Act, 1888, the frontopen space/road-side set back shall be measured from the resulting road widening line.

(c) The front open space shall be measured perpendicular to the road line. The open spaces for light and ventilation shall be measured perpendicular to the building line. The open spaces for dead wall shall be measured perpendicular to compound wall.

(2) Side and rear open space in relation to the height of the building for light and ventilation-

(i) ***Residential and Commercial Zones***-

(a) The open spaces on all sides except the front side of a building shall be as follows:

Table A

Sr. No.	Ht. of Building (H)	Side & rear marginal open space		Side & rear marginal open space	
		Plot up to 1000 sq. m or where average width/depth of plot is less than 20m		Plot size more than 1000 sq.m and average width/depth of plot more 20 m	
		Light & ventilation	Dead wall	Light & ventilation	Dead wall
1	Up to 32 m	Min - 3.6in case of Residential building &4.5 m in case of commercial building subject to H/5	3.6 m	Min- 3.6in case of Residential building &4.5 m in case of commercial building subject to H/4	3.6 m
2	More than 32 m &up to 70 m	H/5 subject to maximum 12m	6 m	H/4 subject to maximum 12 m	6m
3	More than 70m &up to 120m	----------		H/4 or 16 m Max.	9 m
4	More than 120 m	----------		20 m	9 m

Note i) Provision of glass facade without construction of dead wall inside the facade shall be treated as side deriving Light & Ventilation.

ii) In case of residential building Glass façade shall be permissible in the portion, which does not derive light and ventilation.

iii) In case of High Rise building with height more than 32 m the requirements of Fire Safety as specified in these Regulations/Fire Brigade Authorities shall be fulfilled.

Provided further that;

1. the open space for separation between any building and a single storeyed accessory building need not exceed 1.5m.
2. the marginal open space(distance)between building and LOS in the same lay- out shall not be less than 3 m.

   In respectof tolerated Buildings/Approved buildings, additional BUA in lieu of the subsequent set back createddue to prescription of Regular Line under MMC Act 1888/due to proposed widening of road by Appropriate Authority, after issuance of development permission/ Commencement Certificate, maybe permitted at upper floors with step-back to make up for deficiencies in the open space in case of new development as required under these Regulations subject to fulfillment of structural requirements or else TDR in lieu of subsequent set back area as provided under these regulations may be allowed.

(b) *Step-back at upper level*- The Commissioner may permit smaller step-backs at upper levels and also permit additional floor area upto a limit of 10sq. m over the permissible FSI to avoid structural difficulties or hardship but so as not to affect adversely the light and ventilation of an adjoining building or part thereof.

(c) *Tower-like structures*- Notwithstanding any provision to the contrary, a tower- like structure may be permitted only with 6 m open space at the ground level and onestep-back at the upper levels provided that the total height does not exceed 32m. If it exceeds 32m but doesnot exceed 70m, the minimum open space at ground level shall be6 m on rear and one side and 9mon another side accessible from road. In case of building exceeding the height of 70 m minimumopen space at ground level shall be 9 m and two step-back at upper level up to the height of 70 m and for the height more than 70 m and up to 120 m three step-backs and for the height beyond 120 m four step-backs may be allowed. The step-backs shall be provided in such a way that the required open spaces as perthe provisions of Regulation No. 41(1)(a), 41(2)(i)(a) & 43(1) are maintained at upper level. The terrace created by the step-back shall be accessible through a common passage and /or common staircase only.

Provided further that such step backs as stated above may also be allowed on one or more sides, however on other sides than the stepback, shall have to maintain the regular open spaces as per these regulations.

(ii) ***Industrial Zone***-

(a) Buildings upto 4 storeys or 16 m in height - The minimum width of the openspace around each building shall be 6m.

(b) Building more than 4 storeys or 16 m in height- The open space dimensionprescribed in (a) above shall be increased by at least 0.25m for every 1 m of height or part thereof, above 4 storeys or 16m.

Provided that no such increase in open spaces is necessary if (i) it is a front margin or (ii) when only store rooms and stairways derive light and ventilation from the openspace.

(3) ***Provisions in marginal open spaces if the height of the building is restricted*** - (a)Notwithstanding the provisions of sub-regulations (2)of this Regulation, the minimum open spaces in plots in residential and commercial zones may be relaxed to the values quoted in Table No 17 below, if the number of storeys are restricted to Ground and one upper floor or Stilt and two upper floors

Table No 17

Provisions in Open Spaces for Plots in Residential and Commercial Zones

Serial No.	Plot Area (Sq. m.)	Type of Development	Minimum open spaces (in meters) (4)		
(1)	(2)	(3)	Front	Rear	Side
1	21 and above but less than 30	Row	0.75 (ii)	1.5	…..
2.	30 and above but less than 40	Row	0.75 (ii)	2.25	….
3.	40 and above but less than 60	Row/Semi-detached	1.00 (ii)	2.25	1.0 (i)
4.	60 and above but less than 125	Row/Semi-detached	1.5	3.0	1.0 (i)
5.	125 and above but less than 250	Row/Semi-detached/ Detached	3.0	3.0	1.5 (i)

Explanation to Table No 17:

(i) Such side open space will not be required for row housing, but will be required for semi-detached structure which will have open spaces around the entire structure. Such side open space shall not be reckoned as the main source of light and ventilation for habitable rooms of the structure.

(ii) In plots, less than 60sq. m in area, no front open space need be provided if the means of access serving such plots is atleast 3 min width.
(iii) A row housing scheme developed as a block shall not be more than 45 m in length and the distance separating two such blocks shall not be less than 1.5 m.
(iv) Where the amenity open space is accessible from all the lay-out plots and has no exclusive means of access,the rear marginal open space in plots abutting such amenity open space shall not be less than 3m.

(b)In case of redevelopment in Gaothan/Koliada/Adivasi Pada with the height restricted to 4 storeys or maximum 14 m, the ground coverage of the structure shall not be more than 75% of the plot area and open spaces left at side and rear shall be as to consume the FSI as permissible and not to affectadversely the light and ventilation of adjoining buildings and to provide proper drainage facilities.

(4) Front Set-backs from the Street Line/Plot Boundary and set-backsfrom the zonal boundary in the different zones shall be as in Table No18 hereunder.

Table No 18

A. Front set-back from Street Line/Plot Boundary (inmeters)

Serial No. (1)	Location of plot (2)	Residential Zone (3)	Commercial Zone (4)	Industrial Zone (5)
1	On express highways or roads wider than 52 m	6.0	6.0	22.5
2	Areas located in -islandcity -elsewhere	 3.0 4.5	 4.5 4.5	 ** **
3	Away from road- -islandcity -elsewhere	 4.5 4.5	 4.5 4.5	 4.5 6.0
4	For plots in gaothans/Koliwadas/Adiwasipada, in suburbs extended suburbs smaller than 250 sq. m. i) streets less than 6m ii) streets 6m and more and less than9m iii) streets 9m andmore	 NIL 1.5	 N.A. N.A. N.A.	 N.A. N.A. N.A.

5	On island city roads listed below*	4.5	4.5	Not applicable

** Refer to sub-Regulations 41(2)(ii)of this Regulations.
*Gopalrao Deshmukh Marg (Pedder Road), Bhulabhai Desai Road, Babasaheb Dahanukar Marg (Carmichael Road), Salebhoy Karim Barodawalla Marg (Altamount Road), Gamadia Road (Walkeshwar Road), Bal Gangadhar Kher Marg (Ridge Road), LaxmibaiJagmohandas Marg (Nepean Sea Road), Nyayamurti Sitaram Patkar Marg (Hughes Road), Chowpatty Sea-FaceRoad, LalaLajpatrai Marg (Hornby Vellard), Dr. Annie Besant Road, Maulana Abdul Kalam Azad Road, Swatantrya Veer Sawarkar Marg (Cadell Road), Senapati Bapat Marg, Dr. Ambedkar Road from Byculla Bridge to Sion Causeway, Rafi Ahmed Kidwai Road.

NOTE:With the approval of the Corporation, the Commissioner may add, alter or amend this list of roads. For highrise buildings front marginal distance shall be as per Regulation No. 43.

B. Segregating distance from Zonal/plot Boundary in Industrial Zones (inmeters)

Serial No. (1)	**Location of plots (2)**	**Type of building (3)**	**Set-back in zones(m) (4)**
1	Island City	Industrial building	6 m
2	Island City	Residential building, if permitted, due to conversion of zone.	9 m
3	Island City	Other permissible non-industrial user if permitted in industrial zone.	(i) 6.00 m upto 32 m in height (ii) For heights, more than 32 m,6.00plus 0.25m for every meter or part thereof
4	Suburbs, extended suburbs and new reclamation areas at Wadala Salt Pans	Industrial Building- (a) If zone boundary coincides with the boundary of permanent public open space such as P.G. Garden, Parketc.	6m and 22.50 m in case of hazardous building9 mand 52.50 m in case of hazardous building

		(b)Otherwise	
5	Do.	Residential building ifpermitted due to conversion of zone.	9 m &52.50m (For obnoxious or hazardous industries adjacent to residential development.)
6	Do.	Other non-industrial users permitted.	(i) 6m upto 32min height. (ii) For height, more than 32 m, 6mplus 0.25m for every meter or part thereof.

Explanation to Table B-

(i) The minimum segregating distance between different zones shall be the distance as measured from the opposite edge of the road/Nalla/ Watercourse (existing or proposed) in which the zone happens to abut.

(ii) These segregating distances from the adjoining plot as stated above shall not be insisted upon where non-industrial development has already been permitted by conversion of zone in the said adjoining plot situated inIndustrial zone.

(iii) In the case of residential development and other non-industrial development permitted in the industrial zone, the area within the segregating distance as provided in the Table 18-B shall be planted with tress at the rate ofnot less than 5 per 100 sq.m of such area.

(5) Provisions in open spaces for plots in Reconstruction/ Redevelopment Schemes under the Maharashtra Housing and Area Development Authority Act, 1976, Slum Rehabilitation Authority and Redevelopment Scheme of municipal tenanted properties; in case of DCR 33(5), 33(6), 33(7), 33(7)(A), 33(7)(B), 33(9), 33(9)(A) ,33(9)(B), 33(10), 33(10)(A), 33(11), 33(15) and 33(20)(A)

The following provisions shall only be applicable in case of rehab and composite building. Composite building in Rehab schemeis the building where the rehab component is equal to or more than 50%.

(a) Notwithstanding the provisions contained in sub-Regulations (2) of this Regulation,

(i) For a building upto height 32 m the front open space shall be 3.0m.

(ii) For a building, up to height 32 m, side and rear marginal open spaces may be reduced to 3.0m.

(iii) for a building with height more than 32 m but upto 70 m the side and rear marginal open spaces shall not be less than 6 m and for a building with height more than 70 m the side and rear marginal open spaces shall not be less than 9 m and 12 m beyond 120 m subjectto fulfillment of fire safety requirement as specified in these Regulations.

(6).***Open spaces for various types of buildings-***

(a) Educational buildings, hospitals, mental hospitals, maternity homes, house of correction, assembly buildings, mangal karyalaya, markets, stadia, petrol filling and service stations:
A minimum space 6 m wide shall be left open on all sides from the boundaries of the plot.

(b) Cinemas/theatres:

(i) Front open space- A minimum open space 12 m wide from edge of the road or 37 m from the centre of National Highway/State Highway/Major District road, whichever is more is required.

Provided further that in case the cinema theater is proposed along with other permissible uses in building then open spaces as per requirement of special building will be considered deemed to be sufficient where waiting area for patron is provided within thebuilding

(ii) Side and rear open space- The side and rear marginal distances to be left open shall not be less than 6 mwide.

(c) For high rise and special buildings, the provisions as stipulated in Regulation No. 47(1) shallapply.

(7). Provisions regarding relaxation in open spaces in narrow plots-

(a) Narrow plots in residential and commercial zones, viz those less than 15 m wide or deepwill be permitted the relaxation shown in column 3 of Table No 19 hereunder subject to the restrictions in column 4 thereof.

Table No: 19

Open Space Relaxation in Narrow plots in Residential and Commercial Zones.

Serial No. (1)	Plot size/dimension (2)	Relaxation (3)	Restrictions on building (4)
1	Depth less than 15 m	Rear open space may be reduced to 3 m	No room except store-room and staircase derives light and ventilation from reduced open space.
2	Width less than 15 m but more than 11.5 m	Side open space may be reduced to 3 m	No room except store-room and staircase derives light and ventilation from reduced open space.
3	Depth less than 11.5 m but more than 9 m	Front open space may be reduced to 3 m and rear open space reduced to 1.8 m	(i) Depth of the building not to exceed 5.5m (ii) Height not to exceed, 5storeys or 15m.
4	Width less than 11.5 m but more than 9 m	One side open space may be reduced to 3 m and the other side open space may bereduced to 1.8 m	(i) Width of the building not to exceed5.5m (ii) Height not to exceed 5 storeys or 15m
5	Depth or width less than 11.5 m	Semi-detached structure on adjoining plots with open spaces as at Sr. Nos. 3 or 4 above.	(i) Depth of the building not to exceed 5.5m (ii) Height not to exceed 5 storeys or 15m
6	Depth or width less than 9 m	Open space may be reduced to 1.5 m all around	Only ground floor or stilt + one structure.

Explanation to Table No 19

1. No dimension of any building in a narrow plot shall exceed 30m. The relaxation in Table No 19 shall not apply to any narrow plot where in reconstruction/redevelopment scheme under the Maharashtra Housing and Area Development Authority Act, 1976 and Slum Act is undertaken

2. In areas when the majority of the plots is less than 11.5 m in width or depth, the Commissioner mayprescribe building lines in which row houses would be permissible.

3. For the purpose of this regulation plot area/ size shall be reckoned afterdeduction of 'area of the plot to be handed over to MCGM/ Appropriate Authority' under these Regulations.

(b) Narrow plots in industrial zones, viz. those having one dimension smaller than 16 m will be allowed the relaxation subject to the restrictions in Table No 20 hereunder.

Table No: 20

Open Space Relaxation in Narrow Plots in Industrial Zones

Sr. No	**Relaxation granted in or condition imposed on**	**Width less than 10.5 m**	**Depth less than 10.5 m**	**Width between 10.5 m. upto 12 m**	**Depth between 10.5 m. upto 12m**	**Width between 12m upto 18m**	**Depth between 12m upto18 m**
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**	**(8)**
1	Open space ...	Side open space may be reduced to 1.8 m	Rear open space may be reduced to 1.8 m	(i) May be reduced on one side to 4.5 m. (ii) The other side may be reduced to 1.8 m	May be reduced at the rear to not less than 1.8 m	One side open space may be reduced to 1.8 m	Rear open space may be reduced 1.8 m
2.	Building dimensions, etc.- (i) Maximum width	6 m	30 m	6 m	30 m	6 m	30 m
	(ii)Maximum depth	30 m	6 m	30 m	6 m	30m	6 m
	(iii) Maximum height	4.5 m	4.5 m	8 m	8 m	8 m	8 m
	(iv)No. of storeys	One	One	Two	Two	Two	Two

	(v) Walls	Dead walls 40 cm thick on both sides.	Dead wall 40 cm thick on the rear side.	Dead wall 40 cm thick facing the reduced open space, as in Serial No.(i), (ii)above of this column.	Dead wall 40 cm thick facing the rear side.	Dead wall 40 cm thick facing the reduce d open space.	Dead wall 40 cm thick facing the rear side.

Note: -

i) The restriction in Table No 20 shall not apply to any narrow plot where in reconstruction/redevelopment scheme under the Maharashtra Housing and Area Development Authority Act, 1976 and Slum Act is undertaken.

ii) For the purpose of this regulation plot area/ size shall be reckoned after deduction of 'area of the plot to be handed over to MCGM/ Appropriate Authority' under these Regulations.

(8) Interior open spaces (chowks)-

(a) Inner chowk-Unless it abuts on a front, rear, or side open space, the whole/part of one side of every room other than a habitable room shall abut on an interior open space, courtyard or chowk, whose minimum width shall be 3 m. Such interior space, courtyard or chowk shall be accessible at least on one side at ground floor level through a common passage or space. Further, the inner chowk shall have an area at all its levels of not less than the square of one fifth of the height of the highest wall abutting the chowk:

Providedthat the maximum dimension of an inner chowk may not be insisted more than the required open spaces as stipulated in this regulation.

Provided further that when any room (excluding the stairway bay, the bathrooms and water closet) depends for its light and ventilation on an inner chowk, the dimension shall be such as is required for each wing of the building.

(b) *Outer chowk*. - The minimum width of an outer chowk (as distinguished from itsdepth) shall be 2.4 m, but if the depth exceeds the width, the open space between the wings shall be regulated by Regulation 41(2)(i)(a), whenany habitable room depends on light and ventilation on such outer chowk. A recess less than 2.4 m wide shall be treated as a notch and not as a chowk.

(9).Open spaces to be unencumbered- Every open space whether interior or exterior shall be kept free from any erection thereon and shall remain open to the sky except the feature covered by the next Regulation42

42. Features permitted in open spaces

Certain features may be permitted in the prescribed open spaces except in case of high rise buildings where minimum clear marginal open space shall be observed as per Regulation 47(1) as enumerated below:

(i) **Permitted in the side or rear marginal open spaces**:

(a) Where the facilities in an existing building are inadequate, a sanitary block (i) not exceeding 3 m in height and 4 sq. m in carpet area. (ii) at least 7.5 m from the road line or the front boundary and 1.5 m from other boundaries and (iii) atleast 1.5 m away from the main building.

(b) Covered parking spaces at least 7.5 m away from any access road, subject to Regulation No. 44(6)(d)

(c) Suction tank, pump room, electric meter room or sub-station,garbage shaft/refuse chute, facility for treatment of wet waste in situ, space required for fire hydrants, electrical and water fittings,water tank, dust-bin, etc.

(ii) Other features permitted in open space:

(a) A rockery, well and well structures, plant nursery, water pool, or fountain swimming pool (if uncovered and only beyond the required open space as required under these Regulations), platform around a tree, tank, bench, gate, slide, swing, ramp, compound wall without affecting maneuverability of vehicles;

(b) A cantilevered and unenclosed canopy over each entrance and staircase not more than 5.5 m long may be permitted as specified in Regulation No 37(19)

(c) An unenclosed porch open on three sides, not more than 5.5 m in length parallel to the main building in front of common entrance only and except rear open space with level difference of 0.3 m in relation to the floor level as specified in Regulation No. 37 (18).No part of such porch shall be less than 1.5 m from the plot boundary.

(d) A balcony may be permitted as specified in Regulation No.37 (20).

(e) (i)A chajja, cornice, weather shade, sun-breaker; at lintel level, only and Vertical fins (excluding columns) projecting not more than 1.2 m from the face of the building. No chajja, cornice, weather shade, sun-breaker etc. shall reduce the width of the required open space to less than 2.5 m. Further chajja, cornice, weather shade, sunbreaker or other ornamental projections etc. shall be permissible upto0.60m in Gaothan area for the plots admeasuring upto 250 sq.m. However, in case of redevelopment scheme under Regulation No.33(7) where marginal distances are less, chajja projection maximum up to 0.45 m may be allowed.

(ii) The ornamental projection, flower beds, etc. projecting not more than 1.2 m from the face of the building. No ornamental projection, flower beds, etc. shall be permissible, which will reduce the width of the required open space to less than 2.5 m
(iii) Platform of width not more than 0.45 m and length 2.0 m at the height not less than 0.60 m above floor level for installation of Air-conditioning split unit not reducing the open spaces as per above

(f)(i) A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, its projection not exceeding 0.75m from the balcony or gallery face with a level difference of 0.6 m in relation to the floor level. However, in case of redevelopment scheme under Regulation No.33(7) where marginal distances are less, chajja projection maximum up to 0.45 m may be allowed.
(ii) The Ornamental projection, flowerbed etc. over a balcony or gallery, its projection not exceeding 0.75 m. from the balcony orgallery.
(iii) Platform of width not more than 0.45 m and length 2.0 m at the height not less than 0.60 m above floor level for installation of Air-conditioning split unit not reducing the open spaces as per above.
(g)Watchman's booth not over 3 sq. m in area. In case of larger layouts having plot area more than 4000 sq. m. and accessible from more than one public road, than watchman's booth of 3sq.m on each access road may be allowed, provided it is not highway. Watchman booth should be located in such way that it should not affect maneuvering of Fire Tender.

43. Height of Buildings

(1) Heightvis-à-vis the road width- The height of a building shall not exceed three times the total of the existing or prescribed width of the street on which it abuts and the required front open space. The restrictions of height of the buildingspelt out in this Regulation shall however, cease to apply in case where the plot fronts on road having width as specified in Regulation No.19 and where front marginal open space of minimum 9m in case of abutting road having width up to 9m & 12 m in case of abutting roadhaving width more than 12 m or more is available, provided that open spaces as on other sides are made available as required from the fire safety point of view.

Explanation- (i) "Prescribed width" here means the width prescribed in the DP or the width resulting from the prescription of a sanctioned regular line of the street under the MMC Act, whichever is larger.
(ii) If a building abuts two or more streets of different widths, it shall be deemed for the purpose of this Regulation to abut the wider street

Provided however, that restrictions on height spelt out in this Regulations shall not be applicable forreconstruction and redevelopment undertaken under Regulations 33(5), 33(6), 33(7), 33(7)(A), 33(9), 33(9)(B), 33(10), 33(10) (A), 33(11), 33(15) and 33(20) (A) of these Regulations.

(2) Buildings intended for hazardous godowns, storage of inflammable materials or storage of explosives shall be single-storeyed structures only.

(3) The height and character of an industrial chimney in the area for which clearance of the Civil Aviation Authorities is required under these Regulations shall be prescribed by the Civil Aviation Authorities.

44. Parking Spaces

Wherever a property is developed or redeveloped, parking spaces at the scale laid down in these Regulations shall be provided. When additions are made to an existing building, the new parking requirement will be reckoned with reference to the additional space only and not to the whole of the building and to the area where the use is changed.

(1) General Space Requirement-

(i) Types-The parking spaces mentioned below include parking spaces in basements, parking floor, and podium or on a floor supported by stilts, or on upper floors, covered or uncovered spaces in the plot.

(ii) Size of Parking Space-The minimum sizes of parking spaces to be provided shall be as shown below-

Type of Vehicle	Minimum size/Area of parking space
(a) Motorvehicle	2.5 m x 5.5m
(b) Scooter, Motor-cycle	3 sq.m (Least dimension shall be minimum 1.2m)
(c) Bicycle	1.4sq.m
(d) TransportVehicle / School Bus	3.75 m x 7.5m

Note- In the case of parking spaces for motor vehicles, upto 50 per cent of the prescribed space may be of the size of 2.3 m x 4.5m.

(iii) Marking of Parking Spaces-Parking spaces shall be paved and clearly marked for different types ofvehicles.

(iv) Maneuvering andother ancillary spaces- Off-street parking space must have adequate vehicularaccess to a street, and the area shall be exclusive of drives, aisles and such other provisions required for adequate maneuvering of vehicles.

(v) Ramps for Basement Parking-Ramps for parking in basements shall conform to the requirements of sub-regulations (16) of Regulation 37.

(2) Quantitative Requirements-Four wheeled auto-vehicles-Parking spaces for four wheeledauto vehicles shall be provided as in Table No 21 below, any fractional space of more than half resulting from the ratios in column (3) thereof being rounded off upward to the nearestinteger.

Provided that the Government may change parking requirements, as per the recommendations of the committee constituted by the Government in this regard.

Table No: 21

Off Street Parking Spaces

Sr. No. (1)	**Occupancy (2)**	**Parking Space required (3)**
1	(i) Residential	In the Island City areas, Suburbs and Extended Suburbs; One parking space for every. a) 4 tenements having carpet area upto45 sq.m each. b) 2 tenements with carpet area exceeding 45sq.m but not exceeding 60sq.m each. Provided further that in case of (a) & (b), at the option of owner/developer, may provide one parking for each tenement. c) 1 tenement with carpet area exceeding 60sq.m but not exceeding 90sq.m d) 1/2 tenement with carpet area exceeding 90 sq.m In addition to the parking spaces specified in (a), (b), (c) & (d) above, parking for visitors shall be provided to the extent of 25 per cent of the number stipulated above, subject to minimum of one.

Sr. No. (1)	Occupancy (2)	Parking Space required (3)
		Provided that for the redevelopment under Regulation 33(5), 33(6),33(7),33(7)(A),33(9),33(9)(B), 33(10) 33(10)(A),33(11 (A),33(15) & 33(20) (A)the parking shall be as follows. One parking space for every. a) 8 tenements having carpet area upto45sq.m each b) 4 tenements with carpet area exceeding 45sq.m but not exceeding 60 sq.m each c) 2 tenements with carpet area exceeding 60 sq.m but not exceeding 90sq.m each. d) 1 tenement with carpet area exceeding 90 sq.m
		In addition to the parking spaces specified in (a), (b), (c) & (d) above, parking spaces forvisitors shall be provided to the extent of 25 per cent of the number stipulated above, subject to minimum of one
	(ii)For five, four and three star hotels. For all starred categoryhotels	One parking space, for every 100sq.m of total floor area.
	(iii)For lodging establishments.	Oneparking space, for every 120-sq.m of total floor area of a lodging establishment.
	iv) For Hotels	One parking space forevery 100sq. m of total floor area of a lodging establishment b) For hotels and eating houses, one parking space for every 25sq.m of restaurantincluding hall, dining room, pantry & bar
2	Educational	One Parking space for35 sq.m carpet area of the administrative office area and public service area.
3	Assembly and assembly halls or auditorium (including those for	a) One parking space for 12 seats /persons. b) Without fixed seats, one parking space for every 15-sq.m of floorarea. c) For canteen, bar and restaurant additional parking required under these Regulations forother permissible users as per provisions made herein for such purposes

Sr. No. (1)	Occupancy (2)	Parking Space required (3)
	educational uses and hostels)	shall be provided.
4	Government or semi-public or private office business buildings	One parking space for every 37.5 sq.m of office space upto 1500 sq.m and for every 75- sq.m of additional space for areas exceeding 1500 sq.m in otherareas.
5	Mercantile (Markets, Departmental stores, Shops and other commercial uses). (I.T.Parks)	One parking space for every 40-sq.m of floor area upto 800 sq.m and one parking space for every 80-sq.m of space for areas exceeding 800 sq.m provided that no parking space needtobe provided for floor area upto 50 sq.m
6	Industrial	One Parking space for every 150-sq.m thereofsubject to a minimum of two spaces
7	Storage	One Parking space for every 150-sq.m thereofsubject to a minimum of two spaces
8	Hospitals and Medical Institutions	One parking space for every 150-sq.m of total floor area, except that it would be one parking space for every 600-sq.m of the total floor area in the case of Govt. and Municipal hospitals and Medical institutions. In addition, one parking space for ambulance parking measuring 10 m x 4 m for hospitals or medical institutions with bed strength of 100 ormore.
9.	Cinemas and theatres	Parking spaces equivalent to eight per cent of the total number of seats with additional parking as otherwise also required for other permissible users in conjunction with that of cinema/theatre.
10.	Shopping/Convenience Shopping (not included	One parking space for every 150-sq.m of total floor area in the case of shopping user witheach shop upto 20 sq.m in area and oneparking space for every 50-sq.m of total floorarea for shops each over 20 sq.m area.

Sr. No. (1)	Occupancy (2)	Parking Space required (3)
	Under Mercantile Occupancy)	
11	Stadia and Clubs (included under Assembly Occupancy)	One parking space for every 100 seats plus additional parking as in these Regulations foroccupancies like those of restaurants, etc.within such stadia or clubs

Note:

(i) In gaothan/koliwada/Adivasi padaareas and on narrow plots up to 9m in width, the requirement of parking spaces may not be insisted upon. Further in case of addition/ alteration/ reconstruction/ redevelopment of Heritage Grade I & II structures where plinth/ façade of building is required to be retained, requirement of additional parking spaces as per this Regulation, over and above the existing parking shall not be insisted.

(ii) The provision of parking spaces in case of redevelopment schemes underDCPR33(5), 33(6), 33(7), 33(7)(A),33(9), 33(9)(B),33(10),33(10)(A),33(11),33(15) & 33(20) (A) where sale component is proposed in separatebuilding or in case of non-composite building, may be allowed as per the regular development.

(iii) In case of uses of Data Centre, Data ware houses the requirements of the parking to the extent of 50% as stated in this regulation shall be permissible. However, in future if change of user/activity is sought in such case then provision of parking requirement as per this regulation will have to be provided.

(iv) In case of educational buildings Sr. No 2 of Table 21, school bus parking (3.75 m x7.5 m each) at the rate of 1 bus for 40 Number of students for 50% strength of students may be provided at the option of owner/ developer.

(3) Other vehicles- For all non-residential, assembly and non-assembly occupancies, 10 per cent additional parking spaces, subject to a minimum of two spaces shall be provided in addition to what is prescribed in these Regulations.

(4) Two wheeled motor cycle - Two wheeled motor cycle parking space one for every two residential tenements may be provided. For other occupancies, two wheeled motor cycle parking space equal to the required number of four wheeledparking spaces may be provided. If such

parking for two wheeled motor cycle is proposed, the same may be distinctly shown in theplan.

(5) Transport Vehicles- In addition to the parking spaces provided for mercantile (commercial) buildings like offices, markets, departmental stores and for industrial and storage buildings, parking spaces for transport vehicles shall be provided at the rate of one space for each 2000 sq.m of floor area or part thereof exceeding the first 400sq.m of floor area. The space shall not be less than 3.75mx7.5 m in size and more than 6 spaces need not be insisted upon.

(6) Parking Spaces: Where to be accommodated- The parking spaces including mechanical/automated may be provided-
(a) Underneath the building, in basements, podiums, within itsstilted portion, or on upper parking floors or in separate structures if exclusively used for parking.

Note:
(i) The deck parking inclusive of car lifts & passages thereto shall be counted in FSI. Moreover, in Mall, the provision of parking can be made at the floor level wherein shopping has been proposed, separated by the construction of shear wall with a gap of 1.5 m. between Mall building and parking floor.
(ii) Additional parking spaces beyond the parking spaces as stipulated in this regulation at the option of developer is proposed then the constructionarea for the additional parking to the extent of 25% shallbe allowed on payment of premium at the rate of 25% of ASR of open land (for FSI 1), beyond 25% andupto 50% on payment of premium at the rate of 50% of ASR of open land (for FSI 1) and beyond 50% on payment of premium at the rate of 100% of ASR of open land (for FSI 1). For this purpose, maximum area of construction per car parking space shall be considered at 40 sq. m including the area required for effective maneuvering, passages, slopes/ramps columns, car lifts etc.
(iii) Where entire parking is proposed by mechanical/automatic means, additional parking to the extent of 10% of the required parking shall be permitted free of FSI as vehicle holding area.

(b) In the side and rear open spaces, but not in the amenity open spaces, if-

(i.) they are unenclosed but uncovered except as provided in (d)below;
(ii.) they do not consume more than 50 percent of the open space;
(iii) a minimum distance of 3 m around the building is kept free of parking for proper maneuverability of vehicles;
(iv) they are at least 7.5 m from the road boundary in case of detached covered garages;

(v) the parking layouts meet the requirements of the Chief Fire Officer in the case of multistoried, high riseand special buildings.

(c) in a residential zone, beyond the compulsory side and rear open spaces stipulated in Sr. No g of Regulation 28 of, if other conditions under sub-rule (b) above are satisfied. Here the parking space may be an unenclosedcovered space.

(d) in a residential zone, with covered parking garages with open type enclosures of a size of 2.5 m x 5.5 m with a height of 2.75 m above ground level, at the rate of one covered garage for every 400-sq.m or part thereof of plot area, in side or rear open spaces, at a distance of not less than 7.5 m from any street line or the front boundary of the plot:

Provided that the same is 1.5 m from the building and the condition in (b) (v) above is compliedwith.

(7) Cinemas, Theatres and Assembly Halls-Subject to the provisions of sub regulation (6) above, in sites of cinemas, theatres, auditoria and assembly halls, one row of uncovered parking may be allowed in the front margin space of 12 m or more, if the clear vehicular access way is not reduced to less than 6m

(8) Common Parking Space if the total parking space required by these Regulations is provided by a group of adjoining property owners for their mutual benefit, such use of this space may be construed as meeting the off-street parking requirements under these Regulations subject to the approval of the Commissioner. If such commonparking space is proposed for a group of buildings, the owners of such buildings shall submit a parking layout thereof and also a registered undertaking stating that the area earmarked for the parking space will not be built upon.

45. Restrictions on Development in certain areas-

Height and other restrictions in certain areas

(A) Funnel of Vision

(a) ***Preserving the view from the Phirozshah Mehta Garden***-

Notwithstanding anything contained in these Regulations, to preserve the western view from the Phirozshah Mehta Garden on Malabar Hill, two funnels of visions have been marked on the land use(Development)plan of "D''Ward.

(i) No development will be permitted in the inner funnel of vision, and

(ii) a building within the outer funnel of vision shall not be erected or raised above Reduced Level 75.44; with reference to Town Hall Datum.

(b)***Preserving the eastern and southern view of the Backbay Area, Marine Drive***-

Notwithstanding anything contained in these Regulations, to preserve

the eastern and southern view of the Backbay and the Marine Drive area from Kamla Nehru Park on Malabar Hill, a funnel of vision has been marked on the land use(development) plan of "D''Ward.
No building shall in this funnel of vision shall be raised or erected to the height of more than 21.35 m or such lesser height as the Commissioner may prescribe which would include the terrace, staircase or lift room, elevated water storage tank or any other buildingfeature.
Provided that the Commissioner may, permit a building more than 21.35 m high after due consideration of the contoursof the area, surrounding developments and plot location, the objective being not to obstruct the view within the funnel ofvision. For his purpose the Municipal Commissioner shall get prepared a detailed report/ Model from IIT, Mumbai considering the datum level of each plot falling within the funnel, so as to ascertain the permissible height in such each plot.

(c)The Commissioner may, for reasons to berecordedinwriting, prescribe for any building or structure a maximum height, which may be less than that permissible otherwise under theseRegulations.

(d)The height restriction as in clauses (a) and (b) above will apply only to the portion of plot falling within the lines of the funnel of vision as marked on theDP.

(B) Height restrictions in the vicinity of aerodromes

(I) For structure, installations or buildings including installations in the vicinity of aerodromes,

a) The height shall be restricted to permissible top elevation as mentioned on Colour Coded Zoning Maps(CCZM) prepared by the Airport Authority of India (AAI) published on its website.
b) For any additional height beyond that mentioned in a) above, prior NOC from AAI shall be submitted.
c) For the areas depicted in red colour on CCZM prior NOC from AAI shall be submitted.

Note: Provided that if due to the aforesaid restrictions, the Zonal (Basic) FSI/Protected BUA as per Regulation No. 30 (C) cannot be consumed fully, then the unconsumed Zonal (Basic) FSI/Protected BUA can be availed in the form of TDR .

Note-
The height permitted by CCZM is indicated Above Mean Sea Level i.e AMSL Building height permitted i.e. Above Ground level (AGL) shall be calculated as CCZM height minus the site elevation of the plot.
Height of building (AGL)=CCZM height – site elevation.

Explanation(I) Irrespective of their distance from the aerodrome, even beyond the 20-km limit from the aerodrome reference point, no

building, radio masts or similar installation exceeding 150 m in height shall beerected without the permission of the Civil Aviation Authorities.

(II) The location of a slaughter house/abattoir/butcher house or other areas for activities like depositing of garbage which may encourage the collectionofhigh flying birds, like eagles and hawks, shall not be permitted within 10 km from the aerodrome reference point.

(C) Building sites abutting railway track boundary- Subject to the requirements of set-backs from roads and side and rear marginal open spaces under the relevant Regulations, no new construction of a building or reconstruction of anexisting building shall be allowed within a distance of half the height of the said building from the railway track boundary, and in any case not within a distance of 3 m from such boundary.

Building sites situated within 30 m from Railway Track Boundary:
No Objection Certificate from the concerned railway shall be insisted upon before granting Commencement Certificate for the proposed building between the railway track boundary and the distance of 30 m from it. The development of such plot shall be carriedout as per terms and conditions stipulated by the Railway Authority.

No NOC from Railway Authority will be required wherever any construction is undertaken beyond 30 m from the Railway track boundary subject to the condition that no part of building shall projectwithin 30 m from the Railway track boundary.

(D). ***Distance from electricity lines***- No verandah, balcony or the like shall be constructed/reconstructed or anyadditions or alterations shall be made to a building on a site within the distance stated belowfrom any overhead electric supply line:

		Vertically	Horizontally
(a)	Low and medium voltage lines and service lines	2.5 m	1.2 m
(b)	High voltage lines upto and including 33,000V.	3.7 m	2.0 m
(c)	Extra High voltage beyond 33,000 V.	3.7 m (Plus 0.3 m for everyadditional 33,000 V or part thereof)	2.0 m (Plus 0.3m for every additional 33,000 V or part thereof)

Explanation-

i. the minimum clearance as above shall be measured from the maximum sag for vertical clearance and maximum deflection due to wind pressure for horizontal clearance.

ii. In the development of plot affected by overhead transmission electric lines the portion of plot under overhead electric supply lines may be used as LOS as required under Regulation No 27 by observing all safety measures without allowing any habitable construction in the said LOS under said Regulation and shall be free of encumbrances.

iii. The electric company shall phase out removal of these overhead electric supply lines in time bound manner as per prevailing section of Central Electricity Authority Regulations, 2010.

(E) ***Other restrictions in height***- For the purpose of operational requirement of buildings, structures or installations or for the purpose of telecommunications or other forms of communications of the Departments of the Government of India or the State Government or public sector undertakings, the Commissioner may for reasons to be recorded in writing, restrict the height of any building in thevicinity of such buildings, structures or installation, and may also permit the prescribed heights to be exceeded for such buildings, structures or installations themselves or for any other statutory communication requirement.

(F) Restriction on Development of sites of existing Fuel Station-

In the redevelopment sites of existing filling and service station of Petrol, Diesel, Compressed Natural Gas or any other Motor Vehicle Fuel, change of use maybe permitted by retaining minimum area required as per these Regulations for existing filling and service station of Petrol, Diesel, Compressed Natural Gas or any other Motor Vehicle Fuel, for the uses as permissible under these Regulations with separate plot & access subject to NOC from Controller of Explosive and CFO.

(G) Structures not included in reckoning height-

The following appurtenant structures shall not be included inreckoning the height of a building except while considering the requirement of Civil Aviation Authorities and other statutory communications requirements:

Roof tanks and their supports, ventilation/air-conditioning shafts, lift-rooms and similar service equipment, stair covers, chimneys and parapet walls, architectural features not exceeding 1.5 m in height, television antenna, booster antenna, IT Equipment and wireless transmitting and receiving towers.

Govt. will prepare a separate policy. (**Kept in Abeyance)**

46. Signs and Outdoor Display Structures

(1) National Building Code to apply- The display of advertising signs and outdoor display structures on buildings and land shall be in accordance with Part X-Signs and Outdoor Display Structures, National Building Code of India as amended from time totime.

(2) Residential/Commercial/Industrial Building- The following non-flashing and neon signs with illumination not exceeding 40 Watt light-

(a) One name plate with an area not exceeding 0. 1sq.m for each dwelling unit/unit.

(b) For other uses, permissible in the zone, one identification sign or bulletin board with an area not exceeding 10 sq. m provided the height of the sign does not exceed 1.5m.

(c) "For sale" or "For rent"signs for real estate, not exceeding 2 sq. m in area provided they are located on the premises offered for sale orrent.

(3) No advertising sign or outdoor displaystructures shall be permitted on buildings of architectural, aesthetical, historical or heritage importance as may be decided by the Commissioner, or on Government buildings, save that in the case of Government buildings only such advertising signs or outdoor display structures may be permitted that relate to the activities of the said buildings and related programs.

(4) In no case, the sign/display structure erected on buildings shall exceed the height of topmost partof the Building/height prescribed by the Civil Aviation Authority

(5) No signs /display structure shall obstruct the light and ventilation of the building.

PART IX URBAN SAFETY REQUIREMENTS

47. Fire Protection Requirements

(1) ***General:*** The planning, design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, Fire Protection Chapter, National Building Code as amended time to time shall apply.

For high rise and special buildings, additional provisions relating to fire protection contained in Appendix I shall also apply,

(A) For proposal under regulations 33(5), 33(6), 33(7), 33(7)(A), 33(9), 33(9)(A), 33(9)(B), (10), 33(10)(A), 33(11), 33(15), 33(20)(A)

a) In caseof rehabilitation/composite buildings having height more than 32 m up to 70 m, at least one side other than road side, shall have clear open space of 6 m at ground level, accessible from roadside.

Provided, if the building abuts another road of 6 m or more, this condition shall not be insisted upon.

Provided if the building abuts on two roads having width of 6.0 m, the clear space of 9m shall be available including abutting Road in front of the building and the 6m roads shall be connected to the road of having width of at least 9m.

However, if podium is proposed it shall not extend beyond 6 m from building line so as to have clear open space of 6 m at ground level beyond podium accessible for fire appliances.

No ramps for the podium shall be provided in these side open spaces.

b) In case of rehabilitation/composite buildings having height more than 70 m, at least one side other than road side, shall have clear open space of 9 m at ground level, accessible from road side.

However if the podium is proposed it shall not extend beyond 6m from building line and shall have clear open space of 9m at ground level OR if the podium is proposed it shall not extend beyond 6m from building line and shall have clear open space of 6 m beyond podium & 9m at ground level with clear height of 4.5 m from ground to podium (below soffit of the beam) for accessibility of fire appliances.

No ramps for the podium shall be provided in these side open spaces.

(B) For the proposals, other than (A)above

(a) Buildings having height more than 32 m upto 70 m, at least one side, accessible from road side, shall have clear open space of 9 m at ground level.

Provided, if the building abuts another road of 6 m or more, and clear space of 9m at ground level is available including abutting road or building abuts another road of 9m then this condition shall not be insisted upon.

However, if the podium is proposed it shall not extend beyond 6m from building line and shall have clear open space of 9m at ground level. OR if the podium is proposed it shall not extend beyond 6m from building line and shall have clear open space of 6 m beyond podium & 9m at ground level with clear height of 4.5 m from ground to podium (below soffit of the beam) for accessibility of fire appliances.

No ramps for the podium shall be provided in these side open spaces.

(b) Buildings having height more than 70 m, at least two sides, accessible from road side, shall have clear open space of 9 m at groundlevel.

However, if podium is proposed it shall not extend beyond 6 m from building line and shall have clear open space of 9 m at ground level OR if the podium is proposed it shall not extend beyond 6m from building line and shall have clear open space of 6 m beyond podium & 9m at ground level with clear height of 4.5 m from ground to podium (below soffit of the beam) for accessibility of fire appliances.

No ramps for the podium shall be provided in these side openspaces.

(c) Courtyard accessible to firefighting appliances (fire engines and other equipment) shall be capable of taking the point load up to 10Kg/cm2.

(d) These open spaces shall be free from any obstruction & shall bemotorable.

Note-The additional fire safety requirements shall be as per fire manual approved by Municipal Commissioner based on the Fire Act andFire Protection Chapter of NBC amended time to time.

(2) Construction Materials:

a) All construction materialused instairways,corridors and façades shall be non- combustible/fire resistance.

b) Materials used for interior finishes shall not have a flame spread ability rating exceeding Class I, section 3.4.15.2 and 3.4.15.3 of Part 4 of National Building Code& amended from time totime.

(3) ***Exits***: Every building meant for human occupancy shall be provided with exits sufficient to permit safe escape of its occupants in case of fire or other emergency for which the exits shall conform to the following:

(i) ***Types:*** Exits should be horizontal or vertical. A horizontal exit may be a door- way,a corridor, a passage-way to an internal or external stairway or to an adjoining building, a ramp, a verandah or a terrace which has access to the street or to the roof of a building. A vertical exit may be a staircase or a ramp, but not alift.

(ii) ***General requirements:***Exits from all the parts of the building, except those not accessible for general public use, shall-

(a) provide continuous egress to the exterior of the building or to an exterior open space leading to the street;

(b) be so arranged that, except in a residential building, they can be reached without having to cross another occupied unit;

(c) be free of obstruction;

(d) be adequately illuminated;

(e) be clearly visible, with the routes reaching them clearly marked and signs posted to guide any person to the floor concerned;

(f) be fitted, if necessary, with firefighting equipment suitably located but not as to obstruct the passage, clearly marked and with its location clearly indicated on both sides of the exit way;

(g) be fitted with a fire alarm device, if it is either a high-rise, high-use or a special building so as to ensure its prompt evacuation;

(h) remain unaffected by any alteration of any part of the building so far as their number, width, capacity and protection thereof is concerned;

(i) be so located that the travel distance on the floor does not exceed the following limits:-

(i) Residential, educational and institutional:22.5 and 30 m with sprinklers in passages and Corridors.

(ii) Assembly, starred category hotels business, mercantile, industrial, hazardous occupancies and storage buildings: 30m

Note- The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above. When more than one exit is required on a floor, the exits shall be as remote from each other as possible:

Provided that, in case of high rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one of them opening directly to the exterior, to an interior open space or to any open place of safety.

(iii) Number and width of exits

The width of an exit, stairway/corridor and exit door to be provided at each floor in occupancies of various types shall be as shown in columns 3 and 5 of Table No 22 here under. Their number shall be calculated by applying to every 100-sq.m of the plinth or covered area of the occupancy, the relevant multiplier in columns 4 and 6 of the said Table, fractions being rounded off upward to the nearest whole number.

Table No: 22

Width and Number of Exits for various Occupancies

Serial No. (1)	Type of Occupancy (2)	Stairway/Corridor Minimum width in m (3)	Multiplier (4)	Door Minimum width inm (5)	Exit Multiplier (6)
1	Residential Dwellings row-housing/Duplex Flats (2 storeys) hotels	1.2 0.90 1.5	0.145 0.213 0.107	….	0.053
2	Educational- -upto 32m high -over 32 m high	1.5 2.0	0.333 0.250	…. ….	0.667
3	Institutional i.e.Hospitals- -upto 10 beds -over 10 beds	1.5 2.0	.089* .067*	….	0.044 0.044
4	Assembly** -fixed seats or loose seats and dance floor. -no seating facilities and dining rooms	…. 2.0 2.0	…. 0.694 0.278	1.0 …. ….	…. 0.926 0.370
5	Mercantile- -street floor and basement -upper sales floors	1.5 1.5	0.222 0.111	……	0.222 0.111
6	Business, Industrial	1.5	.067	….	0.067
7	Storage	1.5	.022	….	0.022
8	Hazardous	1.5	.133	….	0.125

*For the dormitory portions of homes for the aged, orphanages, mental hospitals, etc., these multipliers shall bedoubled.

**The plinth or covered area shall include, in addition to the main assembly rooms or space, any occupied connecting room or space in the same storey or in the storey above or below where entrance is common to such rooms and space and they are available for use by the occupants of the assembly place.

No deductions shall be made in the gross area of the corridors, closets or other sub-divisions. All space serving the particular assembly occupancy shall be reckoned.

48. Requirements of Exits

The detailed requirements of individual exits at each floor are given below:

(1) Corridors:

(a) Exit corridors shall be of a width not less than the total required width of exit doorways leading from them in the direction of travel to the exterior/stairway.

(b) Where stairways discharge through corridors, the height of the corridors shall not be less than 2.4m.

(c) Where there is more than one staircase serving a building, there shall be at least one smoke-stop door in the space between the staircases.

(2) Doorways:

(a) Every exit doorway shall open into an enclosed stairway, a horizontal exitor a corridor or passageway providing continuous and protected means ofegress;

(b) An exit doorway shall open outwards i.e. away from the room, but shall not obstruct the travel along any exit. No door, when opened, shall reduce the required width of a stairway or landing to less than 90 cm.

(c) An exit door shall not open immediately upon a flight of stairs; a landing equal to at least the width of the door shall be provided in the stairway at each doorway; the level of the landing shall be the same as that of thefloor which it serves.

(d) Exit doorways shall be open able from the side which they serve, without the use of akey.

(3) Revolving doors:

(a) Revolving doors shall not be used as required exits except in residential, business and mercantile occupancies; they shall not constitute more than half the total required door width.

(b) When revolving doors are considered as required exit ways-

(i) the multiplier in Table 22 shall be increased by 33 1/3 per cent, and;

(ii) revolving doors shall not be located at the foot of a stairway. Any stairway served by are volving door shall discharge through a lobby or foyer.

(4) ***Internal stairways***-

(a) Stairways shall be constructed of non-combustible materials through out.

(b) Any interior staircase shall be constructed as a self-contained unit with at least one side adjacent to an external wall and shall be completely closed.

(c) A staircase shall not be arranged around a lift shaft unless the latter is entirely enclosed by a material of fire resistance rating as that for type of construction itself. For high rise and special buildings, the staircase location shall be to the satisfaction of the Chief Fire Officer.

(d) In high rise and special buildings, access to main staircases shall be gained through at least half-an-hour fire-resisting automatic closing doors, placed in the enclosing walls of the staircases. They shall be swing type doors opening in the direction of the escape.

(e) No living space, store or other space, involving fire risk, shall open directly into a staircase.

(f) The external exit door of a staircase enclosure at ground level shall open directly to the open space or should be accessible without passing through any door other than a door provided to form adraught lobby.

(g) In highrise and special buildings, exit signs with arrows indicating the escape route shall be provided at a height of 1.5 m from the floor level on the wall and shall be painted with fluorescent paint. All exitway signs should be flush with the wall and so designed that no mechanical damage to them can result from the moving of furniture or other heavy equipment.

(h) Where a building has a single staircase, it shall terminate at the ground floor level, and the access to the basement shall be by a separate staircase. Where the building is served by more than one staircase, one of the staircases may lead to the basement level, by either a ventilated lobby or a cut-off screen wall without opening, having a fire resistance of not less than 2 hours with discharge point attwo different ends or through enclosures. It shall also be cut-off from the basement area at various basement levels by protected and ventilated lobby/lobbies. Staircase leading from basement shall be staggered at ground floor and then diverted to upper floors

***(5) (A) Additional Staircase**:*

(a) In case of high-rise Residential buildings of 70 m or less, additional staircase shall be necessary.

Provided, however, it will not be necessary, if,

(i) Travel distance does not exceed that mentioned in sub regulation (3)(ii)(i) (i&ii)of regulation 47and;

(ii) If floor area on any floor does not exceeds 500 sq.m

Note:These staircases shall be of enclosed type having minimum width of 1.5 m.

(b) Buildings having height 70 m or more, shall be provided with two enclosed type staircases, each having width not less than 2.0 m.

(c) Whenever two staircases are necessary, both the staircasesshall open &terminate at ground floor or to any other place of safety. The staircases shall be as remote as possible from each other

(d) Staircase leading frombasement shall be staggered at ground floor and then diverted to upper floor

(e) The fire escape staircase other than one required per building/wing shall be free of FSI without charging premium.

(B)In caseof Institutional/Special Buildings, non-residential high-rise buildings minimum two staircases shall be necessary.

***(6) Fire Escape Balcony**:*

(a) For industrial buildings, a fire escape balcony not exceeding 1.5 m in width shall be provided at the periphery of every floor level and shall be connected to staircase and shall have a railing / parapet of 1.1 m height on external sides.

(b) Requirement of Fire Escape Balcony

(i) It shall always be kept free from obstructions &no partitions shall be erected.

(ii) It shall be provided with wall type sprinklers at everyfloor level.

Note: Fire Escape balcony shall be counted in FSI.

(7) Ramp:

(a) All the requirements of sub regulation (4)of this Regulation shall apply to any ramp as they apply to a staircase.

(b) Ramps shall lead directly to outside open spaces at ground level or courtyards or other safeplaces.

(c) In a high rise and special building, access to ramps from any floor shall be through a smoke-stop door.

(8) Refuge area

(a) (i) The refuge area shall be preferably provided within building line at floor level.

(iii) In case of high rise buildings having height more than 32 m, first refuge area shall be provided at 24 m or at 1st habitable floor, whichever is higher. Thereafter, the refuge area shall be provided at every 7th habitable floor. The refuge area shall be 4% of the habitable floor area it serves, and will be free of FSI. With the permission of Commissioner due to planning constraints it may be allowed to be exceeded up to maximum limit of 4.25%. If it exceeds 4.25%, the excess area shall be counted in FSI.

(b) For buildings having height upto 70 m, as an alternate, Refuge areas can be provided as RCC cantilever projections at the alternate mid-landing levels of staircase, free of FSI. Each refuge area at mid-landing shall have a minimum width of 3.0 m, and minimum areaof10.0 sq.m for residential and 15 sq. m for non-residential buildings.

(c) In case of buildings upto 32 m height, the terrace floor of the building shall be treated as the refuge area.

(9) ***Fire Escape Chutes/ Controlled Lowering Device for evacuation***-

(A) (i)High rise building having height more than 70 m shall necessarily be provided with fire escape chute shaft/s for every wing adjacent to staircase.

(ii) Walls of the shaft shall have 4 hours' fire resistance.

(iii) One side of the shaft shall be at external face of the building with proper ventilation.

(iv) The dimension of the shaft shall not be less than 2.5 m x1.5m.

(v) The access to the fire escape chute's shaft shall be made at every floor level from lobby area or from staircase mid-landing with self-closing door having fire resistance of at least one hour.

(vi) The fire chute shall be of staggered type with landing of each section at the vertical height of not more than 21m.

Alternatively,

(B) For High rise building having height more than 70 m,shall beprovided with fire tower at landing/mid-landing level with smoke check lobby with fireman lift being integral part of the fire escape staircase or fire evacuation lift (Hydro

pneumatic/ electrically operated) on the external face of the building having opening within the fire escape staircase at landing/ mid-landing level with smoke check lobby as approved by CFO shall be provided.

Note- Both the smoke check lobby with evacuation lift shall have positive level difference of minimum 75 mm with respect to staircase landing or mid-landing level to avoid ingress of water in fireman lift shaft.

49. Structural Safety and Services

(1) ***Structural Design****:*

(a) The structural design of foundations, elements made of masonry, timber, plain concrete,reinforced concrete, pre-stressed concrete and structural steel shall conform to the provisions of Part VI Structural Design Section1 - Loads, Section 2- Foundation, Section 3-Wood, Section4- Masonry, Section 5-Concrete, Section 6- Steel, National Building Code of India and as per relevant IS code.

(b) The structural design shall comply with Indian Standard Codes of structural design for structural safety, seismic safety and against cyclone/ wind storms as listed below and as amended upto date:

a. Indian Standard Code of Practice for Earthquake Resistant Design IS1893, IS4326

b. Indian Standard Seismic Code of Practice for Seismic Design IS1893(Part1):2002

c. Indian Standard Code of Practice for Wind Pressure (IS:1875Part3-1987)

d. IS Code as would be made applicable by Bureau of Indian Standard from time to time

(2) Structural Safety for Protection of Buildings against Natural Hazard:

It will be the responsibility of the structural engineer on Record for adequacy of structural design & safety of structure as specified in as per sub-regulation (1) above and execution of work as per structural design.

The instructions of structural engineer structural design, safety & execution of work are binding on owner/ developer & professionals on record including contractor engaged for the work. The noncompliance of the instructions of the structural engineer shall be intimated to Commissioner.

In Natural Hazard, prone areas viz, Earth quake Prone areas as per IS: 1893,the cyclone prone areas as per IS: 875 Part-3 andflood prone areas as per the Flood Atlas prepared by the Central Water Commission and/

or the Disaster Management Department of MCGM, development shall be regulated to ensure special protection from hazards for any type of development irrespective of use of zones.

The supervision certificate and the completion certificate of every such building shall contain a certificate recorded by the Structural Engineer that the norms of IS: 1893-2002 have been followed in the design and construction of buildings for making the buildings resistant to earthquake and compliance with other structural safety and fire safety requirements

(3) ***Quality of materials and workmanship****:*

i. The quality of all materials and workmanship shall conform to accepted standards and Indian Standard Specifications and Codes as included in Part V Building Materials andPart-VII Constructional Practices and Safety, National Building Code ofIndia amended from time to time.

ii. All burrow pits dug in the course of construction and repair of buildings, roads, embankments, etc.,shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly stepped for discharge into a river, stream, channel or drain, and no person shall create any isolated burrow pit which is likely to cause accumulation of water that may breed mosquitoes.

(4) Tests:

Whenever there is insufficient evidence of compliance with the provisions of these Regulations or evidence that any material or method of designor construction does not conform to the requirements of these Regulations, in order to substantiate claims for alternative materials, designs or methods of construction, the Commissioner may require tests, sufficiently in advance, as proof of compliance. These tests shall be made by an approved agency at the expense of the owner as follows:

(1) ***Test Methods:*** Test method shall be as specified by these Regulations for the material or design or construction in question. If there are no appropriate test methods specified in these Regulations, the Commissioner shall determine the test procedure. For methods of tests for building materials, reference shall be made to the relevant Indian standards as given in the National Building Code of India published by the Bureau of Indian Standards.

(2) ***Test Results:*** Copies of the results of all such tests shall be submitted to the Commissioner.

50. Building services

(1) ***Electrical installation:*** The planning, designand installation of electrical air- conditioning and heating work shall conform to the provisions of Part VIII Building Service Section 2- Electrical Installations. Section 3- Air-conditioning and Heating National Building Code ofIndia.

(2) Lifts:

(a) ***Planning and design:***The planning and design of lifts including their number, type and capacity depending on the occupancy of the building, the populationon each floor based on occupant load and the building height shall be in accordance with section 5- Installation of lifts and Escalators, National Building Code of India.

(b) Maintenance:

(i) The lift installation should receive regular cleaning, lubrication, adjustment and adequate servicing by authorized competent persons at such intervals as the type of equipment and frequency of service demand. In order that the lift installation is maintained at all times in a safe condition, a proper maintenance schedule shall be drawn up in consultation with the lift manufacturer and rigidly followed. A log book to record all items relating to general servicing and inspection shall be maintained. Theelectrical circuit diagram of the lift with the sequence of operation of different components and partsshall be kept readily available for reference by persons responsible for the maintenance and replacement, where necessary, to the satisfaction of the competent authority i.e., Lift Inspector of the Government of Maharashtra.

(ii) Any accident arising out of operation or maintenance of the lifts shall be duly reported to the competent authority i.e., Lift Inspector of the Government of Maharashtra.

PART X SPECIAL PROVISIONS

51. Parking Authority

MCGM, with approval of Corporation in consultation with GoM, shall constitute a Parking Authority at MCGM level to plan, regulate and manage all on/off street parking and public parking places under the physical jurisdiction of Greater Mumbai. The constituted Parking Authority, inter alia, will fix and promulgate parking fees as well as penalties for various areas/zones in MCGM.

52. Conservation of Heritage

1. Definition:

(i) "Conservation" means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.

(ii) "Preservation" means and includes maintaining the fabric of a place in its existing state and retarding deterioration.

(iii) "Restoration" means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components.

(iv) "Heritage Site" means the area within the boundary / extent of the heritage building / Precinct / natural area included in the heritage list and as shown on the map.

(v) "Natural heritage site" shall include, natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, heritage conservation or natural beauty; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of ecology or conservation; natural features consisting of physical and biological formations or groups of such formations, which are of outstanding (special) value from the aesthetic or scientific point of view.

2. Applicability:

This Regulation shall apply to the heritage listas shall be notified by GoM from time to time (hereinafter referred to as Listed Heritage Buildings/Structures/ Precincts/Sites) and to any draft Heritage List (s) as published by the GoM. /Municipal Commissioner.

3. Restriction on Development/Redevelopment/Repairs, etc.:

i. Development, additions / alterations, repairs, restoration, in respect of graded heritage buildings or buildings in heritage precincts or heritage sites shall be in accordance with the provisions mentioned at 9 (C & D) of this regulation.

ii. Provided that inexceptional cases, for reasons to be recorded in writing, using his powers of special permission, the Commissioner, may overrule the recommendation of the MHCC. The decision of the Municipal thereon shall be final.

iii. In relation to religious buildings in the said List, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts or as a part of holy practices laid down in religious codes shall be treated as permissible, subject to their being in accordance and consonance with the original structure and architecture designs, aesthetics and other special features thereof. Provided that before arriving at his decision, the Commissioner shall take into consideration the recommendations of the Mumbai Heritage Conservation Committee.

4. Preparation of list of Heritage Buildings and Heritage Precincts:

The said heritagelist to which this Regulation applies shall not form part of this Regulation for the purpose of Sections 37of the MR&TP Act, 1966. This List may be supplemented, altered, deleted or modified from time to time by Government on receipt of proposals from the Commissioner or by the Government suo-motu, provided that objections and suggestions from the public be invited and duly considered by the Commissioner and/or by GoM before notification.

Provided that any draft list which is published and pending for the approval of GoM shall, in the interim period, be deemed to be part of the heritage list and provisions of this regulation shall be applicable to the said draft list

5. Grant of Transferable Development Rights in case of loss of Development Rights

Owners of heritage buildings, structures, sites will, on application for preservation /conservation/restoration of the heritage buildings/structures/ sites orif any application for development of Heritage Building/s is refused under this Regulation and conditions are imposed while permitting such development which deprive the owner/lessee of any unconsumed DRs will be entitled for grant of DRC in terms of TDR as provided in these Regulations.The extent of TDR permissible will be the difference between Zonal (basic) FSI plus area of plot and the consumed BUA of theHeritage structure. The grant of TDR shall be subject to a contract between the owner/lessee and MCGM

binding the owner/lessee to conserve the heritage building in the prescribed manner as recommended by MHCC and approved by Municipal Commissioner. In such cases the potential of the plot shall be perpetually reduced to the extent of existing BUA of the Structure.

The TDR may be given in two stages

i. An appropriate % of the available DRC after approval of plans for the conservation of the heritage structure will be granted by the Municipal Commissioner on the recommendations of the MHCC.

ii. After getting completion certificate for the conservation of the heritage structure from the appropriate authority and on recommendation of the MHCC, whatever is considered appropriate of the residual or entire residual DRC will be granted by the Municipal Commissioner.

6. Maintaining Sky-Line:

Buildings included in listed/published draft Heritage Precincts shall, as far as possible, maintain the sky-line in the precincts as may be existing within the Precinct boundaryexcluding any high-rise new development.so as not to diminish or destroy the value and beauty of the said listed Heritage buildings/Heritage Precincts. The development within the precincts shall be in accordance with respective Precinct guidelines as formulated by the Municipal Commissionerin consultation with MHCC or as may be decided by the MunicipalCommissioner, shall require sanction by Government.Guidelines for display of hoarding, sinage, advertisement boards, street furniture, pavement shall be formulated by the MHCC.

7. Heritage Conservation Fund:

Non-cessed buildings included in the said list shall be repaired/restored by the owners/lessees of the said buildings themselves or if they are cessed buildings, those can be repaired/restored by MHADA or by the owner or by the Co-operative Society of the owners and/or occupiers of thebuilding. With a view to give monetary help for such repairs/restoration, a separate fund may be created, which would be kept at the disposal of the Commissioner, who may consult Heritage Conservation Committee while disbursement of such funds. Provisions for such a fund may be made through District Planning and Development Council Budget or any other budget.

8. Development Plan Reservation:

If there are any DP Reservations on listed heritage structure and due to development of such site if adversely affects its character, then Municipal Commissioner on recommendation of MHCC shall initiate the process of modification/deletion of such reservation following due procedure.

9.Grading of the Listed Buildings/Sites & Listed Precincts:

In the last column of the said list of Heritage Building, Heritage precincts, "Grades" such as I, II, or III have been indicated. The chart showing definition of these Grades and and Precincts, objectives, scope for changes and procedure for obtaining development permission are as follows

Grade – I	**Grade – II**	**Grade – III/PRECINCT**
A. Definition – Heritage Grade – I comprises buildings, and sites of national or historical importance, embodying excellence in architectural style, design, technology and material usage; they may be associated with a great historical event, personality, movement or institution. It may also comprise natural sites of heritage value eg. Waterfronts, creeks, mangroves, Hillocks, forestlands, open spaces, etc.They have been and are the primelandmarks of the City. Vista of Grade I : An area within 100 m. Periphery or as may be delineated on plan by the Municipal Commissioner in consultation with MHCC shall be considered as the vista of a Grade –I structure/ entry.	A. Definition – Heritage Grade - II comprises building/ precincts, of regional or local importance, possessing special architectural or esthetical merit or cultural or historical value, though of a lower order than that of Heritage Grade - I. They are local landmarks contributing to the image and identity of the city. They may be the work of master craftsmen or may be models of proportion and ornamentation, or designed to suit particular climate. Heritage Grade - II buildings within the premises (open space/compound) of which independent/ separate additional building(s) /structure(s) may be permitted to be constructed, owing to the availability of adequate surrounding open space and unconsumed FSI, have been assigned Grade- IIB. The remaining Grade- II buildings have been assigned Grade – IIA.	A. Definition – Grade – III Heritage Grade -III Comprises buildings and precincts of importance for townscape, they evoke architectural aesthetic or sociological interest though not as much as in Heritage Grade – II. These contribute to determine the character of the locality, and can be representative of a life style or a particular community or region and may also be distinguished by setting ona street line or special character of the façade and uniformity of height, width andscale. PRECINCT A. Definition – A heritage precinct is an area of heritage value and cultural significance. Such area within a specified boundary may possess a setting reminiscent of significant urbanscape / townscape attributes and comprising a

Grade – I	Grade – II	Grade – III/PRECINCT
		number of buildings and spaces, within a structure of streets / roads and other landscapes and qualifies to have cultural or heritage significance worthy of recognition and conservation. Such area espouses special quality of cohesiveness (mass, scale, style, architecture etc.) between its various elements, lending a unique sense of place and cultural setting.
B. Objective–Heritage Grade – I richly deservescareful preservation.	B. Objective— Heritage Grade – II deserves intelligent conservation.	B.Objective— Grade – III Heritage Grade -III Deserves protection of unique features and attributes. PRECINCT Precincts deserve sensitive development in terms of mass, scale, setting and require conservation of its heritage and cultural significance.
C. Scope for Changes – i)No interventions would be permitted either on the exterior or interior unlessit is necessary in the interest of strengthening and prolonging the life of the buildings or any part or features thereof. For this purpose, absolutely	Scope for development --- Grade - II A: In addition to the scope for development permissible for Grade – I,internal changes, and adaptive reuse may be generally allowed. In certain circumstances, extension of a Grade - IIA heritage building may also be allowed; provided that such extension shall be in	Grade – III External and internal changes and adaptive reuse would generally be allowed. Changes can include extensions /additional buildings in thesame plot or compound provided that extension /additional building is in harmony

Grade – I	Grade – II	Grade – III/PRECINCT
essential and minimum changes would be allowed and they must be inaccordance with the original. Repairs shall follow conservation norms based on proven standards with use of like to like or similar material. ii) Additional buildings /newinterventions in a Grade-Icomplex shall bepermitted only if the development does not mar the grandeur, scale, setting and view of the main Grade-I structureand the new development is in harmony with the main heritage structure. iii) Development in surrounding area/vista : All the development (excluding repairs) in the vista of a Grade - I heritage,within 100 m. Periphery oras may be delineated onplan, shall be regulated and controlled ensuring that it does not mar the grandeur of or views from Heritage Grade – I. Development permission may be granted within this Regulated area provided that the proposed development	harmony with (and shall not detract from) the Grade – II A heritage building concerned or precinct, especially in terms of height and/or façade. External changes too may be permitted, subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects/features of Grade – II A building concerned. Grade –II(B): In addition to above, additional building(s) in the same plot or compound may, in certain circumstances, be allowed; provided that, such additional building(s) shall be in harmony with (and shall not detract from) the Grade-IIB heritage building(s) or precinct, especially in terms of height and/or façade and such building shall be termed as Grade- II (B).	with and does notdetract from the existing heritage building / precincts especially in terms of height and/or facade. ii) Reconstruction / redevelopment shall be allowed with the permission of Commissioner as detailed below. PRECINCT i) Sensitive additions, alterations, extensions, interior renovations shall be permissible but these should not alter the character of the precinct. The new interventions could be contemporary but subtle or inspired by the original character but should not be a pastiche/ tasteless imitation of it. ii) Essential structural and nonstructural repairs shall be allowed for structural stability while retaining the original architectural features. iii) Reconstruction / redevelopment shall be allowed with the

Grade – I	Grade – II	Grade – III/PRECINCT
does not mar the grandeur, scale and setting of, or view of or fromHeritage Grade-I. In case of world Heritage sites, the directives givenby the Govt. from time to time will be applicable.		permission of Commissioner as detailed below.
D. Procedure Development permission for the changes shall be given by Commissioner in consultation with/taking into consideration the recommendation of the MHCC Repairs to existing structures in delineated vista of a Grade-I structure shall be permissible as per these Regulations/policy without insisting NOC of MHCC.	Development permission shallbe given by the Commissioner in consultation with/taking into consideration the recommendation ofthe MHCC.	Grade – III a) In respect of minor/structural repairs, periodic maintenance (e.g. Waterproofing, repairs to flat/ sloping roof, existing plumbing, re-plastering), interior renovation / furniture work etc. in respect of aGrade-III heritage structure; approval may be granted by Commissioner as per these Regulations/ policy without insisting NOC of MHCC by ensuring that the intended minor works do not affect the original façade, fenestration pattern/bands/cornices, ornamental features, railings , window grid & pattern etc. as the case may be.

Grade – I	Grade – II	Grade – III/PRECINCT
		b) In case of reconstruction or redevelopment of Grade – III heritage buildings, height up to 32 m. shall be permitted by Commissioner. If the height of the building to be reconstructed/redeveloped exceeds 32 m. special permission from the Commissioner shall be obtained. However, before allowing demolition of a Grade-III listed heritage building/structure, complete documentation of facade elevations/ material specifications, detailing etc. should be prepared by the owner through an architect and shall be submitted to Commissioner along with any reconstruction/redevelopment proposal so that cognizance of any special features etc. can be taken while finalising the design/elevations of the new building.

Grade – I	Grade – II	Grade – III/PRECINCT
		PRECINCT a) In respect of minor/structural repairs, periodic maintenance (e.g. Waterproofing, repairs to flat / mangalore tiled roof, existing plumbing, re-plastering), interior renovation / furniturework etc. in respect of buildings in Precincts; approval may be granted by Commissioner as per these Regulations/ policy without insisting NOC of MHCC by ensuring that the intended minor works do not affect the original façade, fenestration pattern/bands/cornices, ornamental features , railings , window grid & pattern etc. as the case may be. b) In case of reconstruction or redevelopment of buildings in heritage Precincts, height up to 32 m. shall be permitted by Commissioner. If the height of the building to be

Grade – I	Grade – II	Grade – III/PRECINCT
		reconstructed/redeveloped exceeds 32 m., special permission from the Commissioner may beobtained, who may take into consideration guidelines if any in respect of listed Precincts. c) However, before allowing demolition of a Precinct building / structure , complete documentation of faced elevations / material specifications , detailing etc. should be prepared by the owner through an architectand shall be submitted to approving authorities along with any reconstruction / redevelopment proposal sothat cognizance of any special features etc. Can be takenwhile finalising the design / elevations of the new building. It shall be ensured that external appearance, elevation shall be in harmony /

Grade – I	Grade – II	Grade – III/PRECINCT
		consonance with the characteristics of listedPrecinct.

53. Under Ground Public Utility/Conveniences/Amenity Provision

Subject to the conditions as may be prescribed by the Commissioner, MCGM, Sewage Treatment Plant, storage and allied facilities as per design and specification and at location as may be considered necessary by the Commissioner for treatment of sewage/effluent, water pumping station and storage facility, Electric Substation/Distribution/Receiving Station, underground parking and shopping shall be allowed below existing or proposed DP Roads and below lands reserved for Playground/Gardens/Parks and Public Open Spaces both existing and proposed and to be used at one or two levels below the ground. Provided no such uses will be allowed below the following.

Oval Maidan, Cross Maidan, Azad Maidan, Shivaji Park, all parade grounds, Nare Park, JambhoriMaidan, Five Gardens and Recreational Ground opposite Scottish School, Dadar, Cadell Road (Veer Sawarkar Marg) situated to the north of Hinduja Hospital.

And provided further that the area to the extent of 10 m along the road sidebelow the surface within the boundary of the aforesaid Maidans/Parks/ Gardens/Public Open Spaces may be used for the purpose of ingress and egress to the underground area.

54. Uses Permissible below Flyovers:

Following uses may be permitted below the flyovers:

(1) Garden,park, Promenades

(2)Electricity Distribution Stations;

(3) Municipal chowkies , road depot, municipal store, public toilet;

(4) Policechowky, RTO vehicle chowky, pay and park facility/ bus stands/ taxi stands/auto- rickshaw stand;

(5) Homeless shelters,welfare centres for street children/activities centers for destitute

(6) BEST street light chowky, BEST electricity bill & cash collection centre, BEST relief shelter with toilet block for bus operation staff.

Provided further that the plantation/green space of width not less than 1.0 m shall be developed all along the edge of carriageway below the flyover or central median with width not more than width of pillar, except the accesses wherever necessary or as may be required by the Commissioner.

55. Alignment of Metro/Mono/Coastal Road /Elevated Corridors/ Corridors of Mass and Rapid Transport System

Any alignment modifications introduced in Metro/Mono/Coastal Road /Elevated Corridors/Corridors of Mass Rapid Transport System, including BRTS, by the Appropriate Authority and sanctioned by Government shall stand automatically amended on the Development Plan as modified.

Furthermore, any new "Transport Corridor" such as Metro/Mono/*Coastal Road /*Elevated Corridors/Corridors of Mass Rapid Transit System, including BRTS, proposed by Appropriate Authority and sanctioned by Government, shall stand automatically added on to Development Plan.

After finalization of site for Metro Car shed by the Competent Authority, the portion of land reserved/earmarked for the Metro Car Shed in DP, if not required by the Competent Authority subsequently, shall be deemed to be deleted from the said reservation and included in adjoining predominant zone. In such case, the Municipal Commissioner shall issue a written, well reasoned, speaking order modifying the DP to that effect and copy of such order alongwith certified part plan, shall be forwarded to Govt. and Director of Town Planning, Pune for record.

56. Forest Land

Development in the forest land which has been designated as Natural Area in DP will be governed by the notifications issued by the Ministry of Environment and Forest as amended from time to time

The land owned by Forest Department and reserved for public purpose shall have to be developed with the special permission of the Municipal Commissioner as per the provisions of Forest Act.

PART XI MISCELLANEOUS PROVISIONS

57. Temporary Constructions

The Commissioner may grant permission for temporary construction of a period not exceeding six month at a time and in the aggregate, not exceeding a period of three years. Such permission may be givenby him for the construction of the following,namely:

(i) Structures for protection from the rain or covering of the terraces during the monsoon only;

(ii) Pandals for fairs, ceremonies, religious functions,circus, jatra, folk dance etc;

(iii) Structures for godowns/storage of construction materials within the site;

(iv) Temporary site offices and watchmen chowkies and labourer hutmentswith crèche, sales office/sample or show flat within the site only during thephase of construction of the main building;

(v) Structure for exhibitions/circuses, etc.;

(vi) For factories in industrial lands, structures within the sitefor storage of machinery before installation;

(vii) Structures for ancillary works for quarrying operations in conforming zones;(viii) Milk booths and telephone booths;

(ix) Transit accommodation for persons to be rehabilitated in a new construction:

(x) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings:

(xi) On site, Ready Mix Concrete (RMC) plantfor the use at site under development/construction.

Provided that temporary construction for structures, etc. mentioned at (iii), (iv), (vi), (ix), (x) and (xi) maybe permitted to be continued temporarily by the Commissioner but in any case, not beyond completion of construction of the main structure or building, and that structure in (viii) may be continued on annual renewable basis by the Commissioner beyond a period of three years.

58. Common Antenna for Television Transmission Reception/ Telecomm unication/Digital Communication/Service: -

In every Building the provision for

(1) Installation of common Television Transmission Reception/Antenna andDucting for telecommunication lines and optical fiber cable for Digital Datacommunication/transmission shall bemade.

(2) Ducting for laying of piped gas connection service in the surrounding of building.

59. Special Purpose NOCs

Wherever necessary, special purpose NOCs shall be required to be submitted for the development of plot/s depending uponthe location & type of work as specified in these Regulations. Observance of requirements of these and all other NOCsshall be the responsibility of Owner/Developer/Project Proponent. The Commissioner maygrant permissions/approvals for development based on an undertaking by the Owner/Developer/Project Proponent that he shall comply with all the requirements of special NOCs, Laws, and Regulations that are applicable from time to time.The illustrative list of special purpose NOC's is mentioned in Appendix -III

60. Repairs to Existing Building

The structural/extensive repairs to the existing buildings, which have beenconstructed with the approval from the competent authority or were in existence prior to17.04.1964 in respect of residential structures and 01.04.1962 in respect of non-residentialstructures and whichare in need of structural/extensive repairs, may be allowed without change in footprint/planning. Under the guise of repairs, addition/ alterations/vertical & horizontal extensionto the existing structures shall not be permissible. The structural /extensive repairs to the existing buildings may be allowed as described in Appendix IV.

60(A). Approvals of Building Permission on Fast Track based on Risk Based categorization

Notwithstanding anything contained in DCPR of the respective said Authority, the Regulations regarding approval of Building Permission by the Architect/L.S./Engineer at the stage of Commencement, Plinth checking and Completion cum Occupancy shall be as per Risk Based Classification of Building given in Table below:-

Sr. No.	Parameters to be consider for Risk Base.	RiskCategory	
		Low RiskCategory	**Moderate Risk Category**
1	**Plot Area considered for Risk Based Assessment.**	Buildings on a plot area upto 150sq.m.	Buildings on a plot area between 151 sq m and upto200sq.m.
2	**Permissibility In Development PlanZone**	Residential Zone, Commercial zone and Public-Semi-public Zone	Residential Zone, Commercial zone and Public-Semi-public Zone
3	**Plotstatus**	The plot should be vacant. The Plot Status, Plot criteria and permissibility in above land use zone shall be as per respective DCPR.	The plot should be vacant. The Plot Status, Plot criteria and permissibility in above land use zone shall be as perrespective DCPR.
4	**Type of building**	Residential and other buildings as per DCPR	Residential and other buildings as per DCPR
5	**Proposed Structure ofBuilding/Storey**	G.F. / P+1 RCC./Load Bearing	G.F.+1/P+2 RCC./Load Bearing
6	**Front and side open spaces, Provision of Basement, Parking requirement and other requirements.**	As per the provisions of Development Control and Promotion Regulations.	As per the provisions of Development Control Regulations.
7	**Tree cutting/ Tree replantation.**	Not permitted.	Not permitted

Sr. No.	Parameters to be consider for Risk Base.	RiskCategory	
		Low RiskCategory	Moderate Risk Category
8	**Experience Criteria for Architect /L.S./Engineer for self-certification and all approval mentioned in this regulation.**	As per Annexture-10 of the respective DCPR regarding licensing and qualifications of the technical person.	As per Annexture-10 of the respective DCPR regarding licensing and qualifications of the technical person.
9	**NOCs and Documents**	Wherever required as per the respective DCPR	Wherever required as per the respective DCPR
10	**Site inspection and Computer based allocation of inspector for siteinspection.**	No site inspection is necessary by the Planning Authority at any stage. Approval Procedure is to be followed as mentioned in Point No.11 excluding point no 11 (c).	Site inspection at Plinth level is necessary by the Planning Authority. Approval Procedure is to be followed as mentioned in Point No.11 including point no 11(c).

11 <u>Procedure for Building Permission</u>

Architect/ License Surveyor (L.S.)/Engineer (Architect registered with Council of Architecture & License Surveyor & Engineer registered with Planning Authority) are empowered to grant provisional approval with self-certificationtothe building proposal planscategorized as Low Risk & Moderate Risk in Table given above, subject to the following:-

Building Permission/Commencement Certificate:-

a) **Submission of Proposal:-** The proposal shall comprise of application u/s 44/69 of MR&TP Act, 1966, in format prescribed by Municipal Commissioner/Chief Officer/Chief Executive Officer, along with documents and undertakings required for the proposal as per regulation & required by the Municipal Commissioner/Chief Officer/Chief Executive Officer from time to time. Allthe required documentsshall be **certified and signed** by the Architect /L.S. / Engineer confirming with theoriginaldocuments. The documents required shall be as perthe DCPR of the said Authority.

b) Commencement Certificate (CC):-After receipt of the application, the Demand Note regarding payment of Scrutiny Fee, Development Charges and other Chargesbased on the proposed Plans/Drawing submitted shall be given by the concern Engineer of the authority within 10 days. The owner / Architect /L.S./Engineer shall deposit the Charges as demanded. Upon deposit of such Charges with the Planning Authority, the concerned Architect/License Surveyor (L.S.)/Engineer are empowered to grant provisional approval in the form of **self-certification** certifying that the plan / entire building proposal is strictly in conformity with the DCPR. This **self-certification** shall be treated **as Commencement for the** construction work.

The owner/concern Architect/License Surveyor (L.S.)/Engineer shall submit the said **self-certified plan** to the Authority **within 10 days**. Upon such submission, The Junior most Officer/Junior Engineer at ward level, authorized by Municipal Commissioner/Municipal Chief Officer shall **countersign the plans without any scrutiny** and issue Commencement Certificate Under Section-45 of Maharashtra Regional and Town Planning Act, 1966 **within 10 days** from the receipt of such plan. The Scrutiny at Authority level need notbe necessary. Concern Architect/L.S./Engineer is **empowered/Authorized** to issue the copies ofsuch *approved* plans & Certificates with his signature.

c) **Plinth Checking For Moderate Risk building proposal:-**

The concernArchitect/L.S./Engineer shall apply for certificate of plinth checking in prescribedapplication for Moderate Riskbuilding proposal only . The inspection shall be done by the concern Junior Engineers. The inspection report shall be prepared and uploaded within 48 hours. The Plinth checking certificate shall be grant within the period of 7 days from the receipt of the application, if found as per the sanctioned plan.

d) **Building completion certificate :-**On completion of work, the concern Architect/L.S./Engineer shall issue the Building completion certificate and Occupation certificate, as required as per the provision of DCPR to the completed building/structure and submit two set of completion plan along with the required certificate and all site inspection report to the authority. The concerned Engineer authorized by Municipal Commissioner / CEO MHADA / SRA shall countersign the said Completion Plan along with Occupancy Certificate within 10 days **without any scrutiny and site inspection**.

12 Responsibility of the Architect/L.S./Engineer

a) The work shall be supervised by the concerned Architect/L.S./Engineer who will ensure that the same is carried out strictly as per the approval. Confirmation of ownership of land / plot area and land boundaries in the name of applicant shall be joint responsibility of concerned Architect/L.S./Engineer and the owner.

b) It will be the responsibili ty of the concern Architect /L.S/Engineer, Site Supervisor & Structural Engineer appointed for the proposed development, jointly or severally to ensure that all plans shall be in consonance with provisions of Development Control Regulations. All the requirements of the DCPR shall have to be complied with due care and the work is carriedout as per the approval only. Any deviation required during the construction shall be approved by Architect/L.S./ Engineer before execution. The concerned Architect /L.S./Engineer shall be empowered for any amendments in the plan inprocess of construction within the purview of DCR.

c) Frequency of Inspection By the Architect/L.S./Engineer:-

The Architect/L.S./Engineer shall inspect and submit the site inspection report along with photographs/video clips, at various stages while submitting the building proposal, after completion of plinth work, and finally at the time of Building completion certificate to the authority. Such inspection reports shall be submitted and uploaded within 48 hours from the date ofinspection.

d) After submitting the application or during the construction of building if the Architect/L.S./Engineer are changed, he shall intimate the competent authority immediately that he is no longer responsible for the project from the date of intimation. The construction work shall have to be suspended until the new Architect/L.S./Engineer as the case may be appo inted by the owner.Owner's intimation regarding change of licensee shall be considered to be final. After intimation of the new appointed licensee shall then undertakes and start the project.

13 Authorisation to Authority:-

a) Incase ofany deviations/irregularities noticed in the process or after completion, the Planning Authority may immediately issue notice to the owner and or to the concerned licensee to suspend the further work and rectify the deviations/irregularities. Only after satisfaction of rectification made by the owner or concerned licensee, the Planning Authority issue intimation to start the work. In major violations, the Planning Authority shall authorise to take appropriate action against Architect/L.S./Enginee r as the case may be, as per the DCR or as per respective Acts and Laws.

b) Municipal Commissioner/Chief Officer, as the case may be, of the respective Authority are authorised to prepare common application forms, proformas , affidavit etc. wherever required for the smooth implementation of this regulation.

c) The above procedure shall be integrated with the Online BuildingPermission Management System (BPMS) by the concerned Authority.

14 **Exceptions from this Procedure:-** The above Procedure for Building Permission shall not bar the owner **/** Architect/L.S./Engineer to obtain development permission as per Regular provisions of the DCPR. Also this *stipulations* shall not be applicable to the proposals who desired to obtainDevelopment Permission as per **Type Design Pattern** which was issued by Government vide TPS-1813/3200/CR 520/13/UD 13, Dated 03/01/2015.

PART- XII ENVIRONMENTAL SUSTAINABILITY

61. Public Sanitary Convenience (PSC)Blocks/Toilets

With the approval of the Commissioner,PSC blocks may be constructed, maintained and made available for general public use on Municipal/Govt. plots, which are reserved/existing amenityfor public purpose in the following manner:

i) The location of PSC blocks shall be such that the same are accessible for general public use.

ii)The toilets shall be maintained by the user of the plotor as decided by the Commissioner.

iii)On plots having non-buildable/POS reservationexisting amenityand having area more than 4,000 sq. m, 2 toilets and 2 urinals each for ladies and gents and preferably one toilet for differently abled persons and one urinal for children shall be constructed.

iv)On plots having non-buildable/POS reservation/existing amenity and having area less than 4,000 sq. m, 1 toilet and 2 urinals each for ladies and gents maybe constructed.

v) On plots having buildable reservation amenity and having area more than 2000 sq. m 1 toilet and 2 urinals each for ladies and gents and preferably one toilet for differently abled persons and one urinal for children shall be constructed while developing the plot. On plots having buildable existing amenity and having area more than 2000 sq. m, 1 toilet and 2 urinals each for ladies and gents and preferably one toilet for differently abled persons and one urinal for children may be constructed. The PSC so proposed preferably shall have access directly from the public street and shall be located in such a way that, it shall not cause nuisance to the occupants of the plot and same shall have to be maintained as decided by the Commissioner in hygienic condition. Efforts shall be made to construct PSC blocks at a distance of every 3 km. especially near the bus stop along highway/major roads taking in to consideration other requirements for provision of PSC block.

vi)Construction of such PSC may be allowed touching the plot boundary and accessible from Public Street. The joint open space between the structure of primary user and the structure for PSC shall not be less than required front open space for structure ofprimary user or 3 m whichever is higher.

vii) The PSC to the extent specified shall be permissible free of FSI.

viii) Availability of PSC shall be displayed insucha way that it is clearly seen from Public Street.

ix) Substation can be provided above PSC as per the requirement of Electric Supply Company subject to NOC from CFO.

62. Rain Water Harvesting(RWH)

General:The Rain Water Harvesting (RWH) arrangement shall be provided in case ofDevelopment/Redevelopment of plots having area of500sq. m and more. It shall have one or more RWH structures having a minimum total capacity as detailed in schedule below;

Provided that the professional on record shall certifythat the RWHSystem /Structures have been constructed as per the specification or of specifications different from those in Schedule, subject to the minimum capacity of RWHSystem being ensured in eachcase.

The owner/society of every building shall ensure that the RWH structure/system is maintained in good condition for storage of water for non-potable purposes or recharge of ground water at all times.

The Authority may impose a levy of not exceeding Rs.1000/- per annum for every 100 Sq.Mt. of built-up area for the failure of the owner of any building mentioned above to provide or to maintain Rain Water Harvesting structures as required under these bye laws.

SCHEDULE

RWH in a building site includes storage or recharging into ground of rain water falling on the terrace or on any paved or unpaved surface within the buildingsite.

1. The following systems may be adopted for harvesting the rain water drawn from terrace and the pavedsurface.

(i) Open well of a minimum diameter of 1m andminimum depth of 6m OR open well of a minimum diameter of 0.3 m and minimum depth of 2 m at every 6 m in the Storm Water Drain,into which rain water may be channeled, after filtration for removing silt and floating material. The well shall be provided with ventilating covers. The water from the open well may be used for non-potable domestic purposes such as washing, flushing and for watering the garden.

(ii) RWH for recharge of ground water may be done through a bore well around which a pit of one meter width may be excavated upto a depth of at least 3 m and refilled with stone aggregate and sand. The filtered rain water may be channeled to the refilled pit for recharging the borewell.

(iii) An impervious surface/underground storage tank of required capacity may be constructed in the open space and the rain water may be channeled to the storage tank. The storage tank shall always be provided with ventilating covers and shall have drawn-off taps suitably placed so that the rain water may be drawn off fordomestic washing, gardening and such other purposes. The storage tanks shall be provided with an overflow.

(iv) The surplus rain water after storage may be recharged into ground through percolation pits or trenches or combination of pits and trenches.

Depending on the geomorphological and topographical condition, the pits may be of the size of 1.20 m width x 1.20 m length x 2.00 m to 2.50 m depth. The trenches can be of 0.60 m widthx2.00 to 6.00 m length x 1.50 to 2.00 m depth. Terrace water shall be channeled to pits or trenches. Such pits or trenches shall be back filled with filter media comprising the following materials.

a) 40 mm stone aggregate as bottom layer up to 50% of the depth;

b) 20 mm stone aggregate as lower middle layer up to 20% of the depth;

c) Coarse sand as upper middle layer up to 20% of the depth;

d) A thin layer of fine sand as to player;

e) Top 10% of the pits/ trenches will be empty and a splash is to be provided in this portion in such a way that roof top water falls on the splash pad.

f) Brick masonry wall is to be constructed on the exposed surface of pits/ trenches and the cement mortar plastered.

The depth of wall below ground shall be such that the wall prevents lose soil entering into pits/trenches. The projection of the wall above ground shall be atleast 15cm.

g) Perforated concrete slabs shall be provided on the pits/trenches.

(v) If the open space surrounding the building is not paved, the top layer upto a sufficient depth shall be removed and refilled with course sand to allow percolation of rain water into ground.

(vi) For effective drainage of rain water, the roof of building shall be so constructed or framed as to permit effective drainage of the rain water therefrom by means of rain water pipes. Such pipes shall be so arranged, joined and fixed so as to ensure that the rain water is carried away from the building without causing dampness in any part of the walls or foundation of the building or those of adjacent buildings.

2. The terrace shall be connected to the open well/borewell/storage tank/recharge pit/ trench by means of HDPE/PVC pipes through filter media. A valve system shall be provided to enable drain away the first washings from roof or terrace catchment, as they would contain undesirable dirt. The mouths of all pipes and openings shallbe covered with mosquito (insect) proof wire net. For the efficient discharge of rain water, there shall be at least two rain water pipes of 100 mm dia. for a roof area of 100 sq.m.

3. RWH structures shall be so sited as not to endanger the stability of building or earthwork. The structures shall be designed such that no dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.

4. The water so collected/ recharged shall as far as possible be used for non-drinking and non-cooking purpose.

   Provided that when the rain water in exceptional circumstances will be utilised for drinking and/ or cooking purpose, it shall be ensured that proper filter arrangement and the separate outlet for by passing the first rain-water has been provided.

   Provided further that it will be ensured that for such use, proper disinfectants and the water purification arrangement have been made.

63. Special Provisions; for installation of Solar Water Heating (SWH) Systems.

Solar Water Heating (SWH) Systems shall be installed in the buildings for Hospitals, Hotels, Guest Houses, Police/Army Barracks, Canteens, Laboratories and Research Institutions, Hostels of Schools and Colleges and other Institutions.

1. The SWH systems shall be mandatory in hospitals and hotels, where the hot water requirement is of continuous nature. In these buildings, the system shall be provided with auxiliary electrical back-up.

2. The use of SWH system is recommended in the following type of buildings in Govt/Semi–Govt and Institutional buildingswhere the hot water requirement may not be continuous/permanent:

   1) GuestHouse
   2) Police/Army barracks
   3)Canteens
   4) Laboratory and Research Institutions where hot water is needed
   5) Hostels of Schools and Colleges and otherInstitutes.

3. The use ofSWH system may be allowed in any otherbuilding.

   The installation of the electrical backup in all such water heating systems shall be optional depending on the nature of requirement of hotwater.

   It is suggested that SWH systems of the capacity of about 100 liters per day on thermosyphon with necessary electrical back-up be installed at residential buildings like hostels.

In order to facilitate the installation of the SWH systems, the new buildings of aforesaid types shall have the following provisions.

1) All such buildings where SWH systems are to be installed will have open sunny roof area available for installation of SWH system.

2) The roof loading adopted in the design of such building should be at least 50 kg/sq. m for the installation of SWH system.

3) SWHsystems can also be integrated with the building design. These can either be put on the parapet or could be integrated with the south facing, vertical wall of the building. The best inclination of the solar energy collector for regular use throughout the year is equal to the local Latitude of the place. The solar energy collector should be facing south. However, for only winter use, the optimum inclination of the solar energy collector would be Latitude+15 degrees ofthe south.

4) All the new buildings of aforesaid types to be constructed shall have an installed hot water line from the roof top and also insulated distribution pipelines to each of the points where hot water is required in the building.

5) The capacity of the SWH system to be installed on the buildingshall be decided on the basis of the average occupancy of the buildings. The norms for hospitals, hotels and other buildings are given below:

Sr. No.	Type of Building	Per capita capacity recommended (litres per day).
1	Hospitals	100
2	Hotels	150
3	Hostels & other such buildings	25
4	Canteen	As required
5	Laboratory & Research Institutions	As required.
6	Other buildings	As required.

6) An open area of 3 sq. m would be required for installation of a solar energy collector which supplies about 100 liters of water per day. At least 60 per cent of the roof area may be utilised for installation of the system.

7) The specification for the SWH system laid down by the Ministry of Non-Conventional Energy Sources can be followed. Flat plate Collector conforming to IS 12933 shall be used in all such solar water heating systems.

Note: 1. The Commissioner may add to the list of buildings mentioned above on which installation of SWH systems can be made mandatory.

2. The Commissioner may insist on installation of solar energy collectors on the terraces of the buildings for harnessing solar energy for purposes other than water heating as well.

3. The construction of SWH system shall be in conformity with IS12976.

64. Waste (Grey) Water Recycling and Reuse

(1) Development/redevelopment of the plotswhich attract requirements/ provisions of Notifications of Ministry of Environment and Forest (MoEF), Government of India, issued from time to timeshall have theprovision for recycling and reuse of waste water.

Provision of recycling and reuse of waste water system may also be permissible in any development other than mentioned above. The professional on record shall certify the detailed scheme for therecycle and reuse of waste water.

The Waste Water Recycling System shall include the following:

i) Waste water other than from water closet, laundries, and hospitals shall be recycled.

ii) The system shall not constitute a nuisance of foul gases and/or cause public hazard due to its installation and operation.

iii) The waste water recycling system shall be designed considering the anticipated occupancy load and seasonal fluctuations in discharge.

iv) Separating of Waste Water:

(a) The waste water shall be recycled by installing recycling plant.

(b) Separate plumbing network shall be installed to collect waste water from kitchens, bath rooms, washing machines and dish washers leading to recycling plant with separate underground and overhead tanks provided for this purpose.

(c) The entire connecting network shall be painted in purple blue color.

(d) Recycled Waste Water system shall be maintained in good condition and shall comply with the requirements of Maharashtra Pollution Control Board(MPCB), if any.

(2) Reuseof Waste Water:

i) The treated waste water shall be used only for gardening, toilet flushing, landscape, irrigation, cooling towers, car washing, etc.and in no case for drinking, bathing, or washing clothes and utensils.

ii) The output water quality shall conform to the standards of non-potable water as may be prescribed by the MPCB.

iii) A clause must be included by the owner/developer in the purchase agreement with the purchaser, owner of the premises/organization or society of the occupiers or the society of purchasers stating that recycled waste water system has been provided in the development and shall have to be maintained in good condition as per the requirements of MPCB, if any.

65. Sewage Treatment Plant (STP) & Disposal

Development/redevelopment of the plots whichattract requirements/ provisions of relevant Notification of Ministry of Environment and Forest (MoEF), Government of India issued from time to timeshallbe provided with Sewage Treatment Plant (STP) and disposal system.

Provision of STP and disposalsystem may also be permissiblein any development other than mentioned above. The professional on record shall certify the detailed scheme for the STP and disposal system.

STP shall comply with the following:

a) STP structure shall be of compact design with due approval of relevant competent Authority.

b) There shall not be any foul odour around the STP area or inthe ambient environment.

c) STP shall not require continuous monitoring and operation and shall work well with in consistent in flow.

d) Treated water quality shall be of non-potable standards and can be reused for gardening, toilet flushing, landscape, irrigation, cooling towers, car washing, etc. but in no case for drinking, bathing, or washing clothes and utensils.

e) Treated water shall be environmentally safe to dispose of in Land or Water.

f) A clause must be included by the owner/developer in the purchase agreement with the purchaser, owner of the premises/organization or society of the occupiers or the society of purchasers stating that, STPhas been provided in the development and shall have to be maintained in good condition as per the requirement of the Maharashtra Pollution Control Board (MPCB).

66. Solid Waste Segregation

All buildings shall be provided with separate coloured bins to collect dry waste (paper, plastic, metal, glass, etc.) and wet waste (organic waste). Dedicated space shall be allocated for collecting waste before transferring waste for recycling/disposal separately.

Separate bins shall be provided for safe disposal of hazardous waste (batteries, e-waste, lamps, medical waste, etc.) as provided in hazardous waste management guidelines prescribed by the Ministry of Environment and Forest (MoEF), Government of India.

Provision for treating the wet waste in situ will have to be made and a clause must be included by the owner/developer in the purchase agreement with the purchaser, owner of the premises/organization or society of the occupiers or the society of purchasers stating that, wet waste will be treated in situ and shall have to be maintained in operational condition as per the requirement of MCGM if any.

The planning design, construction and installation of Solid Waste Management System shall be as per the National Building Code of India, Part 9 Plumbing Services, Section 1- Water Supply, Drainage and Sanitation (Including Solid Waste Management) Paragraph 6.

On the plots having total construction area 20,000 Sq.mt & above Bio-degradable Waste Treatment Plant of required capacity shall be provided and maintained.

The area under construction of Solid Waste Management System /Bio-degradable waste treatment plant shall be free of FSI.

The Completion Certificate for the Solid Waste Management System /Bio- degradable Waste Treatment Plant issued by Environmental Consultant shall be submitted before asking for Occupation Certificate/Building Completion Certificate."

67. Tree Plantation Provisions for Enhancing/Conserving/Preserving Biodiversity

i) The development in any plot of land shall be such as to preserve, as far as practicable,the existing trees. Where trees are required to be felled, twice the number of trees shall be planted for every tree to be felled.

ii) Every plot of land shall have atleast

(a) at the rateof 5trees per 100 sq.m or part thereof of the said recreational space, to begrown within the entire plot.

(b) at the rate of 1tree per 80 sq. m or part thereof to be grown in a plot for which a sub-division or layout is not necessary.

iii) Trees shall be planted taking care that they shall not obstruct the maneuvering of firefighting vehicles during an emergency.

iv) In between the trees planted along the boundary of plot, shrubs with grass shall be planted.

68. Coastal Regulation Zone(CRZ)

Notwithstanding anything contained in these Regulations,any development within CRZ areas shall be governed by the amendedCoastal Regulation Zone Notification No.S.O.19(E), dated 6th Jan, 2011 Ministry of Environment and Forest (MoEF), Government of India as amended from time to time, wherever applicable.Landsshown as Natural Area in DPand situated on the seaward side of High Tide Line, ifafter modification to High Tide Line, falls on the landward side of modified High Tide Line, then in such case the said land will be deemed to have been situated in the zone of adjoining landunless, said land is forest/salt pan land/occupied by mangroves/mud flats.

69. Environment Impact Assessment (EIA)

This Regulation shall be applicable to developments as specified in provisions of amended Environmental Impact Assessment Notification No.S.O.1533 dated 14.09.2006 as amended from time to time. The compliance of conditions of NOC/Remarks shall be the responsibility of the owner/ developer/project proponent.

70. Energy Efficient Buildings

Owner/Developer/Project proponent at his option may opt for the certification of Indian Green Building code (IGBC)/Energy Conservation Building Conservation Code(ECBC). The provisions of appliances/fitting as per IGBC/ECBC shall be as per direction of GOI/GOM if any from time to time.

APPENDIX- I

(Regulation 47)

***Additional Fire Protection Requirements for High Rise and special Building*: -**

1. General

In addition to the provisions of fire Protection, National Building code of India, the Chief Fire Officer may insist on suitable provisions in, high rise and special buildings or premises from the fire safety and fire-fighting point of view depending on their occupancy and height.

2. *Construction*: -

(1) Building materials: -

(i) Load bearing elements of construction and elements of construction for which the required fire resistance is one hour or more shall be of non-combustible material. Interior finish materials (wall paneling, floor coverings etc.) may be permitted of materials having their rating for flame spread and smoke developed not exceeding a very low flame spread limit in accordance with IS:1642,1960 (Class I) Ceiling linings shall be non-combustible or of plasterboard.

(ii) Stairways and corridors shall not contain combustible materials.

(2) Structural members such as supports and load bearing walls shall have fire resistance rating of 3 hour, transoms and ceilings at least 2 hours.

(3) Internal walls and partitions separating corridors from areas on floors that are used for any purpose other than circulation shall have a fire resistance of not less than one hour. There shall be no openings in such walls other than for doors or delivery hatches with fire resistance not less than half an hour. Fire sections (fire walls) sub- dividing the building to prevent fire spread, shall have a fire resistance, rating not less than two hours.

(4) Facades excluding windows and doors shall consist of non-combustible building materials. The minimum distance between the top of the opening on a lower floor and the sill of that on the floor above it shall be 0.9 m., so that the fire would have to travel at least 0.9 m. between storeys.

3. *Staircase enclosures*: -

(1) The internal enclosing walls of staircase shall be of brick or R.C.C. construction with a fire resistance of not less than two hours. All enclosed staircases shall be reached via a ventilated lobby and shall have access through self-closing doors of at least half an hour fire resistance. These shall be single swing doors opening in the direction of the escape. The door shall be fitted with check section door closers.

The floor landing of staircases shall not form part of common corridor.

(2) The staircase enclosures on the external wall of a building shall be ventilated to the atmosphere at each landing or mid-landing.

(3) A permanent vent at the top equal to 5 per cent of the cross-sectional area of the enclosure and open able sashes at each landing level with area not less than 0.5 sq. m. on the external wall shall be provided. The roof of the shaft shall be at least 1 m. above the surrounding roof. There shall be no glazing or glass bricks in any internal enclosing wall of a staircase. If the staircase is in the core of the building and cannot be ventilated at each landing, a positive pressure of 5 mm. water gauge by an electrically operated blower shall be maintained.

(4) The mechanism for pressuring the staircase shaft shall be so installed that it operates automatically and also manually when the automatic fire alarm operates.

4. ***Lift enclosures*****: -**

(1) The walls enclosing the lift shafts shall have a fire resistance of not less than two hours. Shafts shall have permanent vents at the top not less than 1800 m. m. (0.2 sq. m.) in clear area. Lifts motor rooms should preferably be sited at the top of the shaft and shall be separated from lift shafts by the enclosing wall of the shaft or by the floor of the motor rooms.

(2) Landing doors in lift enclosures shall open into the ventilated or pressurised corridor/lobby and shall have fire resistance of not less than one hour.

(3) The number of lifts in one lift bank shall not exceed four. The shaft for the fire lift in a lift bank shall be separated from each other by a brick masonry or R.C.C. wall of fire resistance of not less than two hours. Lift car doors shall have fire resistance of not less than one hour.

(4) If the lift shaft and lift lobby are in the core of the building, a positive pressure of not less than 2.5 mm. and not more than 3 mm. water gauge by an electrically operated bower shall be maintained in the lift lobby and positive pressure of not less than 5 mm. water gauge shall be maintained in the lift shaft. The mechanism for pressuring the lift shaft and lift lobby shall be so installed that they shall operate automatically and also manually when the detector & automatic fire alarm operates. The mechanism shall have facilities to operate manually.

(5) Exit from the lift lobby, if located in the core of the building, shall be through a self-closing smoke stop door of a half-hour fire resistance.

(6) The lift machine room shall be separate and no other machinery shall be installed therein.

(7) Lifts shall not normally communicate with the basement. However, one of the lifts may be permitted to reach the basement level provided the lift lobby at each basement level shall be pressurized and separated from the rest of the basement areas, by a smoke-actuated fire resisting door of two hours' fire resistance. These doors can also be kept in hold-open position by an electro- magnetic device to be linked with a smoke detector.

5. *External windows*.

The area of the open able external windows on a floor shall be not less than 2 1/2 per cent of the floor area. The locks for these windows shall be fitted with budget lock of the carriage key type (which can be opened with the point of a fireman's' axe).

6. Fire lifts

The following provisions shall be made for a fire lift. -

(a) To enable fire services personnel to reach the upper floors with minimum delay, one or more of the lifts shall be so designed as to be available for the exclusive use of such personnel in an emergency and be directly accessible to every dwelling/lettable floor space of each floor.

(b) The lift shall have a floor area of not less than 1.4 sq. m. with a minimum dimension of 1.12 m. It shall have a loading capacity of not less than 545 kg. (8 persons lift) with automatic closing doors.

(c) There shall be an alternate electric supply from a generator of an adequate capacity apart from the electric supply in the building and the cables shall run in a route safe from fire, i.e. within the lift shaft. In case of failure of normal electric supply, it shall automatically trip over to alternate supply. For apartment buildings, this change over of supply could be done through a manually operated change-over switch.

(d) The operation of a fire lift shall be by a simple toggle or two button switch situated in a glass fronted box adjacent to the lift at the entrance level. When the switch is on, landing call-points will become inoperative and the lift will be on care control only or on priority control device. When the switch is off, the lift will return to normal working. This lift can be used by the occupants in normal times.

(e) The words 'FIRE LIFT' shall be conspicuously displayed in fluorescent paint on the lift landing doors at each floor level.

(f) Collapsible gates shall not be permitted for lifts; the lifts shall have solid doors with fire resistance of at least one hour.

(g) The speed of the fire lift shall be such that it can reach the top floor from ground level within one minute.

7. Basements: -

(1) Each basement shall be separately ventilated. Vents with cross, sectional area (aggregate) not less than 2.5 percent of the floor area spread evenly around the perimeter of the basement shall be provided in the form of grills or breakable stall boards lights or pavement lights or by way of shafts. Alternatively, a system of air inlets shall be provided at basement floor level and smoke outlets at basement ceiling level. Inlets and outlets may be terminated at ground level with stall boards or pavement lights as before but ducts to convey fresh air to the basement floor level shall have to be laid. Stall boards and pavement lights should be in position easily accessible to the Fire Brigade personal and rescue teams and clearly marked 'SMOKE OUTLET' or AIR INLET' with an indication of area served at or near the opening.

(2) The staircase of basements shall (a) be of enclosed type having fire resistance of not less than two hours; (b) be situated at periphery of the basement to be entered at ground level only from the open air and in such a, position that smoke from any fire in the basement shall not enter and exit serving the ground and upper storeys of the building; and (c) communicate with basement though a lobby provided with fire-resisting self-closing doors of one hour fire resistance. If the travel distance exceeds the values mentioned in Regulation No 47(3)(i) (I &ii), additional staircases at proper places shall be provided.

(3) Intake ducts may serve al basement levels but each basement and basement compartment shall have separate smoke outlet duct or ducts.

(4) Mechanical extractors for smoke-venting system from lower basement levels shall also be provided. The system shall be of such design as to operate on actuation of heat sensitive detectors or sprinklers if installed and shall have a considerably higher performance than the standard units. The system should also have an arrangement to start it manually and shall be designed to function at a temperature not less than 550^0C.

(5) Kitchens working or gas fuel shall not be permitted in basements.

8. Floor space division (fire sections)

The floor space division on floors and in basements shall be as per provisions of N.B.C.

9. *Service ducts*.

(1) Service ducts shall be enclosed by walls having a fire resistance of not less than two hours. Doors for inspection or access shall also have a fire resistance of not less than two hours.

(2) If the cross-sectional area of a duct exceeds 1 sq. m it shall be sealed where it passes a floor with non-combustible light material. The seal within the duct maybe pierced for any service pipe or ventilated trunk and shall fit as closely as possible around any such pipe or trunk.

(3) A permanent vent shall be provided at the top of the service shaft of cross- sectional area not less than 460 sq. cm or 6.25 cm. for each 900-sq. cm of the area of the shaft, whichever is more.

10. *Refuse chutes and refuse chambers*.

(1) Hoppers under refuse chutes shall be situated in a well-ventilated position and the chutes shall be continued upwards with an outlet above roof level and with an enclosure wall of non-combustible material with fire resistance of not less than two hours. The hoppers shall not be located within the staircase enclose.

(2) Inspection panels and hopper (charging station) opening shall be fitted with light fitting, metal doors, covers, having a fire resistance of not less than one hour. Flap doors/covers i.e. push-in or lift-up type shall not be permitted.

(3) Refuse chutes shall not be provided in staircase walls and air conditioning shafts, etc.

(4) Refuse chambers shall have walls and floors or roofs constructed of non- combustible and impervious material and shall have a fire resistance of not less than two hours. They shall be located at a safe distance from exit routes.

11. Building services

(1) Electrical Services

(a) The electric distribution cables wiring shall be laid in a separate duct. The duct shall be sealed at every floor with non-combustible materials having the same fire resistance as that of the duct.

(b) Water mains, telephone lines, inter-com lines, gas pipes or any other service line shall not be laid in the duct for electric cables.

(c) Separate circuits for water pumps, lifts, staircase and corridor lighting and blowers for the pressurizing system shall be provided directly from the main switch gear panel and these circuits shall be

laid in separate conduit pipes so that a fire in one circuit will not affect the others. Master switches controlling essential services circuits shall be clearly labelled.

(d) The inspection panel doors and any other opening in the shaft shall be provided with air-tight fire doors having a fire resistance of not less than two hours.

(e) High, Medium and low voltage wiring running in shafts, and within a false ceiling, shall run in metal conduits.

(f) An independent and well ventilated service room shall be provided on the ground floor with direct access from outside or from the corridor for the purpose of termination of electric supply from the licensees' service and alternative supply cables. The doors provided for the service room shall have fire resistance of not less than two hours.

(g) If the licensees agree to provide meters on upper floors, the licensees' cables shall be segregated from consumers' cables by a partition in the duct. Meter rooms on upper floors shall not open into staircase enclosures and shall be ventilated directly to open air outside.

(h) PVC cables should have an additional sheathing or protection provided by compounds sprayed on after installation.

(2) Town gas/L.P. Gas supply pipes

These pipes shall be run in shafts exclusively for this purpose and shall be on external walls, away from the staircases. There shall be no inter-connection between these shafts and the rest of the floors, Gas meters shall be housed in a suitable constructed metal cupboard located in a well-ventilated space at ground level.

(3) Staircase and Corridor Lightings

(a) The staircase and corridor lighting shall be on separate circuits and shall be independently connected so that they could be operated by one switch installation on the ground floor easily accessible to fire-fighting staff at any time irrespective of the position of individual control of light points, if any.

(b) Staircase and corridor lighting shall also be connected to alternate supply as defined in sub-Regulations (4). However, for assembly and institutional buildings less than 32 m. when the alternate source of supply may be provided by battery continuously trickle-charged from the electric mains.

(c) Double throw switches should be installed to ensure that the lighting in the staircase and the corridor do not get connected to

two sources of supply simultaneously. A double throw switch shall be installed in the service room to terminate the stand-by-supply.

(d) Emergency lights shall be provided in the staircase/corridors for multistoried high rise and special buildings.

(4) Alternate source of electric supply

A stand-by electric generator shall be installed to supply power to staircase and corridor lighting circuits, fire lifts, the stand-by fire pump, pressurization fans and blowers, smoke extraction and damper systems in case of failure of normal electric supply. The generator shall be capable of taking starting current of all the machine and circuits stated above simultaneously. If the stand-by pumps are driven by diesel engine, the generator supply need not be connected to the stand by pump.

(5) Transformer

(a) If transformers are housed in basement, they shall be necessarily in the first basement in a separate fire resisting room of four house rating, at the periphery of the basement. The rooms shall be protected by carbon dioxide or BCF fixed installation system to protect transformers. The entrance to the room shall be provided with a steel doors of two hours' fire rating. A curb (sili) of a suitable height shall be provided with at the entrance in order to prevent the flow of oil from a ruptured transformer into other parts of the basement. Direct access to the transformer room shall be provided preferably from outside. The switch gears shall be housed in a separate room separated from the transformer bays by a fire resisting wall with fire resistance of not less than four hours.

(b) If housed in basement, the transformer shall be protected by an automatic high pressure water spray system (emulsifying).

(c) Transformers housed at ground floor level shall be cut-off from the other portion of the premises by fire resisting walls of four hours' fire resistance.

(d) They shall not be housed on upper floors except stilt at upper level & podium if dry type.

(e) A tank of RCC construction of capacity capable of accommodating the entire oil of the transformers shall be provided at lower level, to collect the oil from the catch-pit in an emergency. The pipe connecting the catch-pit to the tank shall be of non-combustible construction and shall be provided with a flame- arrester.

(6) Air-conditioning

(a) Escape routes like staircases, common corridors, lift lobbies etc. shall not be used as return air passages.

(b) The ducting shall be constructed of substantial gauge metal in accordance with IS-655-1963 Metal Air Ducts (Revised).

(c) Wherever the ducts pass through fire-walls or floors, the opening around the ducts shall be sealed with fire-resisting materials such as asbestos rope or verniculire concrete glass wool.

(d) As far as possible, metallic ducts shall be used even for the return air instead of space above the false ceiling.

(e) The materials used for insulating the duct system (inside or outside) shall be of non-combustible materials such as glass wool, spun glass with neoprene facing.

(f) Area more than 750 sq. m on the individual floor shall be segregated by a fire-wall and automatic fire dampers for isolation shall be provided where the ducts pass through fire walls. The fire dampers shall be capable of operating manually.

(g) Air ducts serving floor areas, corridor etc. shall not pass through the staircase enclosure.

(h) The air handling units shall as far as possible be separate for each floor and air ducts for every floor shall be separate and in no way interconnected with the ducting of any other floors.

(i) Automatic fire dampers shall be provided at the inlet of the fresh air duct and the re-turn air duct of each compartment on every floor.They shall be so arranged as to close by gravity in the direction of the air movement and to remain tightly closed upon operation of a smoke detector.

(j) If the air handling unit serves more than one floor, the requirements given above shall be compiled with an addition to the conditions given below: -

(i) Proper arrangements by way of automatic fire dampers working on smoke detectors for isolating all ducting at every floor from the main riser shall be made.

(ii) When the automatic fire alarm operates, the respective air handling units of the air-conditioning system shall automatically be switched off.

(k) The air filters of the air-handling units shall be of non-combustible materials.

(l) The air handling unit room shall not be used for storage of any combustible materials.

(m) Inspection panels should be provided in main trunking to facilitate the cleaning of the duct of accumulated dust and to obtain access for maintenance of fire dampers.

(n) No combustible material shall be fixed nearer than 15 cm. to any duct unless such duct is properly enclosed and protected with non-combustible material (glass wool) or spun glass with neoprene facing enclosed and wrapped with aluminum sheeting) at least 3.2 mm. thick and which does not readily conduct heat.

(o) Materials used for false ceilings, runners and suspenders shall be of non- combustible type.

(7) Boiler room

Boiler and boiler rooms shall conform to the Indian Boilers Act.The following additional aspects should be taken into account in the location of boiler/boiler room:

(a) Boilers shall not be allowed in a lower basement but may be allowed in basements at first level and away from the escape routes.

(b) The boilers shall be installed in a fire-resisting room of 4 hours' fire resistance rating situated on the periphery of the basement. Catch-pitch shall be provided at the low level.

(c) Entry to this room shall be provided with a composite door of two hours' fire resistance.

(d) The boiler room shall be provided with fresh air inlets and smoke exhausts directly to the atmosphere.

(e) The furnace oil tank for the boiler, if located in the adjoining room, shall be separated by-fire resisting walls 4 hours rating. The entrance to this room shall be provided with double composite doors. A kerb of suitable height shall be provided at the entrance in order to prevent the flow of oil into the boiler room in case of tank rupture.

(f) Foam inlets shall be provided on the external walls of the building near the ground level to enable the fire services to use foam in case of fire.

12. Provision of First Aid and Fire-fighting Appliances

(1) First-aid firefighting equipment shall be provided on all floors including basements lift rooms, etc. in accordance with IS: 2217-1963 Recommendations for providing First-Aid Fire Fighting Arrangements in Public Buildings.

(2) The firefighting appliances shall be distributed over the building in accordance with IS: 2190-1971 Code of Practice for Selection, Installation and Maintenance of Portable First-Aid Fire Appliances.

13. Fixed Fire-Fighting Installations

(1) Buildings shall be protected by wet riser, wet riser-cum-down corner, automatic sprinkler, installation, high pressure water spray or foam generating system as prescribed in sub-Regulations (2) to (6) below: -

(2) The wet riser/riser-cum-down comers' installation with capacity of water storage tanks and fire pumps shall conform to the requirements specified in Table hereunder.

Table

Firefighting installation requirements: -

Sr. No.	Type of the building occupancy	Requirements				
		Water Supply			Pump Capacity	
		Type of Installation	Underground Static Tank	Terrace Tank	Near the underground Static Tank	Terrace Level
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	a) Residential buildings below 15 m. in height	Fire Exitinguisher, dry Riser, Automatic sprinkler system Require see note 2)	Nil	5000 (10000) ltrs (see note 3- 4)	Nil	Nil
1	b)Residential buildings 15 mts & above upto 32 in height	Fire Exitinguisher, Hose reel, Downcomer, Automatic sprinkler system	Nil	15000 ltrs	Nil	900 litres per Minute giving A pressure not Less than 3.2 kg/cm2 at the topmost hydrant.

		Require see note 2				
Note – 1)Height of the building permitted as per Maharashtra fire Prevention and life safety Act 2006 2) Required to be installed in the basement if area of basement exceeds 200 sq. m. 3) Required to be provided in the basement if basement area exceeds 200 sq. m. 4) value given in parenthesis shall apply if the basement are exceeds 200 sq. m						
2	Residential buildings- (a) Above 32 m. and not exceeding 70 m. (if plot area is less than 600 sq. m) with shopping/commercial up to two upper floor	Wet riser-cum-down comer.	50,000 litres	30000litres	2400 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	900 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.
	(b) Above 32 m. and not exceeding 70 m. (if plot area is more than 600 sq. m) withshopping/co mmercial up to two upper floor	Wet riser cum-down comer.	1,50,000 litres	30,000 litres	2,400 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	900 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.
	(c) Exceeding 70 m.	Wet riser cum down corner	3,00,000 litres	50,000 litres	2800 litres per minute giving pressure not less than 3.2 kg/cm 2 at the top most hydrant.	900 litres per minute giving pressure not less than 3.2 kg/cm2 at the top most hydrant.
	Non-residential /Special type buildings- (a) Upto 15 m. in height.	Nil	50,000 litres	Nil	Nil	Nil

(3)	(b) Above 15 m. but not exceeding 32 m. in height except educational buildings.	Wet riser-cum-down corner.	1,00,000l itres	20,000l itres	1400 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant	900 litres per minute giving a pressure not less than 3.2 kg/cm2 at the top hydrant.
	(c) Above 32 m. but not exceeding 70 m. in height except educational buildings. (If area of plot is less than 600 sq. m)	Wet riser-cum-down corner	1,00,000l itres	30,000l itres	2400 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	900 litres per minute giving a pressure not less than 3.2 kg/cm2 at the top hydrant.
	(d) Above 32 m. but not exceeding 70 m. (If area of plot is more than 600 sq. m	Wet riser-cum-down corner.	1,50,000l itres	30,00 litres	2400 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	900 litres per minute giving a pressure not less than 3.2 kg/cm2 at the top hydrant.
	e) Above 70 m. in height buildings. (If area of plot is more than 600 sq. m)	Wet riser-cum-down corner.	3,00,000l itres.	50,000 litres	2800 litres per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	900 litres per minute giving a pressure not less than 3.2 kg/cm2 at the top hydrant.

1. Any of the above categories may incorporate an automatic sprinkle/a drencher system, if the risk is such that it requires such protective methods.

2. A minimum of two hydrants shall be provided within a courtyard.

3. Wet riser-cum-down corner is an arrangement for firefighting within the building by means of vertical rising mains of not less than 10 cm. Internal dia, with hydrant and hose reel on each floor landing connected to an overhead water/storage tank for firefighting purpose through a booster pump, check valve and a non-return valve near the tank end and a fire pump, gate and non-return valve over the underground static tank. A fire service inlet at ground level filled with a non-return valve shall also be provided to the rising main for charging it by a fire service pump in case of failure of static fire pumps over the underground static tanks.

4. The performance of pumps specified above shall be at R.P.M. not exceeding 2,000.

5. The above quantities of water shall be exclusively for firefighting and shall not be utilised for domestic/or other use. The layout of underground static water tank shall be as per the requirement of CFO/CFO manual.

6. The size of the riser in the non-residential buildings over 32 m. high shall be 15 cm. (internal dia.) with twin hydrant outlets and hose reel on each floor.

7. A facility to boost water pressure in the riser directly from the mobile pump shall also be provided to the wet riser system with suitable fire service inlets (collecting head with two 63 mm inlets for 10 cm rising main and four 63 mm inlets with check valves for 15 cm. Dia rising main) and a non-return valve and a gate valve.

8. Hose Reel-The Internal diameter of rubber hose for the hose reel shall be a minimum of 19 mm. A shut-off branch with a nozzle of 4.8 mm. size shall be provided.

(1) Wet Riser Installation

They shall conform to IS: 3644-1966 Code of Practice for Installations of Internal Fire Hydrants in high-rise buildings. In addition, the wet-riser shall be designed for zonal distribution ensuring that unduly high pressure does not develop in risers and hose pipes.

In addition to wet-riser, wet riser-cum-down corner, first aid hose reels shall be installed on the floors of buildings above 32 m. and shall conform to IS :884-1969 Specifications for First Aid Hose Reel for Fire Fighting (Fixed Installation). The first aid hose reel shall be connected to one of the female couplings of twin couplings of landing valves directly to the wet riser in the case of single outlet of the wet riser installations by means of adapter: -

(i) Static Water Storage Tank**: -** A satisfactory supply of water for the purpose of firefighting shall always be available in the form of an underground static storage tank with capacity specified for each building with arrangements of replenishment by main or alternative source of supply at 1,000 liters per minute. The static storage water supply should easily be accessible to fire engines. Provision of suitable number of manholes shall be made available for immersion, repairs and inspection of suction hose etc. The covering slab shall be able to withstand a vehicular load of 18 tonnes. The domestic suction tank connected to the static water storage tank shall have an overflow capable of discharging 2250 litres per minute to a visible drain point from which by a separate conduit the overflow shall be conveyed to a storm water drain.

(ii) To prevent stagnation of water in the static water storage tank, the suction tank of the domestic water supply shall be fed only through an overflow arrangement to maintain the level therein at the minimum specified capacity.

(iii) The static water storage tank shall be provided with a fire brigade collecting breaching with four 63 mm. Dia. (two of 63 mm. dia. for pump with capacity 1,400 liters/minute) instantaneous male inlets arranged in a valve box at a suitable point at street level and connected to the static tank by a s uitable fixed pipe of not less than 15 cm dia. to discharge water into the tank when required at a rate of 2250 litres per minute.

(iv) Automatic Sprinklers: - Auto-sprinklers shall be installed in accordance with provisions of NBC, amended up to date:

(3) **Automatic High Pressure Water Spray (emulsifying): -** This system shall be provided for protection of indoor transformers of a substation in a basement area.

(4) **Foam Generating System: -** This system shall be provided for protection of boiler rooms with ancillary, storage of furnace oils in a basement.

(5) **Carbon-dioxide (Co2) Fire Extinguishing System: -** Fixed Co2 fire extinguishing installation shall be provided as per IS: 6382-1971 Code of Practice for Design and Installation of Fixed Co2 Fire Extinguishing System on premises where water or foam cannot be used for extinguishing fire because of the special nature of the contents of the buildings/areas to be protected. Where possible, BCF installation may be provided instead of Co2 installation.

14. Fire Alarm System: -

All buildings mentioned below shall be equipped with fire alarm systems as given below: -

(i) ***Special buildings above 15 m. in height and Business and Industrial buildings above 32 m in height***-

(a) Such buildings shall be equipped with a manually-operated electrical fire alarm system with one or more call boxes located at each floor. The call boxes shall be so located that one or other of them shall be accessible to all occupants of the floor without having to travel more than 30 m.

(b) The call boxes shall be of the 'break-glass' type without any moving parts where the call is transmitted automatically to the control room without any other action on the part of the person operating the call box.

(c) All call boxes shall be wired in a closed circuit to a control panel in the control room located as given in this rule so that the floor number where the call box is actuated is clearly indicated on the control panel. The circuit shall also include one or more batteries with a capacity of 48 hours normal working at full load. The battery shall be arranged to be continuously trickle- charged from the electric mains. The circuit may be connected to an alternate source of electric supply.

(d) The call boxes shall be arranged to sound one or more sounders so as to ensure that all the occupants of the building are warned whenever any call box is actuated.

(e) The call boxes shall be so installed that they do not obstruct the exit-ways and yet their location can easily be noticed from either direction. The base of the call box be at a height of 1 m. from the floor level.

(ii) ***All other buildings exceeding 32 m. height excluding those mentioned in clause (i) above****: -*

These buildings shall, in addition to the manually operated electrical fire alarm system, be equipped with an automatic fire alarm system. The latter shall be in addition to any automatic fire-extinguishing system installed in any particular occupancy in accordance with these rules. The detectors for the automatic fire alarm shall conform to the relevant IS Specification Heat Smoke Sensitive Type Fire Detector and the system shall be installed in accordance with IS: 2189-1976 Code of Practice for Automatic Fire Alarm System of any other relevant Indian Standard, prescribed from time to time.

Provided that, no automatic detector shall be required in any room or portion of a building which is equipped with an approved installation of automatic sprinklers.

15. Lightning Protection of Buildings

The lightning protection systems for buildings shall be in accordance with the provisions of Part III, National Building Code of India amended up to date.

16. Control Room

For all buildings mentioned in clause no 14 above except residential buildings, there shall be a control room on the entrance floor of the building with communication system (suitable public address system) to all floor planers along with the details of firefighting equipment and installations shall be maintained in the control room. The control room shall also have facilities to detect a fire on any floor through indicator boards connecting fire detecting and alarm systems on all floors. The

staff in-charge of the control room shall be responsible for the maintenance of the various services and firefighting equipment and installations. Control room shall be manned around the clock.

17. Fire drills and fire orders

Fire notices/orders shall be prepared indicating the requirements of firefighting and evacuation of the building in the event of fire or another emergency. Occupants shall be thoroughly familiarised with their contents and action needed in the event of an emergency. Such notices should be displayed prominently.

18. Location of Refuge Area: -

i) *Manner of providing refuge area*: -

a) The refuge area shall be so located that it shall preferably face the access road/s or otherwise face the wider open space on the side of the building perpendicular to the main access road.

b) The cantilevered Refuge area on cantilever will be permissible at the mid-landing of the staircase only. All other refuge areas shall be within the building line only.

c) The cantilevered refuge area shall necessarily be of RCC type.

d) The refuge area shall be provided with railing / parapet of 1.20 m.

e) R.C.C. covering shall be provided above the topmost cantilever refuge area.

f) The refuge area shall have a door which shall be painted or fixed with a sign in luminous paint mentioning “REFUGE AREA”

g) The lift/s shall not be permitted to open into the refuge areas.

h) The refuge area provided within building line shall be accessible from common passage/ staircase.

ii) *Use of refuge area*: -

a)The refuge area shall be earmarked exclusively for the use of occupants as temporary shelter and for the use of Fire Brigade Department or any other organization dealing with fire or other emergencies when occur in the building and also for exercises/drills if conducted by the Fire Brigade Department.

b) The refuge areas shall not be allowed to be used for any other purpose and it shall be the responsibility of the owner/occupier to maintain the same clean and free of encumbrances and encroachments at all times.

iii) Facilities to be provided at refuge area: -

a) Adequate emergency lighting facility shall be provided.
b) Toilet may be provided within refuge area.
c) Drinking water shall be provided.

iv)*Terrace floor as a refuge floor*: -

a) The necessary facilities such as emergency lighting, drinking water etc. shall be provided.

b) The access door/s from the enclosed staircase/s to the terrace floor shall have louvers at top half portion of the door. The entrance doors to the terrace shall be painted or fixed with sign painted in luminous paint mentioning "REFUGE AREA"

19. Glass Façade

All the buildings having glass façade shall comply with fire safety requirements as per Model Building Bye Laws/NBC

APPENDIX- II

[Regulations 10.1, 10(3) (iii), (iv)]

Form of Notice and first Application for development Under Sections 44,45,58,69 of the Maharashtra Regional and Town Planning Act 1966 and to erect a building under section 337/342 of the Mumbai Municipal Corporation Act, 1888.

To,

The ……..

Municipal Corporation of Greater

Mumbai, Mumbai.

Sir,

I intend to carry out development in the site/to erect, to re-erect/to make material alteration in the building…….on/in plot No.C.S.No./C.T.S. No…….. of……..Division/village/Town Planning Scheme No…… situated at Road/Street…… ward and in accordance with section 44,45, 58,69 of the Maharashtra Regional and Town Planning Act, 1966/section 337, 342 of the Mumbai Municipal Corporation Act, 1888, and the Maharashtra Development Plan Rules, 1970.

2. I enclose the following plans and statements (Items 1 to 6) wherever applicable, in quadruplicate , signed by (Name in block letter)……

Licensed surveyor/engineer/structural engineer/supervisor, License No……

or architect, who has prepared the plans and designs on my behalf and copies of other statements/documents as applicable (Items 7 to 14): -

1) Key Plan (Location Plan)
2) Site Plan
3) Sub-division/layout plan
4) Building Plan
5) Particulars of development in the form in Annexure-I
6) Ownership Title documents and ownership title submitted by Solicitor/Advocate
7) Attested copy of receipt for payment of building permit fee
8) Self certification from owner/developer regarding municipal taxclearance.
9) No objection certificate/s, whererequired.
10) Appointment letter in favour of licensed technical personnel orarchitect.
11) Supervision memorandum of licensed technical personnel orarchitect.
12) Property register card, and city survey plan for plot in original signed by the Competent City Survey Authority not issued prior to12months,

13) Owners' affidavit regarding area of theplot.

14) Architect's certificate for plot area along with area calculations by triangulation method. Please approve the proposed development/construction and permit me to execute the work.

Yours faithfully,

Date:……. Signature of Owner----------

Name of Owner---------- (in blockletters)

Address of Owner ----------

Appedix III

Regulation

NO 59

Table.List of special purpose NOCs.

Sr.No.	Authority	Location
1	Airport	For height of buildings as per the provisions of Regulation No 45(f)
2	Police	For Construction of Religious Structures
3	Jail Authority	Required by the Competent Authority and as notified by Urban Development Department, GoM
4	Railway	If situated within 30 m from Railway TrackBoundary.
5	Defence	Required by the Defence Authority around defence installation and as notified by Urban Development Department, GoM
6	MHCC	For development related to Heritage Structures and in Heritage Precincts as specified in the Regulation No 52.
7	ASI (Archeological Survey of India)	As notified by the Competent Authority
8	MHADA /MBRR Board	In case of development of lands belonging to MHADA /development in MHADA layout, Cessed Buildings
9	MCZMA	For development in areas affected by CoastalRegulation Zone
10	MoEF	For development attracting the EIA Notification
11	Highway	Plot falling within highwaybuffer as shown on DP
12	MMRDA	In influence zone of Metro/Monorail as may be notified by the Competent Authority.
13	Estate Department of MCGM	Land of Improvement Trust
14	Collector	Government land/ NA/ ULC wherever applicable
15	Director of Industries	As specified in these Regulations

- The above cited list shall stand amended through additions/deletions mandated by GoM from time totime.

Appendix IV

(Regulation 60)

Repairs to existing Building

(1) ***Repairs to be carried out can be categorized as detailed below***:

Partial repairs- The repairs to the extent of 75% of BUA will be termed as partial repairs. The partial repairs shall be allowed with the permission of the Commissioner.

Extensive repairs- The repairs beyond 75% of BUA will be termed as extensive repairs which shall be allowed with the special permission of the Commissioner.

(2) ***Type of Repairs***:

Category- **I**-The building neither affected by the road widening nor by DP Reservations.

Category-II-The buildings affected by the road widening or by reservations or by both

(3) Pre-requisites while submitting the proposal:

(i) Notice under section 342 of MMC Act and notice under section 44/69 of MR & TP Act 1966 duly signed by owner/NOC Holder.

(ii) NOC from M.B.R & R Board (if cessed building)

(iii) Structural audit report/Statutory Notice issued by MCGM/MHADA

(iv) Photographs showing condition of building as under:

a) Front roadside view from ground to top floor in one or more photographs as possible.

b) Side view elevation photographs wherever possible.

c) Dangerous portions proposed for repairs

d) Type of existing material in mode of construction

e) Roof photographs.

(v) Plan showing block plan, location plan and all the details existing on site

(vi) List of all the existing tenants/occupants signed by NOC Holder and countersigned by Architect, in case of non cessed building and list of all the existing tenants/occupants signed by Ex. Engineer M.B. R. & R Board in case of cessed building.

(vii) Owner's consent for the proposed repairs/authority under section 499 of MMC Act where Owner's consent for proposed repairs is not possible.

(viii) The onus of submitting authenticity of the structure for which repairs have been proposed shall entirely vest with owner/NOC holder

(4) Guidelines

(1) The buildings which are in need of Extensive Repairs shall be preferably developed or redeveloped under the provisions of these Regulations. However, if development/redevelopment is not possible due to various

reasons such as size/shape of plot, disputes and other reasons, then Extensive Repair may be allowed.

(2) Except those buildings affected by setback of important roads from the point of view of their widening, in all other cases repairs will be allowed inclusive of setbacks, with registered undertaking for not claiming any compensation on account of repairs for the structure and shall handover the portion of road setback as per prevailing policy/provision, when required by MCGM. The provision of Twin column arrangement shall be insisted at the sanctioned R.L / D.P. Road so as to detach the part of the building falling within the setback as and when required by MCGM for widening of roads.

(3) When repairs are allowed in the setback/widening of the road portion only then, Standing Committee shall be intimated as per the section 297(3) of MMC Act.

If a road is already widened on either side of the building which is to be taken up for repairs, such building can be taken up for repairs in conformity with (2) and (3) above, if it requires extensive repairs.

(4) Repairs may be allowed on sites under reservation, if the same is not under acquisition. Incase of reserved sites which are under acquisition, the repairs may be allowed with special permission of the Commissioner. In both the cases, registered undertaking shall be insisted upon from the NOC holder/owner stating that no compensation will be claimed on account of repairs for the structure as and when the property is acquired, and grant of permission for repairs will not in any way affect the process of acquisition and shall not be used as a tool to impede the process of acquisition.

(5) It shall be the responsibility of the owner/NOC holder to ensure that the existing tenements/existing authorised uses are maintained.

(6) No repairs to the unauthorised structure/unauthorised part of structure shall be allowed.

(7) In case of cessed properties MHADA/MBRRB may carry out repairs of buildings after obtaining remarks from MCGM as per provisions of the MHADA Act. Remarks and observations if any as stated in these guidelines shall be complied with during the course of repairs.

Notes:

1. The repairs to the non-tallying portion which forms part of common amenities such as toilet block, washing places, common passage, and staircase can be considered at Dy. Ch. E (BP)'s level.

2. In case applicant submits documentary evidence from Government Authority to prove the existence of non-tallying portion prior to 01/04/1962 for non-residential and 17/4/1964 for residential buildings, repairs can be allowed

3. In case of partial/extensive structural repairs of buildings owned by Government/Semi Government organizations/ Municipal Corporation/ B.E.S.T. Undertaking/ Government- Semi Government Undertakings, approval of the Head of department/ Competent Authority of Concerned organization shall be sufficient. Structural Audit as per the requirement of MCGM and compliance thereof shall have to be observed by the concerned organization/Authority.

APPENDIX- V

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.Dy.Ch.E./BP/ of

Office of the:

Dy. Chief Engineer (B.P.)

ADVANCE POSSESSION RECEIPT

Sub: -Handing over and taking over the advance possession of plot/Area of D.P. Road/Reservation/amenity area etc. as per provisions of DCR 2034 out of Survey No./H.No. ....., CTS No. /C.S. No./ F.P. No. ..... of village /Division/ T.P. Scheme No..... in Ward.

_____working as Assistant Engineer in the Office of Dy. Ch.E.(B.P.)..... and ....., the owner of the said plot of land have respectively taken over on behalf of MCGM as per provisions of DCR and handed over the representative possession of the above said land respectively. The possession of the land mentioned below has been taken as required by the Deputy Superintendent Land Records as per Indian Registration Act, 1908, for the rectification in the Land Record. This possession Receipt does not mean that MCGM have taken final possession of the said land.

The final possession receipt shall be issued only after ascertaining the actual area as per provisions of DCR & joint measurement plan and physically taken over the possession of plot by MCGM and handed over by the owner. The cost of any transaction involved shall be borne by the owner or lessee.

The particulars of land considered for initial stage of representative advance possession receipt is as mentioned below-

Survey No.	H.No.	CTS No./ C.S.No./F.P.No.	Village/Division/ TPS	Area in Sq. M.

Conditions to be complied with before handing over final possessionof the subject land.

- The construction of compound wall with gate wherever necessary.
- The necessary provision of storm water drain.
- Joint Measurement Survey with C.T.S.O
- The Title Clearance has been certified by Advocate/Solicitor who has experience in this field of a minimum 10 years.

- The owner/developer agreeing to rectify the defects in the works, if any, in terms of Undertaking separately given by the owner.
- Any other conditions as may deem fit and proper in the interest of general public.

On..... Day of the month of .....

Handed over by	Taken over by
OWNER Address :	SubEngineer/AssistantEngineer Bldg.Proposal(Ward)

Disclaimer: This advance possession receipt is issued on the request of applicant and as per Provisions of Regulation No.....of DCR 2034. This advance possession receipt will not entail land owner/lessee to serve Purchase Notice under Section 49/127 of M.R. & T.P. Act, 1966 amended up to date.

APPENDIX- VI

(Final Possession Receipt from Owner to DP Department & DP Department to Estate Department)

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.Ch.E./DP/ of

OFFICE OF THE:
Chief Engineer (Development
Plan) Brihan mumbai
Mahanagarpalika, Municipal Head
Office, 5th floor, Annexe Building,
Mahapalika Marg, Fort,
Mumbai-400 001.

FINAL POSSESSION RECEIPT

Sub:- Handing over and taking over of D.P. Road /Reservation/Amenity area out of Survey No. /H .No. ....., CTS No. /C.S. No. / F.P. No. ..... of village /Division/ T.P. Scheme No. ..... in Ward.

Ref:-1) Advance possession Receipt No. Dy.Ch.E./BP/..... dtd.....

_____ working as Assistant Engineer in the Office of Ch.E. (D.P.) and ....., the owner for the said plot of the land have respectively taken over and handed over the possession of the above mentioned vacant land.

The particulars of land are as mentioned below-

Survey No.	H. No.	CTS No./ C.S. No./F.P.No.	Village/Division	Area in Sq. m.

- The compound wall with gate wherever necessary isprovided.
- The necessary provision of storm water drain ismade.
- The area of the D P Road/Reserved land/Amenity area has been ascertained on the basis of Joint Measurement Survey with SLR/C.S. Office under M.R.m Plan No. ..... dated .....with communication No. ..... dated ..... and as per the provisions of these Regulations.

- The Title Clearance has been certified by Advocate/Solicitor who has experience in this field of a minimum 10 ears
- Any other conditions as may deem fit and proper in the interest of generalpublic.
- The possession of above land is taken over subject to the owner/developer agreeing to rectify the defects in the works and in terms of Undertaking separately given by the owner.
- Ownership of land so handed over shall be transferred in the name of MCGM in land revenue records. The cost of any transaction involved shall be borne by the owner or lessee

NOTE:- In case of constructed built up amenity to be handed over along with plot as per the provisions of these Regulations, then the details such as built up area of amenity, number of tenements/non-residential galas, along with requirements like number of parking with their earmarking on the occupation plans and details Occupation/Completion Certificate shall be clearly mentioned in the possession receipt.

On ..... Day of the month of .....

Handed over by

OWNER

Taken over by

Sub/Asstt. Engineer Development

Plan (Ward) Address:

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.Ch.E./DP/ of

FINAL POSSESSION RECEIPT

Sub:- Handing over and taking over possession of D.P.Road/Reservation/Amenity out of Survey No./H.No. ....., CTS No. /C.S. No./ F.P. No. ..... of village /Division/ T.P.Scheme No. ..... in Ward.

_____working as Assistant Engineer in the Office of Ch.E.(D.P.)and....., working as Assistant Engineer in the Office of Assistant Commissioner (Estates) / Ward for the said plot of the land have respectively handed over and taken over the possession of the above mentioned vacant land.

The particulars of land is as mentioned below-

Survey No.	H. No.	CTS No./ C.S. No./ F.P.No.	Village/Division	Area in Sq. m.

- The compound wall with gate wherever applicable isprovided.
- The necessary provision of storm water drain ismade.
- The area of the D P Road/Reserved land/Amenity area has been ascertained on the basis of Joint Measurement Survey with SLR/C.S. Office under M.R. Plan No. ..... dated ..... with communication No. ..... dated ..... and as per the provisions of these Regulations.
- The Title Clearance has been certified by Advocate/Solicitor who has experience in this field of a minimum 10 years
- Any other conditions as may deem fit and proper in the interest of general public.
- The possession of above land is taken over subject to the owner/developer agreeing to rectify the defects in the works and in terms of Undertaking separately given by the owner.
- Ownership of land so handed over shall be transferred in the name of MCGM in land revenue records. The cost of any transaction involved shall be borne by the owner or lessee

NOTE:- In case of constructed built up amenity to be handed over along with plot as per the provisions of these Regulations, then the details such as built up area of amenity, number of tenements/non-residential galas, along with requirements like number of parking with their earmarking on the occupation plans and details Occupation/Completion Certificate shall

be clearly mentioned in the possession receipt.

On ..... Day of the month of.....

Handed over by

Sub/Assistant.Engineer

Taken overby

Sub/Assistant Engineer DevelopmentPlan(Ward)

Assistant Commissioner (Estates) /Ward

ANNEXURE - 1

(Part of Appendix II Item 5)

Particulars of Development

1) (a) (i)Applicant's Full Name ……

(in block letters) ……

(ii)Applicant's address ……..

(a) Name and address of Licensed Surveyor/Engineer/Structural Engineer or Supervisor/Architect employed/Professionals on Records……

…… ……

(c) No. and date of issue of license …….. Valid up to……

2) Is the plot affected by any reservation or road lines? If so, are these correctly and clearly marked on the block plan?

3)*(a)What is the total area of the plot according to the document?

*(b)Does it tally with the Collector's record?

*(c) What is the actual area available on site measured by the licensed surveyor/architect/engineer/supervisor or architect?

(d) If there is any deduction in the original area of the plot on account of road lines or reservation? Please state the total area of such deductions.

(e) If so, what is the netarea?

(f) Is the clearance under Urban Land (Ceiling and Regulations) Act, 1976 obtained? If so, what is the area allowed for development? Clearance under Urban Land (Ceiling and Regulations) Act, 1976 else an undertaking.

*Permission will be based on the minimum of areas in (a), (c)

or (f) above. Note. -INDICATE DETAILS ON THE SITE/BUILDING

PLAN AS IN FORM 1.

4)Are all plans as required under Regulations 10(3)enclosed?

5) (a) Is the plot part of a city triangulation survey number, revenue survey number or hissa number or a final plot number (city survey number) of a Town Planning Schemes or a part of an approved layout?

(b) Please state sanction number and date ofsub-division/layout.

6) (a) In what zone does the plot fall?

(b) What is the permissible Floor Space Index of the Zone?

(c) What is the number of tenements per net hectare permissible in the zone?

7) (a) Is the use of every room in the proposed work marked on the plans?

(b) Is it in accordance with the Regulations?

(c) Does the building fall in the category of-

(i) Special building as defined in Regulations2(iv)(17)(n)

(ii) High rise building as defined in Regulations 2(iv)(75)

8 If the work is in connection with an industry-

a) Please briefly describe the main and accessory processes.

b) Please state the maximum number of workmen and the total KW likely to be employed per shift in thefactory.

c) Under what industrial classification does it fall? (Reference to relevant Regulation should be given).

d) Is the proposal for relocation of an existing industry? If so, give the name and address of the existingindustry.

Note. - The permission will be based on the area which is minimum.

e) If the proposal is for the establishment of a new industry or for the expansion of an existing industry, is a copy of the "No Objection Certificate" from the Department of Industries enclosed [see Regulations No. 18(k) wherever applicable?

f) Will the building be away from the boundary of a residential or commercial zone or as per Table 18(B) in Regulations 41(4)?

g) Is the proposal for a service industrial estate on a plot reserved for service industries or in industrial zone?

h) Nature and quantum of industrial waste/effluents and methods of disposal be stated.

9) (a)What is theaverage-

(i) Prescribedwidthand

(ii) Existing width of thestreet?

(If the plot abuts two or more streets, information for all streets should be given).

(b)What is the height of the building-?

(i) above the average ground level of the plot? Does it comply with Regulations 43?

10) (a) If there are existing structures on theplot-

(i)Are they correctly marked and numbered on the siteplan?

(ii) Are those proposed to be demolished immediately colouredyellow?

(iii) What is the plinth area and total floor area of all existing structures to be retained? (Please indicate in the appended Statement 'A' withdetails)

(iv) What is the number of existing tenements in the structure(s) to be retained? (b)What is the plinth area and total floor area of the proposed work or building?(Please indicate in appended statement 'B' with details

(c) What is the number of tenements proposed?

Note. - INDICATE DETAILS OF THE BUILDING PLAN AS IN FORM 1.

11) (a)) Please state the plinth area and total floor area, existing and proposed (i.e. totals of items 10) a) (iii) and 10(b).

b) Please state the Development Rights, if any, proposed to be used and the floor space index credit available there under.

c) Please state the overall floor space index [Item 11(a) divided by Item 3(e)] plus the floor space index available due to Development Rights.

d) Does the work consume the full floor space index of the plot, as given

in item 6(b)? If not, why not?

e) Is the building proposed with setbacks on upper floors?

f) What is the total number of tenements [Item 10(a) (iv) plus Item 10(c)]?

Note. -INDICATE DETAILS ON THE BUILDING PLAN AS IN FORM1.

12) (a) What is the width of the front open space? If the building abuts two or more streets, does the front open space comply with Regulations 41(1)

(b) Please state which of the sub-Regulations of Regulations 41 and/or any other Regulations is applicable for the open space?

13) Does the front open space comply with the Regulations?

14) (a) Whatis-

(i) the width of side open space(s)?

(ii) the width of rear open space(s)?

(iii) the distance betweenbuildings?

(b) Do they comply with Regulations 41(2)(i)(a)? Regulations 41(6)?

(c)Are there two or more wings to the buildings?

If so, are the open spaces separate or distinct for each wing as required by Regulations 41(1)(a)

15) If the plot is narrow, which clause under Regulations 41(7)(a) or Regulations 41(7)(b), do you propose to take advantage of (whatever applicable)?

16) (a) What are the dimensions of the inner or outer chowk?

(b)(i)Does any room depend for its light and ventilation on the chowk? If so, are the dimensions as required for each wing of the buildings?

(ii) If not, is the area at least equal to square of one-fifth of the height as per Regulations 41(8)

(17) If the height of the building is greater than 16 m. above the average ground level, is provision for lift (s)made?

If so, give the following details of the lift(s): -

(a) Details of lift

Type	Passenger Capacity	No.oflifts	Types of doors

(b) Details of fire lift.

Type | Passenger Capacity |No.oflifts |Types of doors

18) (a) Does the building fall under the purview of clause 2(iv)76or (n) of sub-Regulations (17), Regulations 2?

(b) If so, do the proposed fire protection requirements conform to those in Appendix I?

(c) If not, givereasons.

19) (a) (i) What is the requirement of parking spaces under Regulation 44(2) and(3)?

(ii) How many areproposed?

(iii) How many lock-up garages are proposed?

(b) (i) Are parking spaces for transport vehicles provided (Regulations 44(5))?

(ii) If so, what is the requirement?

(iii) How many are proposed?

NOTE: -INDICATE DETAILS ON BUILDING PLAN AS IN FORM 1.

20) (a) (i) What are the maximum widths of balconies?

(ii) Will they reduce the required open space to less than the provisions of the Regulation?

(iii) Do they serve as a passage to any part of the building?

(iv) What is their totalarea?

(v) What is the maximum width of weather-frames, sun-shades (chajja), sun-breakers, cornices, caves, or other projections?

(c) (i) Are any porches/canopies proposed?

(ii) Do they comply with requirements of Regulations 42?

21) (a) What is the width of the means of access?

(b) What is its clearheight?

(c) Will it be paved, drained and kept free of encroachment?

22) Is the recreational or amenity open space provided as required under Regulations 27(I),27(2)?

23) (a) Are any accessory buildings proposed? If so, for what purpose?

(b)What are their heights?

(c) Are the 7.5 meters away from the street or front plot boundary and if located within the open spaces, 1.5 meters from any other boundary?

(d) Is their area calculated in floor space Index?

24) (a) what is the proposed height of the compound wall? Is it at ajunction?

(b) Does it comply with Regulations 37(24)?

25) (a) (I) Is the proposal in the airportzone?

(b) (ii) Is a "No Objection Certificate" for height and character of smoke from chimneys obtained from Civil Aviation Authorities (Attach copy).

(c) Does the proposal fall in the category of tower-like structure vide Regulation 2(iv)124 and 41(2)(i)(c)? If so, does it comply with the requirement there of?

26) Indicate provision for common conventional antenna for receipt of television transmission in residential building with more than ten tenements (Regulations 42)

27) Does the proposal fall in any of the areas/zones such as those of the Mumbai Metropolitan Region Development Authority/ Maharashtra Housing and Area Development Authority/Railway/Highway/Slum Authorities/Power Transmission line/Coastal Area/No Development Zone/Tourism Development Zone/ Communication Authorities etc.?

28) (a) Does any natural water course pass through the land under development?

(b) Is the necessary set back provided according to Regulations 18(b)?

29) (a) Is the plinth level proposed to be above the level of the surrounding ground level?

(b) Will the proposed plinth level be above 27.55 m Town Hall Datum?

(c) Is the plot proposed to be filled upto the level of the abutting road or Reduced Level(R.L.) 27.55 m Town Hall Datum, whichever is more?

30) The details of the materials to be used in construction with specifications

are as follows:

Roofs----------

Floors----------

Walls----------

Columns----------

Beams----------

Any other Material----------

"Note:- Building material to be used in construction such as brick etc. shall contain fly ash. Fly ash shall also be used for construction and road/ maintenance as permissible as per I.S. specification"

31 The number of water closets, urinals, kitchens, and baths to be provided

are as follows: Water closets |Baths | Urinals |Kitchen

Existing----------

Proposed----------

32) Details of the source of water to be used in theconstruction.

33) Distance from thesewer.

34) How much municipal land, if any, will be used for stacking building material?

35) Please explain, in detail, in what respect the proposal does not comply with these Regulations andthe reasons therefore, attaching separate sheets for this information, if necessary.

I am the owner-lessee/mortgagee in possession/---------- of the plot on which the work is proposed and that the statements made in this Form are true and correct.

Date:

Address: Signature of the applicant.

Form of certificate be signed by the Licensed Surveyor/Engineer/Structural

Engineer/Supervisor or Architect/ Professionals on Records employed by the Applicant

I (Name) ----------have been employed by the applicant as his Licensed Surveyor/Engineer/Structural Engineer/Supervisor or Architect. I have carefully pursued his covenant or conveyance in respect of this plot and have examined the boundaries and the area of the plot and I certify that I have personally verified all the statements made by the applicant who is the owner/lessee/mortgage in possession of the plot & possess ownership/absolute development rights as in the above Form and the attached Statements A and B and found them to be correct.

Date:

Address

Signature of Licensed Surveyor/Architect

Engineer/Structural Engineer/Supervisor

Note: - INDICATE IN BUILDING PLAN AS IN FORM II.

STATEMENT 'A'

(Serial No. 10(a)(iii) in ANNEXURE 1)

Existing Building to be retained

Existing Building No.	Floor No.	Plinth Area	Total floor area of the Existing	Use or Occupancy
(1)	(2)	(3)	Building (4)	of floors (5)

STATEMENT 'B'

[Sr. No. 10(b) in ANNEXURE "1"]

Proposed Work/Buildings

Building No.	Floor No.	Area	Total Floor Area of proposedwork	Useor Occupancy of Floors

FORM I

(Sr. No. 2, 9,10,11,19 in ANNEXURE "1")

(At right top corner of site/building plan at Ground Floor Level)

I. AreaStatement

1. Area ofplot
   a) Area of Reservation inplot
   b) Area of Road Setback
   c) Area of D PRoad
2. Deductionsfor.
   (A) For Reservation/RoadArea
   (a) Road set-back area to be handed over (100%) (Regulation No16)
   (b) Proposed D P road to be handed over (100%) (Regulation No 16)
   (c) (i)Reservation area to be handed over (100%) (Regulation No17)
   (ii) Reservation area to be handed over as per AR (Regulation No 17)

(B) For Amenityarea

(a) Area of amenity plot/plots to be handed over as per DCR14(A)

(b) Area of amenity plot/plots to be handed over as per DCR14(B)

(c) Area of amenity plot/plots to be handed over as per DCR 35 (abeyance)

(C) Deductions for Existing BUA to be retained ifany/ Land component of Existing BUA /Existing BUA as per Regulation under which the development was allowed.

3. Total deductions: [{2(A) +2(B)}+2(C) as and when applicable.]
4. Balance area of plot (1 minus3)
5. Plot area under Development after areas to be handed over to MCGM / Appropriate Authority as per Sr. No. 4 above.
6. Zonal (basic) FSI (0.50 or 0.75 or 1 or1.33)
7. Built up Area as per Zonal(basic) FSI (5 *6)

   (In case of Mill land Permissible BUA kept in abeyance)
8. Built up equal to area of land handed over as per Regulation 30(A)

   (i)As per 2(A) and 2(B) except 2(A)(c) (ii) above with in cap of “Admissible TDR” as column 6 of Table -12 on remaining /balance plot.)

   (ii) in case of 2(A)(c) (ii) permissible over and above permissible BUA on remaining / balance plot.
9. Built up Area In lieu of Cost of construction of built up amenity to be handedover (within the limit

   of permissible BUA on remaining plot)
10. Built up area due to “Additional FSI on Payment of Premium” as per Table No 12 of Regulation No 30(A) on remaining/ balance plot.
11. Built up area due to admissible “TDR” as per Table No 12 of Regulation No 30(A) and 32 on remaining / balance plot.
12. Permissible Built up Area {as the case may be with /without BUA as per 2(c)}
13. Proposed BUA {as the case may be with /without BUA as per 2(c)}
14. TDR generated if any as per regulation 30(A) and 32.
15. Fungible Compensatory Area as per Regulation No31(3)

    a) i)Permissible Fungible Compensatory area for Rehab component without chargingpremium

       ii) Fungible Compensatory area availed for Rehab component without chargingpremium

    b) i) Permissible Fungible Compensatory area by chargingpremium.

       ii) Fungible Compensatory area availed on payment of premium

16. Total Builtup Area proposed including Fungible Compensatory Area [13+15(a)(ii) +15(b)(ii)]

17. FSI consumed on Net Plot [13/4]

(II) OtherRequirements

(A) Reservation/Designation

a) Name ofReservation

b) Area of Reservation affecting theplot

c) Area of Reservation land to be handed/handed over as per Regulation No.17

d) Built up area of Amenity to be handed over as per Regulation No.17

e) Area/Built up Area ofDesignation

(B) Plot area/Built up Amenity to be Handed Over as per Regulation No

(i) 14(A)

(ii) 14(B)

(iii) 15

(C)Requirement of Recreational Open Space in Layout/Plot as per Regulation No.27

(D) Tenement Statement

(i) Proposed built up area (13above)

(ii) Less deduction of Non-residential area (Shopetc.)

(iii) Area available for tenements [(i) minus (ii).]

(iv) Tenements permissible (Density oftenements/hectare)

(v) Total number of Tenements proposed on the plot

(E) ParkingStatement

(i) _Parking required by Regulations for. –

CarScooter/Motor cycle Outsiders (visitors)

(ii) Covered garagepermissible

(iii) Covered garages proposed Car

Scooter/ Motor cycle Outsider (Visitors)

(iv) Total parkingprovided

(D) Transport Vehicles Parking

(i) Spaces for transport vehicles parking required byRegulations

(ii) Total No. of transport vehicles parking spacesprovided

Note – The Proforma is for an illustrative guideline only. The proforma may be modified to suit the provisions of DCR under which the development is proposed.

FORM II

(At right bottom corner of plans/below Form I)

Contents of sheet

Stamp of date of receipt of plans

Stamp of approval of plans

Revision	Date	Description Signature

Certificate of Area

Certified that I have surveyed the plot underreferenceon..... and that the dimensions of the sides, etc. of the plot stated on the plan are as measured on site and the area so worked out is*.....squaremeters and tallies with the area stated in the document ofownership/TownPlanning Scheme records.

Signature of Licensed Surveyor/Architect/Engineer/Structural Engineer/Supervisor

or Architect Description of proposal and property

Name of owner

JobNo.

Drawn by

North Line Drg no.Scale Checked by

Signature, Name (in block letters) and Address of Licensed Surveyor/ Engineer/ Structural Engineer/Supervisor or Architect.

*Area to be stated in figures and also in words

ANNEXURE 2

FORM OF SUPERVISION ACCEPTANCE

(By Architect/Licensed Surveyor for Building Permission)

To

The……
Municipal Corporation of
Greater Mumbai,
Mumbai

Subject: Acceptance of supervision of proposeddevelopment

Sir,

The development work of the

Full Particular of the work	
On plot bearing C.S.No./C.T.S.No./F.P.No.	
Of Division/village/T.P. Scheme No.	
Type of Development	
Road Name:	
Ward	
Name of Architect/Licensed Surveyor	

will be carried out under my supervision. All the materials (type and grade) and the workmanship of the work will generally tally with the general specifications submitted along with the plans and the work will be carried out according to the sanctioned plans. I shall be responsible for the execution of the work in allrespects.

Yours faithfully,

Name of the Architect/Licensed Surveyor
License No.

Address:
Tel. No.:
Signature:
Date:

ANNEXURE 3

PLOT AREA CERTIFICATE

(On the letter head of Architect/Licensed Surveyor)

Date: _____

To,
Executive Engineer,
Building Proposal _____ ward, M.C.G.M.

Subject: Proposed development on plot

Full Particular of the work	
On plot bearing C.S.No./C.T.S.No./F.P.No./	
Of Division/village/T.P. Scheme No.	
Ward	
Name of Owner	

Reference: Building Proposal File No._____

Sir,

I have submitted a proposal on behalf of my/our client Shri/M/s._____ _____ _____ for the proposed development on the abovereferred plot. The area of the plot is _____sq. m as per the P.R. Cards obtainedfrom city Survey office dated_____. In order to verify the p l o t area, I/We havecarried out the survey of the said plot through our staff to ascertain correctness ofthe area mentioned in the Property Register Card. The said survey has been carriedout on the basis of the boundaries of the plot shown by the Owner/client.The said area as per the survey no works o u t to_____ _sq. m a n d FSI is claimed for theplot area _____ sq. m

Thanking you,

Yours faithfully

Name of the Architect/Licensed Surveyor
Registration No.:
Address:
Tel.No.:
Signature:
Date:

ANNEXURE 4

OWNER'S PLOT AREA AFFIDAVIT

(To be typed on stamp Paper of Requisite value)

To

The Executive

Engineer, B.P ward

Mumbai.

Subject: Proposed development on property bearing C.S./ C.T.S.No./ F.P. No.____ ,Of Division/village/T.P.Scheme No._____at_____Road in ward.

Reference: Building Proposal File No./Proposal No. _____

I_____, possessing the right of development by virtue of conveyance/ Lease/ Development Agreement/Power of Attorney dated_____for the property bearing C.S./C.T.S.No./F.P.No ,of Division/village/T.P.Scheme No at_____ Road in_____ward and having my residence/office at_____ solemnly affirm and say as under:

I have submitted the plans through my Architect/Licensed surveyor _____ having License No. _____for development of the aforesaid property.

In order to verify the area, I have also carried out survey of the said plot through my Architect/ Licensed surveyor to ascertain the correctness of the area.

I say that my Architect/Licensed Surveyor has certified the said area on the basis of the property register card duly certified by the Superintendent of Land Records and/or on the basis survey carried out as per the boundaries of the property shown byme/us.

The said area works out to _____ sq. m (in words___sq. m. and F.S.I is claimed for the plot area sq.m.

It may also be stated here that I/we do not hold /own any contiguous land with the subject land.

SOLEMNLY AFFIRMED AT MUMBAI DATED THIS _____DAYOF

(Name & Signature of Owner/C.A.

to Owner) BEFORE ME.

Note: To be submitted in original duly notarized.

ANNEXURE–5

SUPERVISION MEMO OF STRUCTURAL ENGINEER

(On the Letter Head of STRUCTURAL ENGINEER)

Name of Structural Engineer
LicenseNo.

Date:_____

To,
Executive Engineer,
Building Proposal _____ ward, M.C.G.M.

Subject: Proposed development work of ……

Building proposal No	
Full Particular of the work	
On plot bearing C.S.No./C.T.S.No./F.P.No./Of Division/village/T.P. Scheme No	
Type of development	
Road Name	
Ward	
Name of Architect / Licensed Surveyor	
Name of Owner	

With reference to the letter of our appointment dated _____ ___addressed to you, by the Owner, I hereby confirm that I have agreed to act as the Consulting Structural Engineer for the above proposal.

I further confirm that the structural design and calculations shall be inconformity with the provisions of IS Code nos. 1875,1893 &4326 taking into consideration the Seismic forces etc.as required by the planning authority.

Thanking you,

Yours faithfully

Name of the Consulting Structural Engineer
Registration No.:
Address:
Tel.No.:
Signature:
Date:

C.C. to: 1. Owner
2. Architect/ Licensed Surveyor

ANNEXURE 6

SUPERVISION MEMO OF LICENSED PLUMBER

(On the Letter Head of Licensed Plumber)

Name of Plumber
License No.
Date_____

To, Executive Engineer,
Building Proposal ____ ward,
M.C.G.M.

Subject: Drainage &Sanitation work of proposed development

Building proposal No	
Full Particular of the work	
Building comprising of (no of wings and floors)	
On plot bearing C.S.No./C.T.S.No./F.P.No./ Of Division/village/T.P. Scheme No	
Type of development	
Road Name:	
Ward	
Name of Architect / Licensed Surveyor	
Name of Owner	

This is in reference to the letter of appointment issued by the Owner/Developer, I hereby confirm having agreed to act as Licensed Plumber for the aboveproposal.

Thanking you,

Yours faithfully,

Name of the Licensed Plumber
License No.
Address:
Tel.No.:
Signature:
Date:

Copies submitted to:

i) Architect/Licensed Surveyor
ii) StructuralEngineer
iii) Owner/Developer

ANNEXURE 7

SUPERVISION MEMO OF Site Supervisor

(On the Letter Head of Site Supervisor)

Name of Site Supervisor
License No.

Date

To,
Executive Engineer, Building Proposal
_____ward, M.C.G.M.

Dear Sir,

Subject: Proposed development work of

Building proposal No	
Full Particular of the work	
On plot bearing C.S.No./C.T.S.No./F.P.No./ Of Division/village/T.P. Scheme No	
Type of development	
Road Name	
Ward	
Name of Architect/ Licensed Surveyor	
Name of Owner	

With reference to the letter of my appointment datedaddressed to you, by the Owner, I hereby confirm that I have agreed to act as the Site Supervisor for the above proposal.

I further confirm that the workmanship and material quality and material testing shall be in conformity with the provisions of IS standards and the development work shall be as per approved plans and the structural design etc.

Thanking you,

Yours Faithfully

Name of the Site Supervisor
Registration No
Address:
Tel.No.:
Signature:
Date:

C.C.to:1.Owner.
2.Architect /Licensed Surveyor

ANNEXURE 8
SUPERVISION MEMO OF OTHER PROFESSIONAL ON RECORD
(On the Letter Head of Professional)

Name of Professional
License No.
Date:_____

To,
Executive Engineer,
Building Proposal
_____ward, M.C.G.M.

Dear Sir,

Subject:Proposed development work of

Building proposal No	
Full Particular of the work	
On plot bearing C.S. No./C.T.S .No./F.P. No./ Of Division/village/T.P. Scheme No	
Type of development	
Road Name	
Ward	
Name of Architect /Licensed Surveyor	
Name of Owner	

With reference to the letter of my appointment datedaddressed to you, by the Owner, I hereby confirm that I have agreed to act as theforthe above proposal.

I furtherreconfirm that the work will be carried out in conformity with the provisions of IS standards and as per requirements of Regulations, Annexurefor Duties and Responsibilities of Professional on Record and the development work shall be as per approved plans and the structural design etc.

Thanking you,

Yours Faithfully

Name of the Professional
Registration No
Address:
Tel.No.:
Signature:
Date:

C.C. to: 1. Owner
2. Architect/ Licensed Surveyor

ANNEXURE 9

Regulations 10(3) (ix)

Form for Supervision

To,
Municipal Corporation of Greater Mumbai,
Mumbai,

Sir,

The development/erection/re-erection/demolition or material alteration of the building …….. on Plot No./C.S. No./C.T.S. No of Division/village/Town Planning Scheme No. ……. situated at Road/Street ……. ward……..will be carried out under my supervision. All the materials (type and grade) and the workmanship of the work will generally tally with the general specifications submitted along with the plans and the work will be carried out according to the sanctioned plans. I shall be responsible for the execution of the work in all respects.

Yours faithfully,

Signature of Licensed/ Surveyor/Engineer/
Structural Engineer/supervisor of Architect.

Name (in block letters)
License No: ……..
Address: ……..
Date: ……

ANNEXURE–10 DETAILS OF THE QUALIFICATION, DUTIES, RESPONSIBILITIES AND REGISTRATION PROCESS

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
1	Architect	The Architect must have degree in architecture from recognized college/ university and minimum of two years of experience in a practice of architecture.	Registration with the Council of Architecture, India,issued as per the pro- visions of the Architects Act, 1972	To design and carry outwork related to development permission as given below and to submit a) All plans/ documents / information/ area certification & other details as specified in DCR connected with development permission; Work Start Notice Certificate of plinth completion. Certificate of supervision completion certificate for Building with plans.	The Architect/ Licensed Surveyor shall be responsible for designing the building in conformity with these Regulations, for authentication of documents submitted except legal document and for ensuring that the development is carried out as per approved plans, else get amended plans approved and intimating the Authority.
2	Town Planner	The minimum qualification for a town planner shall be the Associate Membership of the Institute of Town Planners or graduate or post graduate degree in town and country planning.	town planner shall be the Associate Membership of the Institute of Town Planners or graduate or post graduate degree in town and country planning.	The registered town planner shall be competent to carryout the work related to the development permit as given below : a) Preparation of plans for land sub division / layout and related	Town Planner shall responsible for designing the building in conformity with these Regulations, for authentication of documents submitted except legal document and for ensuring that the

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
				information connected with development permit for all areas. b) Issuing of certificate of supervision for development of land of all areas.	development is carried out as per approved plans, else get amended plans approved and intimating the Authority.
3	Licensed Surveyor	The "Licensed Surveyor"" shall have diploma/ degree in Civil/Construction Engineering from recognized college/ board/University or Corporate memberships (civil) of the Institution of Engineers (India) and minimum of 2 years of experience in a practice of relevant field.	Registration with Municipal Corporation with the valid license issued as per the procedure adopted by MCGM	To design and carry outwork related to development permission as given below and to submit all plans/ documents/ information/ area certification & other details as specified in DCR connected with development permission; a) Work Start Notice Certificate of plinth completion. Certificate of supervision completion certificate for building with plans.	The Architect/ Licensed Surveyor shall be responsible for designing the building in conformity with these Regulations, for authentication of documents submitted except legal documentand for ensuring that the development is carried out as per approved plans, else get amended plans approved and intimating the Authority.
4	Structural Engineer	The minimum qualifications for a Structural Engineer shall be Graduate in Civil Engineering of recognized Indian or foreign university	Registration with Municipal Corporation with the valid license issued	To carry out work related to development permission as given below	The structural engineer shall be responsible for the structural safety and

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
		or Associate Membership i The 3 years of experience shall be relaxed to 2 years in the case of post graduate degree of recognized Indian or foreign university in the branch of Structural Engineering. In case of Doctorate in Structural Engineering, the experience required would be 1 year	as per the procedure adopted by MCGM	and to submit – a) All structural plans and related information connected with development permission structural details and calculation of all parts of buildings c) certificate of plinth completion Certificate of supervision and completion certificate for building with completion plans.	stability of development carried out on site. He shall ensure that the development is as per the structural requirements given by him. Further, the structural design given shall match with approved plans. If he notices any difference he shall be Responsible for intimating the Authority.
5	Advocate orSolicitor onRecord	The Advocate or Solicitor on Record must hold avalid registration with the Bar Council of India. The Advocateor Solicitor on Record must havea minimum of ten years of experience in a practice of Land related matters.	Registration with the Bar Council of India.	To render services relatedto development permission and to submit- a)Title Clearance Certificate for the Land under development after exercising the procedure of search etc. at the time of submission of proposal, ownership for each CTS No.	AdvocateorSolici tor shall be responsible for certification of title of the land Certifying the authentication of rights of the owner/ developer to carry out development on the land concerned.

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
				along with all rights on proposed development at the time of Submission of proposal. b) Details of anyearlier courtmattersrela ted to land at the time of submission of proposal.	
6	Site Supervisor	The "Site Supervisor" must hold a diploma in Civil/ Construction Engineering or any other qualification in the field of Civil Engineering recognized by the board /universities In Maharashtra The "Site Supervisor" must have a minimum of two years of experience In Supervision of building works. Note – Earlier registered site supervisor Grade II and Grade III with MCGM may be continued.	Registered with The Municipal Corporation with the valid license issued as per the procedure adopted by MCGM.	To carry out work in accordance with the development permission and approved plans and to submit-Certificate of supervisionof buildings and to carry out material testing on site and ensuring the quality of work as per the specifications, NBC & relevant Code of Practice.	TheSiteSupervisor Shall be responsible for the workmanship and material quality and tests of material required in development carried out on site.Thefailureof test results shall be intimated to MCGM .He shall ensure that the development is as per the structural design and approved plansand If he notices any deviation he shall be responsible for intimating the Authority.

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
7	Licensed Plumber	The "Licensed Plumber" must hold a diploma in Civil Engineering or anyother qualification in the field of Civil Engineeringrecognized by the board / universities in Maharashtra Licensed Plumber must have a minimum of two years of experience in Plumbing works.	Registered with Municipal Corporation with The valid license issued as per the procedure adopted by MCGM.	To carry out plumbing work related to development permission and approved plans and to submit- a) Certificate of supervision of buildings for Plumbing& water supply and to carry out details and calculations of all parts of building w.r.t. Plumbing&bye law 4(c) according to approved development permission and b) Drainage Completion Certificate alongwith plans.	TheLicensed Plumber shall be responsible for the workmanship and material quality and tests of material required for plumbing and water supply. The failure of test results shall be intimated to MCGM . He shall ensure that the plumbing layout proposed is as per approved plans and If he notices any deviation he shall be responsible for intimating the Authority.
8	Consultant for Rain Water	The Consultant for Rain Water Harvesting (RWH) must hold a ring. TheConsultantfor Rain WaterHarvestingonrecord must have a minimum of two years of experience in thefieldpracticeinRWH.		a)Certificate & all related information connected with development permission for Rain Water Harv esting; b) Details for Rain Water Harvesting systemwith proposal/ plans. c)Completion	The Consultants for Rain Water Harvesting shall be work of Rain Water Harvesti ng carried out on site as per approval. He shall ensure that the work is carried out as per approval and If He notices any

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
				Certificate with respect to Rain Water Harvesting for Building stating that RWH system has been installed and tested.	deviation he shall be responsible for intimating the Authority.
9	Consultant for Grey Water Recycle	The Consultant for Grey Water Recycle must hold a degree in Environmental/ Public Health /Civil Engineering. The Consultant for Grey Water Recycle on record must have a minimum of two years of experience in a field practice in gray water recycling.		To carry out work related to Grey Water Recycle and to submit- a) certificate & all related information connected with development permission for Grey Water Recycling ; Details for Grey Water Recycling Plantwith proposal / plans. c)Completion Certificate with respect to completion plan respect to Grey water	The Consultants for Grey Water Recycle shall be responsible for the work of Grey Water Recycle carried out on site as per approval.Hes hall ensure that the work is carried out as per approval And if he notices any deviation he shall be Responsible for intimating the Authority.
10	Consultant for conservation of Energy	The Consultant for Conservation of Energy must hold any valid degree in Electrical/Mechanical Engineering andmust have a minimum of two years of experience in a field practice in energy conservation.		a. To submit certificate &all related information connected with Conservation of Energy; b. To submit	TheConsultantsfor Conservation ofEnergy shall be responsible for the workof Conservation of Energy carried out on site as per approval

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
				detailsfor Conservation of Energy Plant with propos al for implementin. c. To submit Completion Certificate with completion plan with respect to Conservation of Energy for building	and the ECBC codes. He shall ensure that the work is carried out as per approval and If he notices any deviation he shall be responsible for intimating the Authority
11	Consultant for Fire Safety Measures	Fire Protection Consultant shall be a licensed agency undertheFirePrevention & Fire Safety Measures Act, 2006.	Mustbe registeredwith Director,Mahar ashtra FireServices	Tocarry out work relatedto development permission with respect to Fire Safety measures and tosubmit- a) Certificate & all related information concerned with development permission in accordance with requirement of Fire Act 2008; b) details forfire safety measures for all parts of building Completion Certifi cate along with plans for building	The consultant for fire protection shall be responsible for design and implementation of firefighting system and shall also responsible for its implementation on site in consultation with fire department of MCGM.

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
				stating all fire safety measures as per CFO NOC has been installed and tested with completion plans	
12	Consultant for Heating/ Ventilation and Air Condition (HVAC)	HVACConsultantshallbe agraduateinElectrical Engineeringandmust possess minimum two years of experience in installation of HVAC		To carry out work relatedto HVAC system and to submit a) Certificate & all related information concerned withHVAC; b) details for HVAC for implementation. Completion Certifi cate along with plans with respect to HVAC installation, their testing and proper functioning.	The consultant for HVA Can be responsible for planning, designing and implementation of HVAC systemasper theNBC and relevant code of practices.
13	Consultant for Solid Waste Management(SWM)	SWM Consultant shall be a graduate in Civil/ Environmental Engineering or Environ- mental Planning and must possess minimum two years of experience in field of SWM.		To carry out work related to SWM systemand to submit- a) Certificate & all related information concerned with SWM; b) Detailsfor SWM for implementati	The consultant for SWM shall be responsible for planning, designing and implementation of SWM system as per the NBC and relevant code of practices.

Sr No	Professionals	Qualification	Registration	Duties	Responsibilities
				on regarding waste segregation, onsite treatment and disposal. c) Completion Certificate along with plans with respect to SWM system installation, their testing and proper functioning.	

Note-: Latent Defect Liability :—

(a) Any or all of the following shall be held liable for any structural flaws or defects in the building with BUA 750 sq.mt. and above for period of Ten (10) years after the date of grant of occupation cum building completion certificate, except in case of natural calamities, damages, due to war, riots,

i. Architect/License Surveyor
ii. Structural Engineer
iii. Site Supervision/Site Engineer :
iv. Construction Company including contractor, sub-contractor
v. Consultants appointed for various activities involved in the construction work.

(b) The above mentioned professional and the Construction Company including contractor and sub- contractor may take decennial professional liability insurance to cover such liability.

ANNEXURE 11

Regulation (10) (5)(i)

Form of sanction of development permission, building permission and Commencement certificate.

To

……..

……..

……..

Sir,

With reference to your application No……..dated for Development Permission and grant of Commencement Certificate under sections 44 and 69 of the Maharashtra Regional and Town Planning Act, 1966, to carry out development and building permission under section 346 of the Mumbai Municipal Corporation Act 1888,to erect/additions /alterations to building …… On plot No./ CS/C.T.S./FPNo .....Div./village/Town Planning Scheme no…….. situatedat Road/ street…… ward .....the Commencement certificate/building permit is granted on the following conditions :-

1. The land vacated in consequence of the enforcement of the set-back line/road widening line shall form part of the publicstreet.

2. No new building or part thereof shall be occupied or allowed to be occupied or used or permitted to be used by any person until occupancy permission has been granted.

3. The commencement certificate/development permission shall remain valid for one year commencing from the date of itsissue.

4. This permission does not entitle you to develop land which does not vest in you.

5…….

6…….

Yours faithfully,
Executive Engineer(BuildingProposal)(.....Ward)

Municipal Corporation of
Greater Mumbai. Office No ..
Office Stamp ……..
Date ……

ANNEXURE 12

[Regulation 10(5) (i)]

Form of refusal of Development Permission, Building Permission and

Commencement Certificate

To

……

……

……

Sir,

With reference to your application

No……..dated for the grant of sanction of the developmentworks; the erection of a building/execution of work for Building on plotNo./C.S.No./ C.T.S.No/F.P No.of…….Divn./Village/Town Planning Scheme No……. Situated at……Road/Street ……Ward……, I regret to inform you that the sanction is refused on the following grounds under Section 346 of the Mumbai Municipal Corporation Act, 1888, and under Section 45/69 ofthe Maharashtra Regional and Town Planning Act, 1966.

1. ……
2 ……
3. ……
4. ……
5. ……
6. ……

Yours faithfully,

Executive Engineer,

(BuildingProposal)(Ward)

Municipal Corporation of

Greater Mumbai.

Office No. ……

Office Stamp ……..

Date ……

ANNEXURE 13

[Regulations No.11(2) and Section 347(i)(a) of the Mumbai

Municipal Corporation Act, 1888]

Form of Notice for Start of Work

To

The Executive Engineer

(BuildingProposal), ... Ward,

Municipal Corporation of

Greater Mumbai, Mumbai.

Sir,

The development work/erection/re-erection/demolition or material alteration in/of Building No. ……. on/in Plot No./C.S. No. /C.T.S.No /F.P No. …… …… Division /Village/Town Planning Scheme No. ……. situated at ……Street/Road Ward ……..will start on …… …… …… in accordance with your permission No…… date …… …… ……. Under the supervision of ……. Licensed Surveyor/ Engineer /Structural Engineer/ Supervisor, or Architect License No ……and in accordance with the plans sanctioned.

Yours faithfully,

Signature of Owner……

Name of the Owner……

In Block Letters ……

Address of Owner……

Date: ……

ANNEXURE-14
[Regulations No.11(4)]

Form of intimation of Completion of Work upto Plinth Level

To,

The Executive Engineer

(BuildingProposal) ..... Ward,

Municipal Corporation of Greater Mumbai.

Sir,

The construction upto plinth/column upto plinth level has been completed in Building No……on/in Plot No./C.S.No./C.T.S.No/F.P No. …….. Division/Village/Town Planning Scheme No. …… Road/Street …… Ward……in accordance with your permission No. …… dated ……..under my supervision and in accordance with the sanctioned plan.

Please check the completed work and permit me to proceed with the rest of the work.

Yours faithfully,

Signature of Licensed Surveyor/

Engineer/Structural

Engineer/Supervisor or Architect

Name..... (in blockletters)

Address……
Date : ……

ANNEXURE 15

[Regulations No.11(4)]

Form of Approval/Disapproval of Development Work upto Plinth Level

To

……..

……

……..

Sir,

Please refer to your intimation No. ……dated …….. regarding the completion of construction work up to plinth/columns up to plinth level in Building No…….. on/in Plot No/C.S. No./C.T.S. No/F.P No……..Division/Village/Town Planning Scheme No. …… ….. situated at……..Road/ Street …… Ward You may/may not proceed with the further work as per sanctioned plans/as the construction up to plinth level does/does not conform to the sanctioned plans.

Yours faithfully,

Executive Engineer

(BuildingProposal(Ward)

Municipal Corporation of

Greater Mumbai. Office No.

……..

Office Stamp …….

Date : ……

ANNEXURE 16

(Regulations No.11(6)& (7))

Form for Development completion certificate

To
The executive Engineer
(BuildingProposal),
..... Ward,
Municipal Corporation of Greater Mumbai,

Sir,

I certify that the erection/re-erection or part/full development work in/on building/part building No. …….on/in Plot No., C.S.No./C,T,S, No/F.P No…… Division/Village/Town Planning Scheme No. ……. Situated at…… Road/Street ……. Ward ……. has been supervised by me and has beencompletedon according to the plans sanctioned (office communication No. …… dated_____). The work has been completed to my best satisfaction the workmanship and all the materials (type and grade) have been used strictly in accordance with general and detailed specifications. No provisions of the Act or Development Control Regulations or no requisitions made, conditions prescribed or orders issued thereunder have been transgressed in the course of the work. I am enclosing three copies of the completion plans, one of which is cloth mounted. The building is fit for occupancy for which it has been erected/re-erected or altered, constructed andenlarged.

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

Yours faithfully,

Signature of Licensed
surveyor/Engineer/Architect/
Structural Engineer/Site
Supervisor/ Architect.
Name .....
(In Blockletters)
Address ……..
License No……

Date : ……

ANNEXURE 17

(Regulations No. 11(6))

(See sub-section (3) of section 259-A of the Mumbai Municipal Corporation Act, 1888)

Drainage Completion Certificate

To

Assistant Engineer…….

…….

Sir,

The following work …… ……(insert full particulars of the work) has been completed to my satisfaction; the workmanship and the whole of the materials used are good; and no provision of the Act or the Development control Regulations or building Bye-laws and no requisition made, condition prescribed or order issued there under, has been transgressed in the course of the work

Yours faithfully,

Signature of Licensed Plumber……
Name (in Block letters) …….
Address ……
Licence No. ……

Date : ……

ANNEXURE 18

(Regulations No. 11(6))

(See sub-section (I) of section 353-A of the MumbaiMunicipal Corporation Act, 1888)

Building completion Certificate

To

Executive Engineer……..

Sir,

The following building work (insert full particulars of the work) has been supervised by me and has been completed to my satisfaction; the workmanship's and the whole of the materials used are good; and no provision of the Act or the Regulations, Bye-laws and no requisitions made, condition prescribed or order issued there under, has been transgressed in the course of the work.

Yours faithfully,

Signature of Licensed Surveyor/
Engineer/Structural Engineers/
Supervisor or Architect,

Name (in block letters) ___

Address ……..

Date : ……..

License No. ……..

ANNEXURE 19

(Regulations 11(6) and11 (7))

Form of Acceptance of Drainage Completion Certificate

Municipal Corporation of Greater Mumbai

No…. of

To,

……

Subject :

Reference :

Sir,

The Completion certificate submitted by you on …….. for the above work is hereby accepted

Yours faithfully,

Executive Engineer/Asst. Engineer…….Dn.
Municipal Corporation of Greater Mumbai
Zone ……..

Date :

Office Stamp :

No. ……of

Copy forwarded to
……Dn.
The Assistant Engineer/
Executive Engineer,
Development Plan/
Chief Engineer,
Vigilance,
……..For information

Executive Engineer Zone…….

ANNEXURE 20
(Regulation 11(7))
Form for Occupancy certificate

To
……
……
……
Sir,
The part/full development work/erection/re-erection or alteration in/of building/part building No. ……..on/in Plot No. …… Block No. …… situated at …….. Road/ Street …… …… .C.S No/C.T.S. No/F.P no. S. No. Division/Village/Town Planning scheme No. ……..Situated at…… Road/Street …… Ward…… ……. completed under the supervision of …….. Licensed surveyor/Engineer/Structural Engineer/Supervisor, Architect/License No…….. …… ……. .may be occupied on the following conditions:-
1)
2)
3)
4)……
……
A set of certified completion plans is returned herewith.

Yours faithfully,

Executive Engineer
(Building Proposal) (……Ward)
Municipal Corporation of Gr. Mumbai.
Office No. ……..
Office Stamp……..
Date ……

ANNEXURE 21
(Regulation 11(8)
Form of Indemnity for Part Occupancy Certificate

To
……..
Municipal Corporation of Greater Mumbai
Mumbai.

Subject:

Sir,

While thanking you for letting me occupy a portion of the above building before acceptance of the Completion Certificate of the whole building for the plans approved in communication No. …… dated …….. I, *indemnify the Municipal Corporation of Greater Mumbai against any risk, damage and danger which may occur to occupants and users of the said portion of the building and also undertake to take necessary security measures for their safety.

This undertaking will be binding on me/us, our heirs, administrators and our assignees.

Yours faithfully,

Signature of Owner ……
Name of the Owner …….
(in block letters)

Witness
(Signature and name in block letters) ……
Address : ……
……..
Date : ……
*of such value as decided by the Commissioner.

ANNEXURE 22
(Regulations 11(6)
Form of Acceptance of Completion Certificate
Municipal Corporation of Greater Mumbai
No……of

To
……

Subject:

Reference:

Sir,
The Completion certificate submitted by you on ……..for the above work is hereby accepted and the premises may be occupied.

Yours faithfully,

Executive Engineer/Asst.
Engineer…….Dn.
Municipal Corporation of Greater
Mumbai

Zone ……..
Date :
Office Stamp:

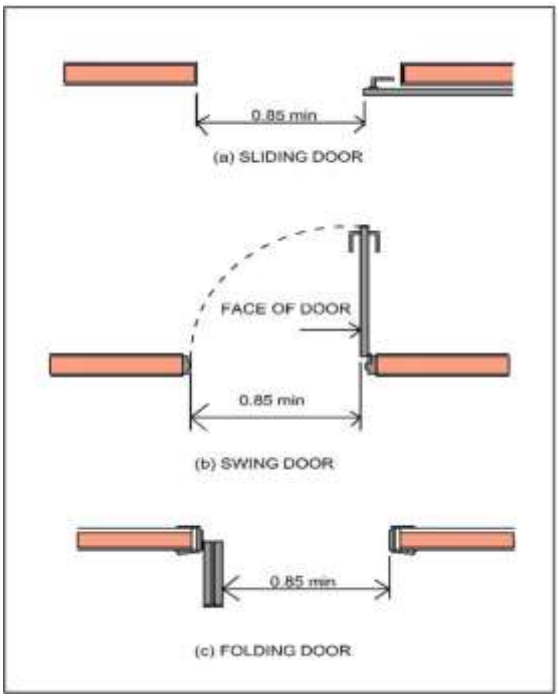
No. ……of

Copy forwarded to
……Dn.
The Assistant Engineer/
Executive Engineer,
Development Plan/
Chief Engineer,
Vigilance,
……..For information

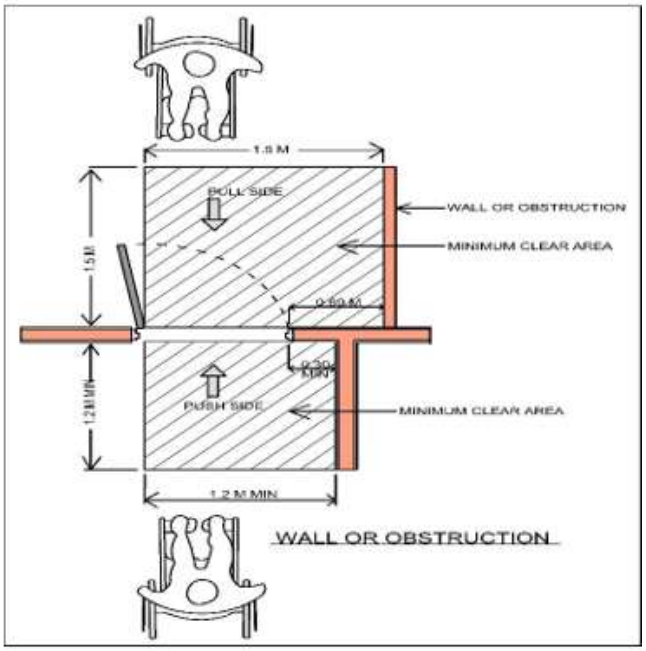
Executive Engineer Zone……..

ANNEXURE 23
Sketches

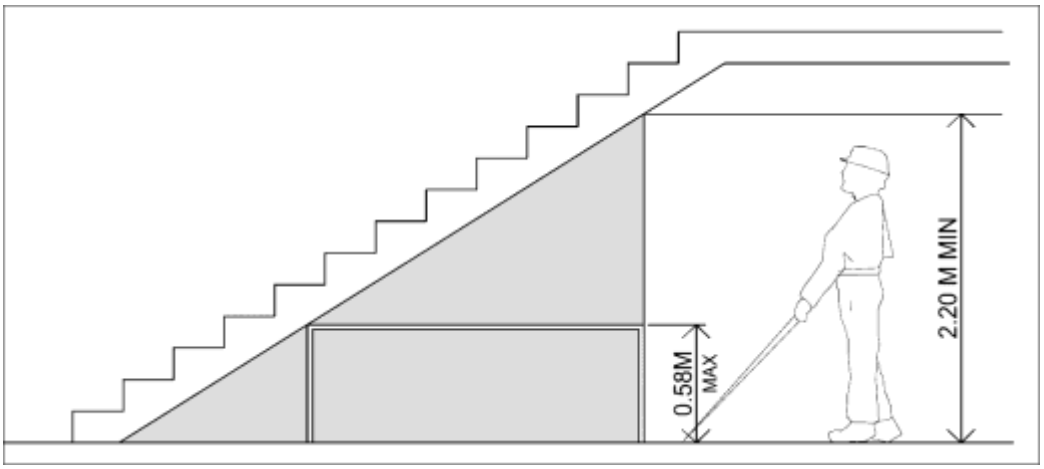
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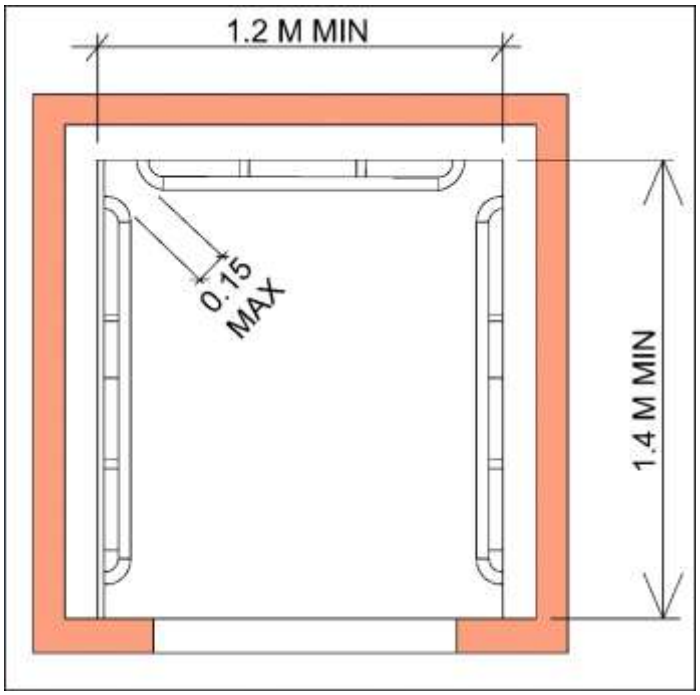
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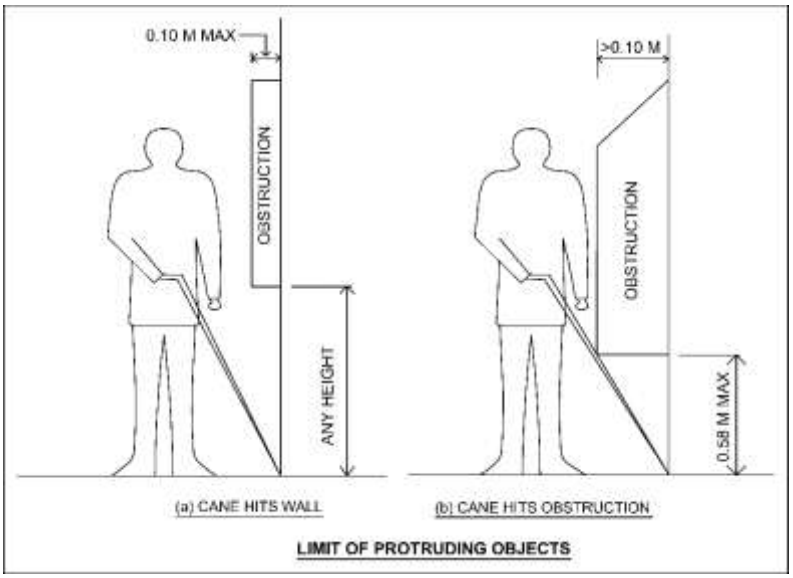
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Sketch No.4



Sketch No5



Sketch No.6

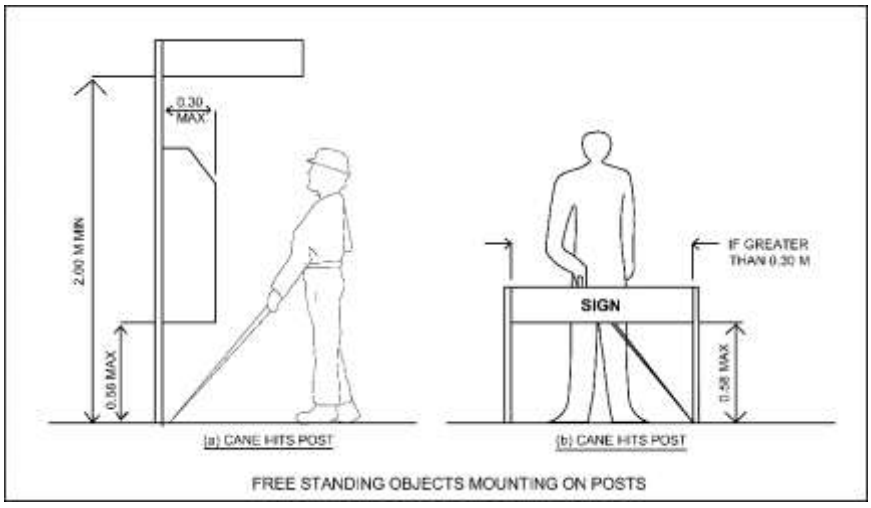
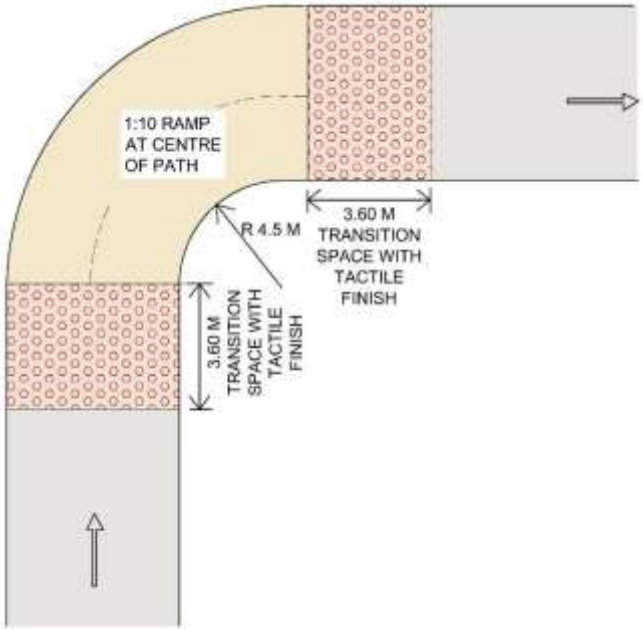
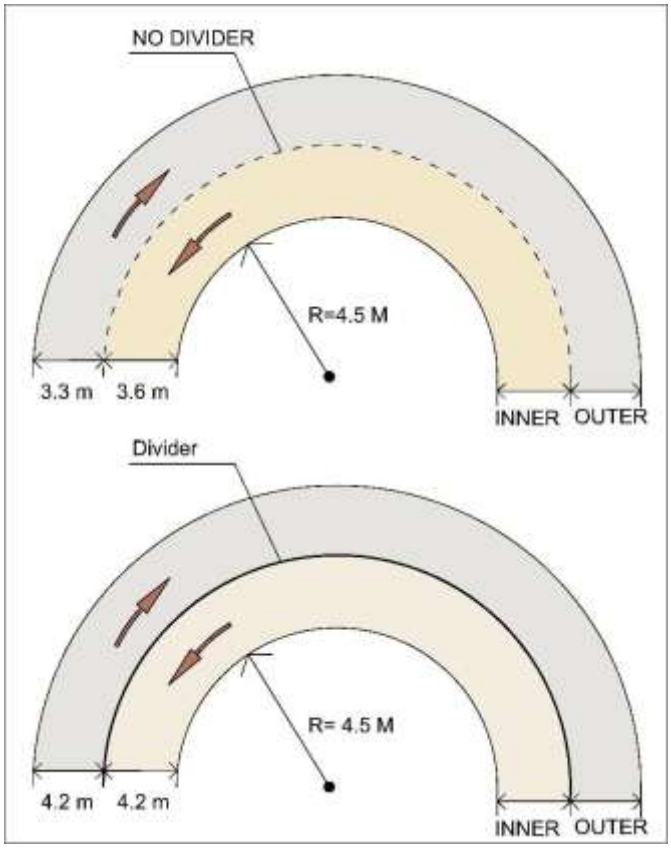


Fig 7- Illustrative example:





Note – Sketches not toscale

Annexure 24

Appropriate Authority

Sr. No	Reservation main Category	Reservation Sub Category		Appropriate Authority
		Code	Name	
1	Education	RE1.1	Municipal School	MCGM
2		RE1.2	Primary and Secondary School	MCGM / School Education & Sports Department, GOM
3		RE1.3	Special School	Social Justice & Special Assistance Department, GOM
4		RE2.1	Higher Education	Higher & Technical Education Department, GOM
5		RE3.1	Other Education	Higher & Technical Education Department, GOM (Incase of Medical College- Medical Education & Drug Department, GOM)
6		RE 4.1	Urban Planning Institute	Higher & Technical Education Department, GOM
7		RE 4.2	Medical Institute	MCGM/Medical Education & Drug Department, GOM
8		RE 4.3	Financial Institute	Higher & Technical Education Department, GOM
9		RE 4.4	Other Institutes	Higher & Technical Education Department, GOM
10	Health	RH1.1	Municipal Dispensary/ Health Post	MCGM
11		RH1.2	Hospital	MCGM/ Medical Education & Drug Department, GOM/Public Health Department,GOM
12		RH1.3	Municipal Maternity Home	MCGM
13		RH3.1	Rehabilitation Centre	MCGM/ Social Justice and Special Assistance Department, GOM
14		RH3.4	Veterinary Hospital	MCGM / Agriculture, Animal Husbandry Department, GOM
15		RMS1.1	Road Depot	MCGM
16		RMS1.2	Municipal Chowky	MCGM
17		RMS1.3	Municipal Facilities	MCGM

Sr. No	Reservation main Category	Reservation Sub Category		Appropriate Authority
		Code	Name	
18	Municipal Services	RMS2.1	Transport Garage	MCGM
19		RMS3.1	Solid Waste Management Facilities and Allied Activity	MCGM
20		RMS3.2	Land Fill Site	MCGM
21		RMS3.3	Scrap Yard	MCGM
22		RMS4.1	Sewage Treatment Plant/ Facilities	MCGM
23		RMS4.3	Sewage Pumping Station	MCGM
24		RMS5.1	Reservoir	MCGM
25		RMS5.2	Water Pumping Stations	MCGM
26		RMS5.3	Water Treatment Plant	MCGM
27		RMS5.5	Hydraulic Engineering Store/Office	MCGM
28		RMS6.1	Storm Water Pumping Station	MCGM
29	Public Offices	RO1.3	Municipal Office	MCGM
30		RO2.1	Government Office	Concerned Department of State/ Central Govt.
31		RO3.1	Disaster Management Facility	MCGM
32	Public Open Spaces	ROS1.2	Promenades	MCGM
33		ROS1.4	Play Ground	MCGM
34		ROS 1.5	Garden/ Park	MCGM
35		ROS2.1	Club/ Gymkhana	MCGM
36		ROS2.3	Zoo	MCGM
37		ROS2.4	Municipal Sports Complex	MCGM
38		ROS2.5	Sports Complex/ Stadium	MCGM / School Education & Sports Department GOM
39		ROS2.8	Botanical Garden	MCGM

Sr. No	Reservation main Category	Reservation Sub Category		Appropriate Authority
		Code	Name	
40	Primary Activity	RP1.1	Fish & Net Drying yards	Fisheries Department, GOM
41		RP2.1	Dhobi Ghat	MCGM
42	Public Utilities & Facilities.	RPU 1.1	Fire Station	MCGM
43		RPU2.1	Fuel Station	Ministry of Petroleum, GOI /Fuel Supply Companiesrecognized by Ministry of petroleum
44		RPU 3.1	Police Station	Home Department, GOM
45		RPU 3.2	Police Chowky	Home Department, GOM
46		RPU3.3	Correction Facilities	Home Department, GOM
47		RPU3.4	Police Facilities	Home Department, GOM
48		RPU 3.5	Courts	Law & Judiciary Department, GOM
49		RPU4.1	Post &Telegraphic Office	Post & Telegraph Department of GOI.
50		RPU5.2	Electricity Transmission & Distribution Facility	Energy Department, GOM/ Authorized Electric Supply Provider like MSEB/BEST/ Reliance Energy/Tataetc.
51		RPU 6.1	Service Industrial Estate	MCGM
52		RR1.1	Municipal Staff Quarters	MCGM
53		RR1.2	Police Staff Quarters	Home Department, GOM
54	Housing	RR1.3	Government Staff Quarters	Concerned Department of State/Central Govt
55		RR 1.5	Municipal Housing	MCGM
56		RR1.6	Police Housing	Home Department, GOM.
57		RR1.7	Government Housing	Concerned Department of State/Central Govt
58		RR2.1	Rehabilitation & Resettlement	MCGM
59		RR2.2	Social Housing	MCGM
60		RR3.1	Koli Housing	MCGM

Sr. No	Reservation main Category	Reservation Sub Category		Appropriate Authority
		Code	Name	
61	Social Amenities	RSA1.1	Municipal Market with Vending Zone	MCGM
62		RSA1.2	Retail Market with Vending Zone	MCGM
63		RSA2.1	Multi-Purpose Community Centre	MCGM.
64		RSA2.7	Students Hostel	MCGM / Social Justice and Special Assistance Department, GOM/Women & Child Welfare Department, GOM
65		RSA2.9	Homeless Shelter	MCGM
66		RSA3.3	Cultural Centre/ Drama Theatre/Theater	MCGM /Tourism &Cultural Affairs, GOM
67		RSA3.5	Museum	MCGM /Tourism &Cultural Affairs, GOM
68		RSA3.6	Art Gallery	MCGM /Tourism &Cultural Affairs, GOM
69		RSA3.7	Leisure Park	MCGM
70		RSA4.8	Cemetery	MCGM
71		RSA4.9	Old Age Home	MCGM
72		RSA5.2	Multi-Purpose housing for working Women	Women & Child Welfare Department, GOM
73		RSA6.1	Care Centre	MCGM
74		RSA6.2	Adhar Kendra with skill development centre	MCGM / Skill Development Department, GOM
75		RSA6.3	Public Convenience	MCGM
76		RSA 7.1	Film Studio/ TV Studio	Tourism & cultural Affair Department, GOM
77		RSA 8.1	Animal shelter	Agriculture, Animal Husbandry Department, GOM
78		RT1.1	Truck Terminus	MCGM/Transport Department, GOM
79		RT1.2	StateTransport Depot	Transport Department GOM

Sr. No	Reservation main Category	Reservation Sub Category		Appropriate Authority
		Code	Name	
80	Transport	RT1.4	BEST Bus Facilities	BEST
81		RT1.6	Parking Lot	MCGM
82		RT2.1	Water Transport Terminal	Port and Transport Department, GOM
83		RT2.2	Jetty	Port and Transport Department, GOM
84		RT3.1	Metro/Mono Rail Car shed	Urban Development Department, GOM
85		RAM	Reservation Amenity	MCGM
86	Higher Education	RE 2.1	National Law University	Concerned Department of Govt. of Maharashtra

ANNEXURE 25

Abbreviation of criteria (classification) for heritage listing

(a) Value for architectural historical or cultural reasons .. A

-- architectural .. A(arc)

-- historical .. A(his)

-- cultural .. A(cul)

(b) The date and / or design and / or unique use of the building or artefact .. B

-- period .. B(per)

-- design ..B(des)

-- use ..B(uu)

(c) Relevance to social or economic history ..C(seh)

(d) Association with well-known persons or events ..D(bio)

(e) A building or groups of buildings and / or areas of a distinct architectural design and / or style historic period or way of life having sociological interest and / or community value. E

-- style

-- historical

The unique value of a building or architectural features or artefact and / or being part of a chain of architectural development that would be broken if it were lost. F

(f) Its value as a part of a group of buildings ..G(grp)

(g) Representing forms of technological development ..H(tec)

(h) Vistas of natural / scenic beauty or interest, including water-front areas, Distinctive and / or planned lines of sight, street line, skyline or topographical. .. I(sce)

(i) Open spaces sometimes integrally planned with their associated areas having a distinctive way of life and for which are and have the potential to be areas of recreation. J

Transitional Policy Circular

T1 to T5

MUNICIPAL CORPORATION OF GREATER MUMBAI

Ch.E./D.P./21450 dtd.31/10/2018

Sub: Transitional Policy for ongoing proposals. (Circular No. T-1)

The Urban Development Department vide their notification u/No. TPB-4317/629/CR-118/2017/DP/UD-11 dtd. 08.05.2018 u/s. 31(1) of MR&TP Act 1966 has sanctioned DP 2034 & DCPR 2034 excluding substantial modifications. Further, UDD vide their corrigendum dtd. 23.06.2018 has fixed the date of coming into force of DCPR 2034 as 01.09.2018. Thereafter UDD vide their notification u/No. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dtd. 21.09.2018 has sanctioned EPs of DCPR 2034 and it was stated that the same will come into force from 24.10.2018. UDD vide their corrigendum u/No. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dtd. 23.10.2018 has fixed the date 13.11.2018 to be the date on which the said excluded parts as described in the schedule A shall come into force. Hence, it is necessary to frame Transitional Policy according to the sanctioned provisions of DCPR 2034.

The matter discussed with Hon.M.C. Accordingly, transition policy for ongoing proposals is put-up herewith for Hon.M.C.'s approval and signature please.

Submitted please.

(R.B. Zope)
Ch.Eng.(DP)

(Ajoy Mehta)
Hon.M.C.
Sir,

MUNICIPAL CORPORATION OF GREATER MUMBAI

Ch.E./D.P./21521 dtd.01.11.2018

Sub: Transitional Policy for ongoing proposals. (Circular No. T-1)

The Urban Development Department vide their notification u/No. TPB-4317/629/CR-118/2017/DP/UD-11 dtd. 08.05.2018 u/s. 31(1) of MR&TP Act 1966 has sanctioned DP 2034 & DCPR 2034 excluding substantial modifications. Further, UDD vide their corrigendum dtd. 23.06.2018 has fixed the date of coming into force of DCPR 2034 as 01.09.2018. Thereafter UDD vide their notification u/No. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dtd. 21.09.2018 has sanctioned EPs of DCPR 2034 and it was stated that the same will come into force from 24.10.2018. UDD vide their corrigendum u/No. TPB-4317/629/CR-118(III)/2017/EP(DCPR)/UD-11 dtd. 23.10.2018 has fixed the date 13.11.2018 to be the date on which the said excluded parts as described in the schedule A shall come into force.

Hence, it is necessary to frame Transitional Policy according to the sanctioned provisions of DCPR 2034.

The Reg. 9(5) of DCPR 2034 as finally sanctioned vide EP 11 is follows:

Reg. 9(5) validity of development permission : The development permission granted in the past shall be governed by the provision of section 48 of the MR &TP Act, 1966.

Where development has commenced as per the development permission /IOD issued prior to publication of these Regulations, the CC shall be issued or revalidated till completion of development in accordance with the plans approved, in respect of the said IOD including minor amendment thereof as per the then Regulations.

In view of above, in respect of proposals wherein IOD /amended plans are approved. in those cases C.C. /Further C.C./O.C.C./B.C.C. can be issued in respect of plans which are approved, subject to due compliance of conditions stipulated therein.

Further, the ongoing proposals shall be dealt with as follows:

1	In various cases IOD is revalidated as per the policy in force, but CC is not issued. In such case C.C. may be issued within the validity period of said IOD. In case, if C.C. is not issued within the validity period of IOD, further

	revalidation of such IOD shall not be done and the proposal needs to be dealt further as per the provisions of DCPR-2034.
2	Where Zero FSI IOD is issued as per DCR 1991 and C.C. is yet to be granted, in such cases fresh zero FSI IOD may be issued as per the provisions of DCPR 2034 and CC may be issued accordingly.
3	Drafts plans are approved on or before 31.08.2018, but approval not issued only for want of payment. In such cases if demand note for requisite payment has been issued to the Project proponent, on or before 31.08.2018, then the approval of the plans may be issued by recovering the due payment with 18% interest from 31.08.2018 till the date of payment. However, this procedure will be allowed only till 31.12.2018. Thereafter, plans needs to be scrutinized as per the provisions of DCPR-2034.
4	The concession in respect of various proposals have been approved in the past, as per the provisions of DCR 1991. However, the approvals are not issued before 01.09.2018. There are requests from stake holders not to resubmit the file for approval of various concessions, as per DCPR 2034 to Hon.M.C., for fresh approval of the concessions. In case of some of the concessions, which have been approved earlier, only the regulation numbers/clauses have been changed in DCPR 2034, but the content of the regulation remains the same. The hardship is already demonstrated while approving earlier concessions by Hon.M.C. Hence, these concessions wherein only regulation numbers have been changed, need not be put up for Hon.M.C.'s approval again. However, the scrutiny authority shall verify that there is only change in clauses/Regulations numbers of DCR 1991 & DCPR 2034 and consider the approval of plans accordingly (in the light of concessions already approved) as per DCPR 2034 at Zonal level only without resubmitting the proposal for approval of concessions again. where there is an additional requirement in the concessions, the concessions should then be re-sought by stating the hardship. However, it should be noted that while scrutinizing the plans as per DCPR 2034, the open spaces as per DCPR 2034

	shall be taken into consideration from building line including cantilever if any.
5	Plans have been approved as per DCR 1991 and project proponent comes forward for occupation with minor amendments. In such cases minor amendments to the extent of 5% per floor within the permissible FSI as per then prevailing regulation may be considered, with approval of Hon.M.C.

(R.B. Zope) (Ajoy Mehta)

Ch.E.(D.P.) **Hon.M.C.**

MUNICIPAL CORPORATION OF GREATER MUMBAI

Chief Engineer (Development Plan)

No. CHE/DP/24394/Gen dtd. 04/12/2018

Sub: Transitional Policy for ongoing proposals. (Circular No. T-2)

In order to deal with ongoing proposals Transitional Policy Circular (T-1) has been issued under No. Ch.E./DP/21521/Gen dated 01.11.2018. In order to bring in further clarify while dealing with ongoing proposals, following are being issued.

1	In respect of amended plans for ongoing proposals (where concessions are already approved as per DCR 1991) & or in respect of proposals wherein zero FSI 10D/CC is granted with approval for various concessions involved in the proposal for full potential of plot as per DCR 1991, the balance development potential shall be worked out as per the provisions of Regulation 9(6)(b) of DCPR 2034. For processing of such amended plans, the open space requirements shall be reworked as per DCPR 2034 (i.e. from the projected building line if any) and the said open space requirement shall be compared with earlier approved concessions and if requirement of reworked open spaces is within the limit of open spaces relaxation considered earlier (i.e. there is no increase in the magnitude of open space deficiency considered earlier), the file need not be resubmitted for Hon.M.C.'s approval for such relaxations and shall be processed for approval at Zonal level only as the hardship is already demonstrated while approving earlier concessions by Hon.MC. Scrutiny authority shall verify that there is no further increase in magnitude of open space deficiency considered earlier. However, if there is any increase in magnitude of open space deficiency, the proposal shall be resubmitted for Hon.M.C.'s approval. The projections in front open space/side open spaces/rear open space as per earlier approved plans need to be continued for further work in lieu of balance development potential, being a past commitment. The open space requirements for the entire development shall be worked out as per DCPR 2034 & if there is any increase in open space deficiency area then premium shall be charged for such increased deficient area. The premium paid earlier towards condoning deficiency in open space if paid in excess shall not be refunded.
2	In respect of proposals on plot abutting road having minimum road width of 6 m & above but less than 9 m, wherein TDR has been utilised but plans not approved as per DCR 1991 pursuant to approval of various concessions as per DCR 1991, in such cases, approvals may be issued for that quantum of TDR only which is already utilised, after obtaining approval of competent authorities for further concessions as per DCPR 2034 if applicable, without insisting prescription of RL as per note (1)

	below table 12 of Regulation 30(A). However, In respect of proposals, wherein TDR is not utilised as per DCR 1991, but only concessions have been approved for utilisation of TDR, in such cases, provisions of DCPR 2034 shall be followed.
3	For the purpose of allowing additional parking spaces free of FSI as per Regulation 31(1) (vi) of DCPR 2034, visitors parking shall be considered as 5% instead of 25%. Further, the provisions of note (ii) below Regulation 44(6)(a) for charging of premium for additional parking spaces shall be operative after considering the parking spaces as per Regulation 31(1)(vi) over & above Table 21 of Regulation 44.
4	Plans to be submitted in PRE-DCR format irrespective of the software being compliant to DCPR 2034 or otherwise.
5	If applicant/owner desires to convert the ongoing proposal of development of buildable reservation under AR, as per the provisions of DCPR 2034, same may be allowed, provided occupation is not granted to built up amenity to be handed over to MCGM/Appropriate Authority.
6	If Fire check floor is constructed on site as per NOC from CFO & as per the plans approved as per DCR 1991, the same may be continued free of FSI as per the then approved plans & approval of Hon MC shall not be sought again if applicant desires to convert the proposal as per DCPR 2034.
7	In respect of proposals wherein concessions have been approved with full potential as per DCR 1991 with height of building less than 24m & the work of building has commenced after obtaining CC, for utilisation of balance potential as per DCPR 2034, 1.50 m clear width of staircase shall not be insisted, if the height of building is restricted to 24 m with the approval of Hon.MC by condoning the deficient width by charging premium even though as per DCPR 2034, the minimum width of staircase is 1.50mt.
8	In respect of proposals wherein TDR has been utilised more than the limit as stipulated in column no. 6 of Table 12 of Regulation 30(A) of DCPR 2034, the utilisation of balance additional FSI on payment of premium may be allowed as per the shortfall in permissibility as per column no 5, of Table 12 of Regulation 30(A) of DCPR 2034 keeping the total permissible FSI as column no. 7 of Table 12 of Regulation 30(A) of DCPR 2034
9	As per Regulation 37(17) & as per policy circular issued under no ChE/DP/27099/Gen dated 10.11.2017, lift opening is allowed free of FSI at terrace level. Same shall be allowed without charging premium in respect of residential development at zonal building proposal office level & same shall be allowed by charging premium in respect of non residential development with the approval of Hon.MC.

10	In development/redevelopment cases wherein the approval of Hon MC has already been obtained for grant of Fungible Compensatory FSI as per Regulation 35(4) of DCR 1991/ Fungible Compensatory Area as per Regulation 31(3) of DCPR 2034 by charging premium & plans are yet to be approved in lieu of said Fungible Compensatory FSI/Fungible Compensatory Area, such cases need not be resubmitted for Hon. MC's approval due to reduction in the applicable premium for Fungible Compensatory FSI/Fungible Compensatory Area. However, if there is any increase in the quantum of Fungible Compensatory FSI/Fungible Compensatory Area to be utilised, then such cases shall be resubmitted for Hon.MC's approval for the increased Fungible Compensatory FSI/Fungible Compensatory Area

(R.B. Zope)

Ch.E.(D.P.)

(Ajoy Mehta)

Hon.M.C.

MUNICIPAL CORPORATION OF GREATER MUMBAI

Chief Engineer (Development Plan)

No. ChE/DP/33335/Gen

Subject : Transitional Policy for ongoing proposals (Circular No. T-3)

In order to deal with ongoing proposals Transitional Policy Circulars (T-1) & (T-2) have been issued. In order to bring in further clarify while dealing with ongoing proposals. following guidelines are being issued

1.	For the purpose of calculating the balance potential. FSI calculations etc. sample proforma Annexure I to IV are enclosed for guidance & same shall be followed scrupulously while processing the proposals. While processing the proposals, the proposed built up area as per DCR 1991/ DCPR 2034 and total built up area shall be shown clearly in Proforma 'A' in separate columns, wherever applicable.
2	The Regulation 9(6)(b) of DCPR 2034, reads as follows:- "In case of such plots or layouts that started with due permission before DCPR 2034 have come into force and if the owner/developer, at his option, thereafter seeks further development of plot/layout/buildings as per DCPR 2034, then the provisions of DCPR 2034 shall apply to the balance development. The development potential of such entire plot shall be computed as per DCPR 2034 from which the sanctioned FSI of buildings /part of buildings which are proposed to be retained as per the approved plan, as per then Regulations shall be deducted to arrive at the balance development potential of such plot or layout Note.- For smooth implementation and removal of difficulties in transitional proposals, the Municipal Commissioner may formulate a policy. As per the above Regulation, provisions of DCPR 2034 shall apply to the balance development. However, In some cases of ongoing proposals, it may be difficult to comply with certain regulations of DCPR 2034 due to Planning or other constraints. In such cases for removal of difficulties & smooth implementation of transitional proposals following guidelines are issued. In respect of redevelopment /development of partially developed plot admeasuring 4000 Sq.Mt. or more (excluding the area under set back /DP Road), the magnitude of amenity as per Regulation 14(A) on balance development shall be worked out as per Annexure I to V of this circular. Further the following modalities shall be adopted while dealing with these (i) Wherein such amenity Plot works out to less than 200sq m, payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) F5I for plot to be carved out as amenity plot may be insisted before approval of plans & the physical required may not be insisted. (ii) wherein such amenity plot works out to 200 sq. m or more & if it is not possible to provide the required amenity, then Built up amenity with BUA equivalent to Zonal (basic) FSI of such amenity plot may be provided preferably at ground floor or 1st/2nd floor with separate access. Such built up amenity shall be excluded from FSI computations. TDR in lieu of cost of construction of such built up amenity will be given as per clause 1(d) of note below table 5 of Regulation 17(1). Procedure related to transfer of ownership as stipulated In clause 17(1X2)(iii) shall be followed, OR

	Payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI for plot to be carved out as amenity plot may be Insisted before approval of plans & the physical required amenity may not be insisted. The above modalities shalt be made applicable only in cases where CC for any of the buildings in plot/layout is issued & is valid.
3	In case of plots reserved in DP & comes forward for balance development as per Regulation 9(6)(b) of DCPR 2034, in such cases, the development permission issued under Accommodation Reservation principle for development of reservation as per then prevailing regulations having valid IOD or CC shall be valid & continued & no fresh development permission for development of reservation under Regulation 17 of DCPR 2034 shall be insisted
4	In respect of proposals on plot abutting road having minimum width of 6 m & above but less than 9 m, wherein concessions have been approved & IOD or CC is issued prior to 16.11.2016, in such cases for utilization of FSI/TDR ,clarification issued under the provisions of Regulation 62(3) of DCR 1991 under no TPB-4317/255/PK59/2017/UD-11 dated 07.07.2017 & orders issued by Urban Development Department ,Government of Maharashtra, in appeal under section 47 of MR &TP Act 1966 under no. Appeal/TPB 4318/15/PK 126/2018/UD-11 dated 15.06.2018 shall be followed.
5	Circular No. CHE/DP/49/Gen/2015-16 & CHE/DP/37143/Gen dated 02.12.2015 and as amended from time to time till date and issued tor implementation of EODB being procedural in nature shall continue to be implemented with modifications if any, subject to condition that they are not contrary to provisions of DCPR 2034. However if there is any conflict, then the provisions of DCPR 2034 shall be followed.
6	The Sr. No. (3) of circular no. T-1 dated 02.11.2018, shall stand modified as follows: For the purpose of clause 9(5) of DCPR 2034, the provision 'minor amendment' shall mean variation of 5(five) percent of the approved built up area as per the provisions of DCR 1991.
7	The provision vide Sr. No. (3) of circular no. T-1 dated 02.11.2018, allows payment with 18% interest till 31.12.2018. Now this payment facility is extended up to 31.03.2019 with the same rate of interest.
8	In respect of redevelopment proposals wherein IOD has been issued as per the provisions of Regulation 33(7) of DCR 1991 & IOD is valid, the provision of giving additional area to the extent of 5%/8%/15% as the case may be as per the provisions of clause 5 of Regulation 33(7) of DCPR 2034 shall be at the option of owner/developer & shall not be mandatory while processing the proposal for amendments, balance development, conversion as per the provisions of DCPR 2034.

(R.B. Zope) (Ajoy Mehta)

Ch.E.(DP) **Hon.M.C.**

MUNICIPAL CORPORATION OF GREATER MUMBAI
Chief Engineer (Development Plan)
No. ChE/DP/08432/Gen dtd. 10/07/2019

Subject : Transitional Policy for ongoing proposals (Circular No. T-4)

In order to deal with ongoing proposals Transitional Policy Circulars (T-1) (T-2) & (T-3) are already issued. In order to bring in further clarify while dealing with ongoing proposals. following guidelines are being issued under Regulation 9(6)(b).

1.	(i) If there is an ongoing /new development proposal on sub-divided plot situated in R/C Zone (which is part of earlier layout/sub division duly approved by MCGM prior to 27.05.2016 or sub divided plot of premerger layout, having separate (PRC), having such sub divided plot of premerger layout, having separate PRC), having such sub divided plot area (excluding setback/DP Road if any) less than 4000 Sq.M. the requirement of amenity as per Regulation 14(A) & the Inclusive Housing as per Regulation 15 (plot area needs to be calculated excluding setback /DP Roads/existing amenities /reservation if any) shall not be made applicable, subject to (iii) below. However, if such subdivided ploy area is 4000 Sq.m. & more, the requirements as per Regulation 14(A) & 15 shall be made applicable. (ii) In case of FP plot in TP Schemes or plot of Improvement Scheme /Estate Schemes, the provision of amenity space as per Regulation 14(A) & Inclusive Housing as per Regulation 15 shall not be insisted, if area of individual FP Plot/ Plot of Improvement Scheme/Estate Schemes is less than 4000 Sq.M. in area, subject to (iii) below. However, if such individual FP plot/plot of improvement Scheme/Estate Schemes is 4000 Sq.M. & more in area, the requirements as per Regulation 14(A) & 15 shall be made applicable. (iii) However, the layout amenities such as LOS/Layout RG and internal road approved in the past will have the same status as per the terms & conditions of approved layout /sub division scheme & shall not be part of redevelopment. At the same time, no FSI benefit will be permissible in respect of the said amenities provided in the layout. The said amenities will have to be maintained & shall not be subjected to acquisition. In such cases, the physical area of layout RG will have to be maintained as per the then approved layout. (iv) Provided further that if development of entire layout as a whole including all the cub divided plots & layout RG and internal road is proposed for such layout, as per the provision of DCPR-2034, then entire proposal needs to be processed as per the provisions of DCPR -2034 & the provisions of Regulation 14(A) & 15 shall be duly complied with.
2	In various cases where permission for conversion of zone from I to R/C is already granted but still the land under such proposal is shown in Industrial Zone & there is a valid development permission as per provisions of Regulation 9(5) of DCPR 2034, then the provision of Regulation 14(B) of DCPR 2034 shall not be made applicable while processing the proposal further.
3	Sr. No. (7) of circular no.T-2 dated 01.12.2018, shall stand modified as follows:- In respect of proposals wherein concessions have been approved with full potential as per DCR 1991 with height of building less than 24 M. & the work of building has commenced after obtaining CC with width of staircase 1.2 M & with single lift, for utilization of balance potential as per DCPR 2034, 1.50 M. width of staircase & provision of 2nd lift as per Regulation 37(17) may not be insisted, if

	there is hardship/ planning constraints subject to building height restriction upto 32 M. with the approval of Hon.M.C. by condonation of deficient width of staircase & for deficiency in provision of 2nd lift by charging premium, subject to NOC from CFO.
4	The relaxation in the required open space in view of demonstrable hardship with respect to redevelopment of existing buildings as per Regulation 33(6), 33(7), 33(7)(A), 33(7)(B), is discretionary power of Municipal Commissioner as per Regulation 6(b) of DCPR 2034. However, while considering relaxation in requirement of front open space, various factors need to be taken in to account and after examining the hardship submitted by the Architect/LS for not providing required front open space as per the provision of DCPR 2034, the proposal for condonation of deficiency in front open space maximum to the extent of 1.5 M. may be submitted for the approval of the Municipal Commissioner. Further, in case of such condonation in front open space, width of chajja/ elevation features shall be restricted so as to comply with the provision of Regulation 42.
5	**Guidelines for Processing the proposals under Regulation 33(7)(B)** Redevelopment under Regulation 33(7)(B) shall be permissible where such proposals are submitted after coming into force of this regulation or in case of the proposals which are submitted prior to date of coming in to force of this regulation & the building is existing on site. For smooth implementation, the following guidelines are issued in this regards:- (a) As regards the utilization of incentive additional built up area as per Regulation 33(7)(B), the General body Resolution of society shall be necessary specifying the beneficiary of such incentive additional BUA i.e. for members of society /developer or combination thereof. (b) For the purpose of considering area & authenticity of the existing built up area, following guidelines shall be followed (i) Existing building having occupation certificate, the existing built up area as per OC plans shall be considered for arriving at incentive additional BUA. (ii) Existing building having only approved copy of plan & full Commencement Certificate but not having occupation certificate the existing built up area as per approved plans shall be considered for arriving at incentive additional BUA. (iii) Existing building having neither approved copy of plan nor having the occupation certificate nor file number is available in records incentive additional BUA is not permissible. (iv) Existing building falling in tolerated category, existing built up area based on assessment record prior to datum line shall be considered for arriving at incentive additional BUA. Note:- While submitting the proposals to Hon.M.C. for approval of concessions, the concerned EE(BP) shall clearly mention the details under which category mentioned as above the proposal under reference falls before recommending the proposals. While considering the existing BUA as per the assessment record, the area as per the original assessment extract or area of tolerated structures prior to datum line shall only be considered & no subsequent additions in areas shall be considered for arriving at incentive additional BUA. (c) For arriving at number of existing tenements for the purpose of incentive additional BUA, following guidelines shall be adopted. (i) If the Copied of approved plans are available, then the proof of number of tenements shall be taken from the approved plans. However if the user shown in the approved plan is residential user which is subsequently changed

	unauthorisedly, then the benefit of incentive additional BUA shall not be permissible to the said tenement. (ii) Where the copies of approved plans are not available, the number of tenements shall be considered on the basis of records of Registrar of society. However, the same shall also be verified from assessment records & the stringent shall be considered. (iii) For the purpose of calculating incentive additional BUA tenement wise, only existing residential tenements shall be considered. Further, as regards considering 15% incentive additional BUA, existing BUA shall include residential and non-residential area, if any. (d) The Regulation 33(7)(B) will be applicable only when existing members of the society are proposed to be re-accommodated in the same project on plot/layout.
6	In respect of amended plans submitted as per the provision of Regulation 9(6)(a) or (b), it observed that the plans are already approved with the offset of columns within the required clear width of proposed staircase, which warrants condonation in width of staircase at column offset. In such cases, where plans are already approved with offset of columns, such deficiency may be condoned by charging premium as per the policy, by the concerned EE(BP).

Sd/-

(R.B. Zope)

Ch.E.(DP)

Sd/-

(Praveen Pardeshi)

Hon.M.C.

Municipal Corporation of Greater Mumbai

Chief Engineer (Development Plan)

No. CHE/DP/10475/Gen. dtd. 04.09.2019

Subject: Transitional Policy for ongoing proposals (Circular No. T-5)

In order to deal with ongoing Transitional Policy Circulars (T-1), (T-2), (T-3) & (T4) are already issued. Thereafter, in order to deal with applicability of Regulation 14(A) of DCPR 2034, in respect of ongoing proposals, the Transitional Policy guidelines were prepared and forward to Urban Development Department for concurrence. Now, UDD, GoM has communicated the concurrence for the said guidelines under no. TPB-4319/200/2019/UD-11 dated 19.08.2019. In view of the same following guidelines are issued under Regulation 9(6)(b);

1	The Regulation 9(6)(b) of DCPR 2034, reads as follows: "In case of such plots or layouts that started with due permission before DCPR 2034 have come into force and if the Owner/developer, at his option, thereafter seeks further development of plot /layout /buildings as per DCPR 2034, then the provisions of DCPR 2034 shall apply to the balance development. The development of such entire plot shall be computed as per DCPR 2034 from which the sanctioned FSI of buildings /part of buildings which are proposed to be retained as per the approved plan, as per then Regulations shall be deducted to arrive at the balance development potential of such plot or layout. Note: For smooth implementation and removal of difficulties in transitional proposals, the Municipal Commissioner may formulate a policy." As per the above Regulation, provisions of DCPR 2034 shall apply to the balance development. However, in some cases of ongoing proposals, it may be difficult to comply with certain regulations of DCPR 2034 due to planning or other constraints. In such cases for removal of difficulties & smooth implementation of transitional proposals following guidelines are issued under Regulation 9(6)(b). In respect of redevelopment /development of partially developed plot admeasuring 4000 Sq.M. or more (excluding the area under set back/DP Road), the magnitude of amenity as per Regulation 14(A) on balance development shall be worked out as per Annexure I to IV enclosed. Due to planning & other constraints, where no land is available for providing the required amenity space, then in such cases, the following options can be made available to project Proponent instead of land. However, the concerned EE(BP) shall examine the proposal & ensure that there is no land available in the plot/layout for providing the required amenity before allowing options as per this policy. Further the following modalities shall be adopted while dealing with these proposals. (i) Wherein such amenity plot works out to less than 200 Sq.M. payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI (applicable on the date of issue of CC of the built up area proposed against the balance potential) for plot to be

	carved out as amenity plot may be insisted & the physical required amenity may not be insisted. (ii) wherein such amenity plot works out to 200 Sq.M. or more & it is not possible to provide the required amenity, then built up amenity with BUA equivalent to Zonal (basic) FSI of such amenity plot may be provided preferably at ground floor or 1st/2nd floor with separate access. The BUA of built up amenity shall be excluded from FSI computations. TDR in lieu of cost of construction of such built up amenity will be given as per clause 1(d) of note below table 5 of regulation 17(1). Procedure related to transfer of ownership as stipulated in clause 17(1)(2)(iii) shall be followed. OR (ii) wherein such amenity plot works out to 200 Sq.M. or more & it is not possible to provide the required amenity in the form of amenity space, then built up amenity with BUA equivalent to 50% of Zonal (basic) FSI of such amenity plot may be provided preferably at ground floor or 1st /2nd floor with separate access. The BUA of such built up amenity shall be excluded from FSI computation. If the Project Proponent provides only 50% of the amenity space in the form of BUA, then the difference between the value of required amenity space on ASR value & the value of BUA of built up amenity of amenity space at the date of CC of the built up area proposed against the balance potential shall be reimbursed by the Project Proponent to MCGM. OR (ii) Payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI (ASR applicable on the date of issue of CC of the built up area proposed against the balance potential) for plot to be carved out as amenity plot may be insisted before approval of plans & the physical required amenity may not be insisted. Notes: - (a) The above modalities shall be made applicable only in cases where CC for any of the buildings in plot/layout is issued & is valid. For the purpose of calculating the premium in lieu of amenity space, ASR prevailing on the date of issue of CC of the built up area proposed against the balance potential shall be taken. (b) The amenity requirement needs to be calculated as per Annexure I to IV attached. (c) If area of Amenities/Reservation proposed to be handed over or already handed over works out more than area of amenity to be handed over as per Regulation 14(A) by considering entire plot layout area, then in such case amenity as per Regulation 14(A) need not be insisted to be handed over. (d) Due to constraint if the permissible BUA as per the provisions of Regulations cannot be consumed, then the amenity may be calculated considering proposed BUA with BOLD noting on the plan to be approved that "No further plans shall be approved with balance BUA unless required enhanced amenity is provided." At the same time registered undertaking from the Project Proponent needs to be insisted stating therein that no further proposal will be submitted by him and whosoever is the owner of plot, subsequently with balance potential without the requisite provision of amenity by him.

	(e)The Project Proponents who have already been allowed further development as per Regulation 9(6)(b) prior to this policy with a condition to abide with the Transitional Policy that may be formulated, compliance shall be insisted as per this Transitional Policy before 31.12.2019.

(R.B. Zope)

Ch.E.(D.P.)

(Praveen Pardeshi)

Hon.M.C.

Annexure I

Sample Calculation (Suburbs)

1	Plot Area	10000 sq m.
2	Considering the road width of 9 m, the permissible BUA as per DCR 1991(8500+10000)	18500 sq m.
3	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	15000 sq m.
As per DCPR 2034		
4	Plot Area	10000 sq m.
5	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
6	Net plot Area (4 -5)	9500 sq m.
7	Zonal (basic) FSI	1.00
8	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
9	Permissible BUA (6*7 + 8)	19000 sq m.
10	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 (as per 3 above)	15000 sq m.
11	Balance BUA to be constructed as per DCPR 2034 (9 -10)	4000 sq m.
12	Proportionate plot area of balance development 4000 X10000 = 2105.26 sq m. say 2110 sq m. 19000	2110 sq m.
13	Regulation 14(A) will be applicable to 2110 sq m. Amenity as per 14(A) = 5% of 2110 sq m.	105.50 sq m.

(Ch.E. DP)

Annexure II

Sample calculation (Suburbs)

As per DCPR 2034		
1	Plot Area	10000 sq m.
2	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
3	Net plot Area (1 -2)	9500 sq m.
4	Zonal (basic) FSI	1.00
5	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
6	Permissible BUA (3*4 + 5)	19000 sq m.
7	Consumed BUA	19000 sq m.
8	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	4000 sq m.
9	Balance BUA to be constructed as per DCPR 2034 (7 - 8)	15000 sq m.
10	Proportionate plot area of balance development $\frac{15000 \times 10000}{19000}$ = 7894.73 sq m. say 7895 sq m.	7895 sq m.
11	Regulation 14(A) wili be applicable to 7895 sq m. Amenity as per 14(A) = 5% of 7895 sq m.	394.75 sq m.

Ch.E.(DP)

Annexure III

Sample Calculation (Suburbs)

As per DCPR 2034		
1	Plot Area	10000 sq m.
2	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
3	Net plot Area (1 -2)	9500 sq m.
4	Zonal (basic) FSI	1.00
5	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
6	Permissible BUA (3*4 +5)	19000 sq m.
7	Consumed BUA	19000 sq m.
8	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 (as per 3 above)	0.00 sq m.
9	Balance BUA to be constructed as per DCPR 2034 (6 -8)	19000 sq m.
10	Proportionate plot area of balance development 19000 X10000 = 10000 sq m. 19000	10000 sq m.
11	Regulation 14(A) will be applicable to 10000 sq m. Amenity as per 14(A) = 5% of 10000 sq m.	500.00 sq m.

Ch.E.(DP)

Annexure IV

Sample Calculation (Suburbs)

1	Plot Area	15000 sq m.
2	Considering the road width of 9 m, the permissible BUA as per DCR 1991(12750+15000)	27750 sq m.
3	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	15000 sq m.
As per DCPR 2034		
4	Plot Area	15000 sq m.
5	Deduction as per Regulation 14(A) i.e. 5% of 10000 +10% of 5000 — 10000)	1000 sq m.
6	Net plot Area (4 -5)	14000 sq m.
7	Zonal (basic) FSI	1.00
8	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	14000 sq m.
9	Permissible BUA (6*7 + 8)	28000 sq m.
10	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 (as per 3 above)	15000 sq m.
11	Balance BUA to be constructed as per DCPR 2034 (9 -10)	13000 sq m.
12	Proportionate plot area of balance development 13000 X15000 = 6964 sq m. say 7000 sq m. 28000	7000 sq m.
13	Regulation 14(A) will be applicable to 7000 sq m. Original plot area is more than 10000 sq m. Area in excess of 10000 = 15000-10000 =5000 sq m. Area attracting 10% of AOS is 5000/15000 i.e. 0.33% Amenity as per 14(A) = (7000*0.33)*10% +(7000*0.67)*5 = 231.0 + 234.5 = 465.50 sq m	465.50 sq m.

Ch.E.(DP)

SPEAKING ORDER
-REG 34

Circular No. CHE/DP/94/Gen
2019-20

PRAVEEN PARDESHI
I. A. S.
Municipal Commissioner

No.

Date:

SPEAKING ORDER

Subject:- To add Sr.No.75 in Table C of DCPR-2034 as per note 1) (ii) of Regulation 34(3.2) to allow Electric Vehicle Charging Station in parking areas like basement/stilt/podium/parking floor.

There is provision in Regulation 34.3.1 Table C Sr.No.68 (f) of DCPR 2034 regarding Battery charging and repairing establishments with an area not more than50sq.m allowing in Residential, Commercial & Industrial Zones subject to conditions stipulated therein.

However, the aforesaid provision does not; include the Electric Vehicle Charging Station in Public Parking Lots.

The Electric Charging stations will reduce carbon emissions, curb the environmental pollution & further curb the dependency on oil. The provision of Electric Charging Stations will be a step towards Green initiative.

As per note 1) ii)- of Regulation 34(3.2), which states as under:-

ii) With the special permission, Commissioner may from time to time add to, alter or amend the above Tables.

In order to promote widespread use of Electric motor vehicles , by allowing Electric Vehicle Charging Station in PPL, addition of Sr.No 75 in Table C of Reg. 34 of DCPR-2034 as per note 1) (ii) of Regulation 34(3.2), is hereby sanctioned, mentioned as under –

Municipal Head Office, Mahapalika Marg, Mumbai - 400 001.
Tel. No.: +9122-2262 05 25, Fax. No. : +9122-2265 59 27 Email : mc@mcgm.gov.in

Sr. No.	Uses and occupancies	Conditions under which land uses and occupancies will be permitted in zones			
		R	C	I	Additional conditions
75	Electric Vehicle Charging Station	P	P	P	This shall be allowed in Public Parking Lot (PPL) subject to condition that specific remarks/ requirements of EV charging provider companies/ electric supply companies, regulatory requirements if any as decided by Govt. from time to time will have to be observed/complied with and also specific NOC from CFO and Chief Engineer (M&E) of M.C.G.M. shall be obtained from safety point of view

As per condition no.28 of policy guidelines sanctioned by State Government vide notification under no. TPB-4317/629/CR-118/2017/DP/UD-11 dt. 08/5/2018 It is stated as follows: -

28. Every order passed by the .Commissioner, involving changes in D.P. Proposals shall be sent along with plans to the Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra In Urban Development for Record purpose.

Accordingly, Chief Engineer (D. P.) is hereby directed to forward a copy of Speaking Order to Under Secretary, U.D.D. Dy. Director (Town Planning) Greater Mumbai & Director of (Town Planning), Pune for record purpose.

Municipal Commissioner

Circular No. CHE/DP/108/Gen
2019-20

PRAVEEN PARDESHI
I. A. S.
Municipal Commissioner

No. MGR/821

Date: 17/02/2020

SPEAKING ORDER

Sub:- Modification in Regulation 34 of DCPR 2034 with respect to allowing Warehouse activity in Residential & Commercial Zone.

The construction of Warehouse Is permissible as per DCPR 2034 under Regulation 34, Table C, Sr.No.60, As per the regulation the user of Warehouse is permissible only in Industrial Zone and Warehouse for hazardous material is permissible in Industrial Zone with condition Nos.25, 26 & 27. As per provisions of DCPR 2034 the Warehouse without storage of hazardous material is not permissible in Residential as well as in Commercial Zone.

For EODB ranking the World Bank has provided example of construction of Warehouse on the plot area of 930 Sq.Mt, with built up area of 1500 Sq.Mt. and the building permission process for Warehouse is monitored on the basis of the permission for Warehouse and accordingly the ranking of country Is decided.

The activity of construction of Warehouse in the Mumbai is almost nil, MCGM has not received a single proposal for construction of Warehouse for last 3 years, In order to boost this activity, It Is necessary to allow this activity in Residential as well as in Commercial Zone, so that MCGM may receive the proposal of Warehouse and which can be presented before the World Bank in DBR 2020. The Sate Govt. has included the Warehouse category in the low risk and moderate risk category as per directives u/s 154 of MR&TP Act 1966 u/no, TPB - 4320/17/CR11/2020/UD-11 dt. 29/1/2020.

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Tel. No.: +9122-2262 05 25, Fax. No. : +9122-2265 59 27 Email : mc@mcgm.gov.in

The Note No,1(ii) below Table C of Regulation 34 clause 3.2 reads as "With special permission, Commissioner may from time to time add to, alter or amend the above tables".

In view of above provision, the Sr.No.60 of Table C of Regulation 34 of DCPR 2034 is amended as follows: -

Sr. No.	**Uses and occupancies**	**Conditions /Parameters under which land uses and occupancies will be permitted in zones**			
		R	**C**	**I**	**Additional conditions/ parameters**
60	**a) Warehousing with storage of Non-hazardous material**	**1 or 2 and 16, & 19**	**1 or 2 and 16, & 19**	**1 or 2 and 16, & 19**	**Classified as Low Risk Category as per Regulation 60(A)**
	b) Warehousing with storage of hazardous material	**NP**	**NP**	**1, 2, 16 , 21,25,26 & 27**	

Wherein condition Nos.1, 2, 16,19,21,25,26 & 27 reads as under: -

1) Independent plot

2) Independent building

16) Minimum width of street on which the plot abuts 18.30 mt.

19) Minimum width of side and rear marginal open space 6 mt.

21) With the Special permission of Commissioner

25) Subject to permission from Director of Industries

26) Subject to permission from Controller of Explosives

27) Minimum width of side & rear marginal open space - 9,0m

As per condition no.28 of policy guidelines sanctioned by State Government vide notification under no. TPB-4317/629/CR-118/2017/DP/UD-11 dt. 08/5/2018 It is stated as: -

28. Every order passed by the .Commissioner, involving changes in D.P. Proposals shall be sent along with plans to the Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra In Urban Development for Record purpose.

Accordingly, Chief Engineer (Development Plan) is hereby directed to forward a copy of Speaking Order to Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra in Urban Development for record purpose.

Municipal Commissioner

I. S. Chahal
I. A. S.
Commissioner
MCGM, Mumbai

No. MCP/5172 Date: 02.12.2020

SPEAKING ORDER

Sub:- Modification in Regulation 34 of DCPR 2034 with respect to allowing Nursing Home in Residential and Commercial Zone.

As per the sr.no. 5A & 5B of Table C of Reg. 34, the Nursing Home user is allowed at Gr + Stilt, 1st & 2nd floor with separate access in addition to allowing the said user in the independent plot/ independent bldg/ separate wing with separate access and on ground floor with separate access. Even in Building which is being used entirely for, the commercial purpose, provision of separate staircase for the Nursing Home user is being insisted.

Due to pandemic situation of COVID 19, there is general request to allow Nursing Home at any floor level in Commercial/ non residential building without insisting the separate access. At present the Nursing Home is allowed up to 2nd floor in Residential/ Commercial Zone with separate access.

It is to be mentioned here that health care infrastructure is a need of society and it is also obligatory duty of MCGM. The private Nursing homes/ Hospitals/ Day Care are always helping MCGM to provide health care in the City of Mumbai having population more than 1.25 Crore.

As per point (ii) of Note 1 under Table of Regulation 34(3.2) of DCPR — 34, "*With the special permission, Commissioner may from time to time add to, alter or amend the above Tables*".

In view of above provision, the sr.no. 5A & 5B of Table C of Reg. 34 of DCPR 2034 is amended as follows in larger public interest to improve the health infrastructure.

Sr. No.	Uses and occupancies	Conditions /Parameters under which land uses and occupancies will be permitted in zones			
		Residential	**Commercial**	**Industrial Zone**	**Additional Conditions/ Parameters**
5	A)Health Care facilities without indoor bedding facilities for patients like, dental, medical practitioners, pathological laboratory, diagnostic clinic, eye clinic, veterinary clinic & clinics of other medical allied facilities	1 or 2 or 3 or 4 or 6 or 9 and with the prior NOC from MOH, CFO upto 45 m in entirely non-residential wing/ building with special permission of commissioner. However, as per Reg. 34(3.3)(1)(h) in entirely non residential building/ wing without separate staircase may be permitted.	1 or 2 or 3 or 4 or 6 or 9 and with the prior NOC from MOH, CFO upto 45m in entirely non residential wing/ building with special permission of commissioner.	Not Permissible	
	B)Health Care facilities with Indoor bedding facilities for patient like maternity homes, polyclinics, nursing homes, eye hospitals & other medical allied Facilities	1 or 2 or 3 or 4 or 6 or 9 and with prior NOC from MOH, CFO upto 45 m in entirely non-residential wing/ building with special permission of commissioner. However, as per Reg. 34(3.3)(1)(h) in entirely non residential building/ wing without separate staircase may be permitted	1 or 2 or 3 or 4 or 6 or 9 and with prior NOC from MOH, CFO upto 45 m in entirely non-residential wing/ building with special permission of commissioner.	Not Permissible	In case of use already existing prior to coming in force of earlier Regulation i.e. DCR 1991, Without fulfilment of condition no 3, 6 and 9, the said use may be allowed to continue subject to compliance of condition no 21 & 24 & requirements of CFO. In case of 4 or 9 Residential user shall be permitted above commercial user only.

Wherein condition Nos.1, 2, 3, 6 & 9 reads as under: -
1) Independent plot
2) Independent building
3) Separate wing with separate access

6) On ground floor with separate access

9) Gr. + Stilt , 1st & 2nd floor with separate access

As per condition no.28 of policy guidelines sanctioned by State Government vide notification vide no. TPB-4317/629/CR-118/2017/DP/UD-11 dt. 08/5/2018 It is stated as: -

28. Every order passed by the Commissioner, involving changes in D.P. Proposals shall be sent along with plans to the Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra In Urban Development for Record purpose.

Accordingly, Chief Engineer (Development Plan) is hereby directed to forward a copy of Speaking Order to Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra in Urban Development for record purpose.

Municipal Commissioner

SANCTIONED MODIFICATION/ CORRIGENDUM/ CLARIFICATION/ 154 DIRECTIVES

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६.
पथकिनारवर्ती नियमात एकसुत्रता आणण्यासाठी इमारत रेषा व नियंत्रण रेषा याकरिता घ्यावयाची अंतरे लागु करण्याकरीता कलम - १५४ अन्वये निदेश.

महाराष्ट्र शासन
नगर विकास विभाग,
शासन निर्णय क्र:- टिपीएस -१८१९/अनौस-३६/१९/नवि -११३
दिनांक : ०५/०८/२०१९

वाचा : १. शासन परिपत्रक सार्वजनिक बांधकाम विभाग क्र. आरबीडी-१०९५/(१६९२)/रस्ते-७, दि. १३.११.१९९५

२. शासन निर्णय सार्वजनिक बांधकाम विभाग क्र. आरबीडी-१०८१/८७१/रस्ते-७, दि. ०९.०३.२००१

३. शासन निर्देश नगर विकास विभाग क्र. संकीर्ण-२००२/अनौ-२१८/प्र. क्र. २५८/०३/नवि-१२, दि. १०.०६.२००४

४. शासन निर्णय सार्वजनिक बांधकाम विभाग क्र. आरबीडी-२००४/प्र. क्र. २६/रस्ते-७, दि. ०७.०७.२००५

५. शासन निर्णय सार्वजनिक बांधकाम विभाग क्र. रवियो -२०१८/प्र. क्र. १०७/नियोजन-२, दि. १३.०६.२०१८

६. शासन निर्णय सार्वजनिक बांधकाम विभाग क्र.आरबीडी-२०१८/प्र. क्र. १३८/रस्ते-७, दि. २१.०१.२०१९

प्रस्तावना:

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६

रस्त्याच्या बाजूने होणाऱ्या वसाहतीमुळे रस्त्यावरील वाहनांच्या वाहतुकीस अडथळे निर्माण होतात. त्याचप्रमाणे अशा वसाहतींमध्ये येणारी वाहने थांबल्यामुळे वाहतुकीस अडथळा येतो. वसाहतींची ही अनिर्बंध वाढ रोखण्यासाठी पथकिनारवर्ती नियम तयार करण्यात आलेले आहेत. या पथकिनारवर्ती नियमात इमारत रेषा व नियंत्रण रेषा किती अंतरावर असाव्यात हे मुंबई महामार्ग अधिनियम, १९५५ महाराष्ट्र जमीन महसुल अधिनियम, १९६९, केंद्र शासनाच्या भूपृष्ठ मंत्रालयाचे दि. १३/०१/१९७७ च्या मार्गदर्शक सुचना व विकास नियंत्रण प्रोत्साहन नियमावली मध्ये नमूद करण्यात आलेले आहे.

या संदर्भात इमारत रेषा व नियंत्रण रेषा यांच्या अंतरामधील जनतेच्या मनातील संभ्रम टाळण्यासाठी आणि एकसूत्रता असावी यासाठी संदर्भ क्र. ६ च्या शासन निर्णयान्वये अमिता गठीत करण्यात आली होती. सदर समितीने सर्वकष अभ्यास करून काही शिफारशी केल्या आहेत. त्या शिफारशी विचारात घेता उपरोक्त संदर्भ क्र. १ ते ५ येथील शासन निर्णय अधिक्रमित करून शासन आता याव्दारे महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये पुढीलप्रमाणे सुधारीत निदेश देत आहे.

निदेश

१) भविष्यात नागरी व औद्योगिक भागात आणि अनागरी भागासाठी इमारत व नियंत्रण रेषेसाठीची कमाल अंतरे खाली दिलेल्या तक्त्याप्रमाणे निश्चित करण्यात येत आहेत.

अ. क्र.	रस्त्याचा दर्जा	इमारत रेषा		नियंत्रण रेषा (फॅक्टरी, सिनेमा हॉल, व्यापारी गोडाऊन, मार्केट इ. गर्दी होईल अशी ठिकाणे)	
		नागरी व औद्योगिक भाग	अनागरी भाग	नागरी व औद्योगिक भाग	अनागरी भाग
१	२	३	४	५	६
१	द्रुतमार्ग मार्ग	रस्त्याच्या मध्यापासून ६० मी. अथवा रस्त्याच्या हद्दीपासून १५ मी. यापैकी जास्त असेल ते	रस्त्याच्या मध्यापासून ६० मी. अथवा रस्त्याच्या हद्दीपासून १५ मी. यापैकी जास्त असेल ते	रस्त्याच्या मध्यापासून ६० मी. अथवा रस्त्याच्या हद्दीपासून १५ मी. यापैकी जास्त असेल ते	रस्त्याच्या मध्यापासून ६० मी. अथवा रस्त्याच्या हद्दीपासून १५ मी. यापैकी जास्त असेल ते
२	राष्ट्रीय महामार्ग	रस्त्याचा हद्दीपासून ३ ते ६ मी.	रस्त्याचा मध्यापासून ३७ मी.	रस्त्याचा हद्दीपासून ३ ते ६ मी.	रस्त्याचा मध्यापासून ५० मी.
३	राज्य महामार्ग व प्रमुख राज्य महामार्ग	रस्त्याच्या मध्यापासून २० मी. अथवा रस्त्याच्या हद्दीपासून ४.५ मी. यापैकी जास्त असेल ते	रस्त्याचा मध्यापासून ३७ मी.	रस्त्याच्या मध्यापासून २० मी. अथवा रस्त्याच्या हद्दीपासून ४.५ मी. यापैकी जास्त असेल ते	रस्त्याचा मध्यापासून ५० मी.
४	प्रमुख जिल्हा मार्ग	रस्त्याच्या मध्यापासून १५ मी. अथवा रस्त्याच्या हद्दीपासून ४.५ मी. यापैकी जास्त असेल ते	रस्त्याचा मध्यापासून ३० मी.	रस्त्याच्या मध्यापासून १५ मी. अथवा रस्त्याच्या हद्दीपासून ४.५ मी. यापैकी जास्त असेल ते	रस्त्याचा मध्यापासून ४० मी.
५	इतर जिल्हा मार्ग	रस्त्याच्या मध्यापासून १२ मी. अथवा रस्त्याच्या हद्दीपासून ४.५	रस्त्याचा मध्यापासून १२ मी.	रस्त्याच्या मध्यापासून १२ मी. अथवा रस्त्याच्या हद्दीपासून ४.५	रस्त्याचा मध्यापासून ३० मी.

		मी. यापैकी जास्त असेल ते		मी. यापैकी जास्त असेल ते	
६	ग्रामीण मार्ग	रस्त्याच्या मध्यापासून १० मी. अथवा रस्त्याच्या हद्दीपासून ३ मी. यापैकी जास्त असेल ते	रस्त्याचा मध्यापासून १० मी.	रस्त्याच्या मध्यापासून १० मी. अथवा रस्त्याच्या हद्दीपासून ३ मी. यापैकी जास्त असेल ते	रस्त्याचा मध्यापासून २५ मी.
७	डोंगराळ भागातून जाणारे रस्ते (द्रुतगती मार्ग वगळता सर्व रस्ते)	रस्त्याच्या हद्दीपासून ५ मी.	रस्त्याच्या हद्दीपासून ५ मी.	रस्त्याच्या हद्दीपासून ५ मी.	रस्त्याच्या हद्दीपासून ५ मी.

२. नागरी भागातून म्हणजेच कायद्यान्वये गठीत करण्यात आलेल्या नागरी स्थानिक स्वराज्य संस्थांच्या क्षेत्रातून जाणारे सर्व रस्ते हे नागरी वस्तीतून जात असल्यामुळे अशा राष्ट्रीय महामार्ग/ राज्य महामार्ग / राज्य महामार्ग अथवा द्रुतगती मार्गांना व अन्य दर्जाच्या रस्त्यांना त्या शहराचे विकास योजना रस्ते (D.P. Roads) म्हणून समजण्यात यावे व अशा विकास योजना रस्त्यांसाठी (D.P. Roads) त्या शहराच्या विकास नियंत्रण व प्रोत्साहन नियमवलीमध्ये पुढील सामासिक अंतरे प्रस्तावित करण्यात यावीत. तसेच अशा विकास योजना रस्त्यांसाठी (D.P. Roads) त्या-त्या शहरांचे विकास नियंत्रण व प्रोत्साहन नियमावली मध्ये नियम अस्तित्वात नसल्यास त्यांचा दर्जा राज्य मार्गाचा समजण्यात यावा व अशा रस्त्यांसाठी नागरी भागातील राज्य मार्गांसाठी विहित करण्यात आलेली इमारत व नियंत्रण रेषांची अंतरे लागू राहतील.

३. ज्या नागरी भागात मूळ राज्यमार्ग, राष्ट्रीय महामार्ग आणि द्रुतगती मार्गांसाठी वळण रस्ता बांधण्यात आलेला आहे असा, गावठाण /नगरपंचायत/ नगरपालिका/ महानगरपालिका क्षेत्रातील वळण रस्ता सार्वजनिक बांधकाम विभागाच्या नियंत्रणाखाली राहील. अशा रस्त्यांची देखभाल दुरुस्ती संबंधित अभिकरणाने करावी.

४. नागरी भागांच्या बाबतीत ज्यावेळी मूळ वर्गीकृत रस्त्यासाठी वळण रस्त्याची बांधकामे पूर्ण होतील, त्यावेळी नागरी स्थानिक स्वराज्य संस्थांच्या हद्दीतून जाणारे मूळ वर्गीकृत रस्ते आपोआप अवर्गीकृत (Deemed Declassified) होतील. अशाप्रकारे मूळ वर्गीकृत रस्ते अवर्गीकृत झाल्यानंतर व सदर रस्त्याची मालकी संबंधित स्थानिक स्वराज्य संस्थेने मागितल्यावर त्यांचेकडे त्वरित हस्तांतरित करावेत.

५. ज्या ठिकाणी महाराष्ट्र राज्य औद्यागिक विकास महामंडळातर्फे औद्योगिक क्षेत्र विकसित करण्यात येऊन रस्त्याच्या बाजूस सेवा रस्ता विकसित करण्यात आलेला आहे. त्या भागात वरील नियम लागू

होणार नाहीत. त्या भागात सेवा रस्त्याच्या पलिकडे होणारी बांधकामे ही महाराष्ट्र राज्य औद्योगिक विकास महामंडळाच्या नियमानुसार होतील.

६. नियोजन प्राधिकरणाच्या क्षेत्रात शासनाच्या रस्त्याच्या हद्दिपलीकडे स्थानिक संस्थेने सेवा रस्त्याची आखणी करून ते बांधावेत. नियोजन प्राधिकरणाच्या हद्दीतील जुन्या गावठाण किंवा अगोदरच विकसित झालेल्या भागामध्ये राज्यमार्गाच्या हद्दीत सेवा रस्ते सार्वजनिक बांधकाम विभागामार्फत बांधण्यात यावेत. नियोजन प्राधिकरणाकडून सेवा रस्ता बांधण्यासाठी सार्वजनिक बांधकाम विभागाकडे परवानगी बाबत विनंती आल्यास, राज्य शासनाच्या रस्त्याच्या हद्दीत किमान ३० मीटर जागा उपलब्ध असल्यास कडेपासून ७.५ मीटर रुंदीचा सेवा रस्ता बांधण्यास संबंधित प्राधिकरणास परवानगी राहील. मात्र स्थानिक संस्थांच्या नवीन वाढीव हद्दीत सेवा रस्त्याची तरतूद विकास आराखड्यात करावी व सेवा रस्ते स्वखर्चाने बांधून पूर्ण करावेत.

७. सेवा रस्ते सार्वजनिक बांधकाम विभागामार्फत बांधण्यात यावेत. ज्या ठिकाणी उपरोक्त मुद्दा क्र. (६) मध्ये नमूद केल्यानुसार नियोजन प्राधिकरणाच्या हद्दीत सेवा रस्ता बांधण्यासाठी नियोजन प्राधिकरणाकडून सार्वजनिक बांधकाम विभागाकडे परवानगीबाबत विनंती आल्यास त्या ठिकाणी सेवा रस्ते स्थानिक स्वराज्य संस्थांतर्फे बांधण्यात यावेत. राज्यामार्गला जागोजागी छेद दिले जाणार नाहीत याची दक्षता घेण्यात यावी.

८. शासनस्तरावर पथकिनारवर्ती नियमात कोणत्याही प्रकारची शिथीलता देण्यात येणार नाही. सबब यापुढे पथकिनारवर्ती नियमात शिथीलता देण्याबाबतचे प्रस्ताव महसूल व वन विभागाकडून अथवा सार्वजनिक बांधकाम विभागाकडून शासनास सादर करण्यात येणार नाहीत व अशी शिथीलता देण्यात येणार नाही.

महाराष्ट्राचे राज्यपाल यांच्या नावाने व आदेशानुसार

(श्री. दि. लांडगे)
सह सचिव, महाराष्ट्र शासन

प्रत,

मा. मुख्यमंत्री, महाराष्ट्र राज्य यांचे सचिव, मंत्रालय, मुंबई-३२
मा. मंत्री, सार्वजनिक बांधकाम विभाग यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव, मंत्रालय, मुंबई-३२.
मा. अपर मुख्य सचिव, महसूल विभाग, यांचे स्वीय सहायक, मंत्रालय, मुंबई -३२.
मा. प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई -३२.
मा. प्रधान सचिव (नवि-२), नगर विकास, मंत्रालय, मुंबई-३२
मा. प्रधान सचिव, सार्वजनिक बांधकाम विभाग, मंत्रालय, मुंबई-३२.
मा. सचिव (रस्ते), सार्वजनिक बांधकाम विभाग, मंत्रालय, मुंबई-३२.
मा. सचिव (बांधकामे), सार्वजनिक बांधकाम विभाग, मंत्रालय, मुंबई-३२.
सहव्यवस्थापकीय संचालक, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
संचालक, नगर रचना व मूल्य निर्धारण विभाग, सेंट्रल बिल्डिंग, पुणे.
सर्व मुख्य अभियंते, सार्वजनिक बांधकाम प्रादेशिक विभाग (विद्युत वगळून)
सर्व महसूल आयुक्त.

सर्व जिल्हाधिकारी.

सर्व अधीक्षक अभियंते.

सर्व विभागीय सहसंचालक, नगर रचना.

उपसंचालक, नगर रचना, नागरी संशोधन घटक, पुणे.

सर्व कार्यकारी अभियंते, सार्वजनिक बांधकाम विभाग/जिल्हा परिषद.

सर्व शाखा कार्यालय, नगर रचना आणि मूल्यनिर्धारण विभाग.

सर्व महानगरपालिका/नगरपालिका/नगरपंचायत/ग्रामपंचायत.

निवडनस्ती - नवि-१३

`महाराष्ट प्रादेशिक व नगर रचना अधिनियम, १९६६
उक्त अधिनियमाचे कलम १५४ चे निदेश
(बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली –२०३४
मधील अधिमूल्याचे दराबाबत

महाराष्ट्र शासन
नगर विकास विभाग
मंत्रालय, मुंबई : ४०० ०३२,
क्रमांक :- टीपीबी-४३९९/१८९/प्र . क्र . १२३/२०१९/नवी -१९
दिनांक : २० ऑगस्ट २०१९

शासन निर्णय : सोबतचे आदेश महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिद्ध करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(निर्मलकुमार पं .चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत :-

१) मा. मुख्यमंत्री यांचे प्रधान सचिव
२) मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहायक

प्रति,

१. आयुक्त बृहन्मुंबई महानगरपालिका,
२. संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
३. व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई
(त्यांना विनंती करण्यात येते की, सोबतचे आदेश महाराष्ट्र शासनाचे साधारण राजपत्रात भाग - १ मध्ये प्रसिध्द करून त्याच्या प्रत्येकी १० प्रती नगर विकास विभाग (नवी -११), मंत्रालय, मुंबई, आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई, संचालक, नगर रचना, महाराष्ट्र राज्य पुणे व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात)
४. उपसंचालक, नगर रचना, बृहन्मुंबई, इन्साहटमेंट, महापालिका मार्ग, मुंबई - ४०००००१.
५. कक्ष अधिकारी, कार्यासन नवि-२९ यांना विनंती करण्यात येते की, सोबतची आदेश विभागाच्या वेबसाईटवर प्रसिध्द करावी.
६. निवड नस्ती (नवी -११)

Maharashtra Regional & Town Planning Act, 1966.

Directives Under Section 154 of the said Act. (regarding reduction in Premium Rates in DCPR-2034)

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumabi 400 032.
Dated :- 20th August, 2019.

ORDER

No. TPB-4319/189 /CR- 123/2019/UD-11

whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the said Act, the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018 as per which the said Regulations have came into force from 1/09/2018. And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Maharashtra Government Gazette dt. 30th June, 2018;

And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned the Excluded Part i.e. EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) which were excluded from the sanction of the said Regulations;

And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of the said Regulations for its proper interpretation;

And whereas, Government has received various representations from M/s CREDAI-MCHI, NAREDCO, PEATA, M/s. Borivali Developers Association (Proposed) (hereinafter referred to as "the said Associations") thereby requested the Government to take necessary urgent steps in order to review the housing construction in Mumbai. And whereas, the said Associations have requested Government to reduce development charges, development cess, Fungible Compensatory area premium, Premium towards additional FSI, etc. And whereas, the Commissioner, Municipal Corporation of Greater Mumbai vide his letters dated 25/07/2019 and dated 02/08/2019 has submitted his remarks. And whereas, the CEO, MHADA vide his letter dated 25/07/2019 has requested to modify the said Regulations;

And whereas, considering the request of the said Associations, report of the Commissioner, Municipal Corporation of Greater Mumbai and report of the CEO, MHADA, the Government in Urban Development Department is of the opinion that it is expedient in the public interest to take recourse of Section 154 of the said Act to issue directions in this regard;

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1) of Section 154 of the said Act and of all other powers enabling it in this behalf, Government of Maharashtra hereby accordingly issues directions as specifically described in the schedule attached herewith.

Further, these directives under Section 154(1) of the said Act shall came into force from the date of this order and will be valid and applicable for the period of Two years from the date of this order.

This order under Section 154(1) of the said Act shall also be available on the Government of Maharashtra website : www.maharashtra.gov.in (Acts/Rules)

By order and in the name of the Governor of Maharashtra.

(Nirmalkumar P. Chaudhari)
Under Secretary to Government.

SCHEDULE

Accompaniment to the Government in Urban Development Department Order No. TPB-4319/189 /CR- 123/2019/UD-11, dated — 20th August, 2019.

Directives issued under section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 to all the Planning Authorities in MCGM area, where Development Control and Promotion Regulations-2034 are applicable.

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1. The rate of premium provided in Regulation 30(A)(6) and Regulation 31(3) are revised as 35% for Residential Development and 40% for Commercial Development of the land rates as per ASR (for FSI 1) of the year in which such FSI is granted or as may be decided by the Govt. from time to time.

2. The rate of premium provided in Regulation 33(13)(a) and in Regulationa33(19)(4) are revised from 50% to 40% of ASR for open developed land.

3. The premium worked out as per formula in Regulation 33(18)(X) is revised from 60% to 40% of [Value of the additional BUA corresponding to the incentive FSI admissible under this Regulation, as per A.S.R. - (Cost of construction of PPL + cost of any extra amenities/facilities provided + cost of construction of BUA corresponding to the incentive F.S.I. admissible under this Regulation)]

4. The rate of premium provided in Regulation 33(5) Table C-1 are revised as follows:-

Table-C1

LR/RC	*Ratio EWS/ LIG*	*MIG*	*HIG*
0 to 2	**20%**	**45%**	**60%**
2to4	**23%**	**49%**	**64%**
4to6	**25%**	**53%**	**68%**
above 6	**28%**	**56%**	**71%**

5. The Development Cess under Regulation 30 and under various sub-regulation of Regulation 33 i.e. Regulation 33(3)(A)(3). 33(3)(B)(1)(iv)(c) (i), 33(4)(2), 33(5)(5)(a), 33(7)(14), 33(7)(A)(15), 33(8)(D)(i), 33(8)(II)(4)(g), 33(9)(10), 33(9)(22)(b), 33(9)(B)(7) and other provisions of DCPR-2034 if any, wherein there is a provision in respect of Development Cess, shall not be recovered for the period of two years from the date of this order.

NOTE:- The aforesaid revised premium rates shall be valid and applicable for the period of Two years from the date of this order.

By order and in the name of the Governor of Maharashtra.

(Nirmalkumar P. Chaudhari)
Under Secretary to Government.

महाराष्ट्र शासन

क्रमांक:- टिपीबी-४३१९२५९/प्र.क्र. १५०/२०१९/नवि -११
नगर विकास विभाग, ४ था मजला,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :१३/०९/२०१९

प्रति,

आयुक्त,
बृहन्मुंबई महानगरपालिका.

विषय: Redevelopment of Municipal properties reserved for buildable reservation under the provisions of Regulation 33(7) of DCPR 2034.

संदर्भ : आयुक्त, बृहन्मुंबई महानगरपालिका यांचे पत्र क्र. MGC/A/ ७९६२ दि. ४/०६/२०१९.

महोदय,

संदर्भित पत्राचे कृपया अवलोकन व्हावे.

विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ३३(७) मध्ये मुंबई शहरातील उपकर प्राप्त मिळकतीचा पुनर्विकास तसेच महापालिकेच्या मालकीच्या जुन्या इमारतींचे पुनर्विकास संबंधित तरतूद आहे. सदर विनियम ३३(७) अन्वये पुनर्विकास करताना त्यामधील आरक्षित क्षेत्राचा विकास करण्यासंबंधी तरतूद विनियम १७(३)(B) मध्ये आहे. सदर विनियम १७(३)(B) च्या तरतुदी ह्या विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ च्या ई.पी. ३५ मध्ये समाविष्ट होत्या. शासनाने दि. २१/०९/२०१८ रोजी ई.पी. ला मंजुरी देताना ई.पी. ३५ चे अनुषंगाने विनियम १७(३)(B) ला मंजुरी दिली आहे.

आपणाकडील संदर्भित पत्राचे अनुषंगाने आपणास पुढीलप्रमाणे कळविण्याबाबत मला आदेश आहेत.

(i) विनियम १७(३)(B) च्या ई.पी.-३५ ला मंजुरी देताना ई.पी.-३५ शासनाने प्रस्तावित केल्यानुसार काही सुधारणांसह मंजूर केला आहे. सदर सुधारणा फक्त १७(३)(B)(४) चे (i) व (ii) मध्ये असल्याने तेवढीच सुधारणा दर्शविण्यात आली व उर्वरित खंड (iii) ते (vi) शासनाने प्रसिद्ध केल्यानुसार मंजूर केलेला आहे. म्हणजेच विनियम १७(३)(B)(४) मध्ये उपखंड (iii) ते (vi) हे मंजुरीमध्ये समाविष्ट आहेत.

(ii) बृहन्मुंबई महानगरपालिकेच्या भाडेकरू व्याप्त मिळकतीचे पुनर्विकास सुरवात करण्यापूर्वी महापालिकेचे सुधार समिती मंजुरी (ICR) / महापालिकेची मंजुरी (CR) घेण्यात आल्यानंतर महानगरपालिकेकडून इरादापत्र (LOI) देण्यात येते. त्यानंतर पुनर्विकास प्रस्तावावर नकाशे मंजुरी मिळणेबाबत पुढील कार्यवाही करण्यात येते. झोपडपट्टी पुनर्वसन योजनांचे विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मध्ये रूपांतरण करण्यासंबंधीचे विनियम ३३(१०) चे उपखंड ११ मधील तरतुदीमध्ये झोपडपट्टी पुनर्वसन योजनांना देण्यात आलेल्या इरादापत्राच्या दिनांकास लागू नियमावली विचारात घेण्यात आली आहे. तरी त्याच धर्तीवर महानगरपालिकेच्या भाडेकरू व्याप्त मिळकतीचे विनियम ३३(७) अन्वये पुनर्विकास करताना इरादापत्र दिलेल्या दिवशी लागू नियमावलीनुसार योजना विकसित करता येईल.

(iii) महापालिकेचे भाडेकरू व्याप्त मिळकतीचे पुनर्विकासासाठी इरादापत्र न देण्यात आलेल्या तथापि, प्रारूप विकास योजना कलम २६ अन्वये प्रसिद्ध झालेल्या दि. २७/०५/२०१६ नंतर ते दि. १२/११/२०१८ या कालावधीत विनियम ३३(७) मध्ये पुनर्विकासासाठी महानगरपालिकेने मंजुरी दिलेल्या (C.R.) योजनेकरिता मंजुरी (C.R.) चे दिवशी लागू मंजूर विकास नियंत्रण नियमावलीनुसार योजना विकसित करणे, अनुज्ञेय करणेबाबत महानगरपालिकेची विनन्तिमान्य करता येत नाही.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत :

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

२) उपसंचालक, नगर रचना, बृहन्मुंबई

३) निवडनस्ती (नवि-१)

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
बृहन्मुंबई मंजूर विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४
च्या विनियम ३७(७)(अे) मधील फेरबदलाची कलम ३७(१कक)(ग) खालील अधिसूचना.

महाराष्ट्र शासन
नगर विकास विभाग,
क्रमांक:- टिपीबी -४३१८/६२९/प्र. क्र. ५५/२०१९/नवि -११
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : १३ सप्टेंबर, २० १९

शासन निर्णय : सोबतची अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिद्ध करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(संजय शां. बाणाईत)
उप सचिव, महाराष्ट्र शासन

प्रत:

(१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
(२) मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहाय्यक

प्रति,

(१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
(२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
(३) उपसंचालक, नगर रचना, बृहन्मुंबई इन्साहटमेन्ट, महापालिका मार्ग, मुंबई - ४०० ००१.
(४) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चुर्नीरोड, मुंबई.

(त्यांना विंनती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिद्ध करून त्याच्या प्रत्येकी २५ प्रती १) नगर विकास विभाग नवि-११, मंत्रालय, मुंबई २) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई ३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे. व ४) उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

(५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विंनती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाइटवर प्रसिद्ध करावी.
(६) निवड नस्ती (नवि-११)

Maharashtra Regional & Town Planning Act, 1966
Sanction to Modification in Regulation 33(7)(A) of Development Control and Promotion Regulations - 2034 for Greater Mumbai under Section 37(1AA) (c) of the Act.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai – 400 032.
Date: 13th September 2019

NOTIFICATION

No. TPB-4318/629/CR-55/2019/UD-11

Whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11,Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018 as per which the said Regulations have came into force from 1/09/2018 And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Government Gazette dt. 30th June, 2018;

And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned EP -1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations-2034(hereinafter referred to as "DCPR-2034");

And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of sanctioned DCPR-2034 for its proper interpretation;

And whereas, Government in Urban Development Department has received letters from the Commissioner, Municipal Corporation of Greater Mumbai dated 28/11/2018 and dated 5/03/2019. And whereas, MCGM vide said letters has forwarded representation from Real Estate Owners Developers Association and requested to issue necessary clarification regarding certain provisions of Regulation 33(7)(A) of DCPR-2034:

And whereas, considering the intent of request made in respect of provisions of Regulation 33(7)(A) of DCPR-2034, And whereas, certain corrections which are of substantial nature are required to be done in respect of clause 20 of Regulation 33(7)(A). And new clause regarding relaxation in building and other requirement for rehabilitation is necessary to be included in Regulation 33(7)(A). And whereas, the Government in the Urban Development Department is satisfied that in the public interest it is expedient to modify the Regulation 33(7)(A) of DCPR-2034;

And whereas, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (IAA) of Section 37 of the said Act

and all other powers enabling in that behalf, Government of Maharashtra has published a Notice of even number dated 8th March 2019 (hereinafter referred to as "the said Notice-) for inviting objections/ suggestions from the general public with regard to the modification in Regulation 33(7)(A) of DCPR-2034 proposed in the schedule in the said Notice (hereinafter referred to as "the proposed modification") and appointed the Deputy Director of Town Planning, Greater Mumbai as the officer (hereinafter referred to as "the said Officer) to submit a report on the objections/ suggestions received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the said Authority;

And whereas, the said Notice dated 8th March, 2019 was published in the Maharashtra Government Gazette (Extra ordinary Gazette- Kokan Division supplement) (hereinafter referred to as "the Official Gazette ") dated 9th March, 2019 and the said Officer has submitted his Report vide letter dt. 26/08/2019 through the Director of Town Planning, Maharashtra State, after completing the legal procedure as stipulated under Section 37(1AA) of the said Act.;

And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned as proposed.

Now, therefore, in exercise of the powers conferred upon it under section 37(I AA)(c) of the said Act, the Government hereby:-

A) Sanctions the proposed modification as described more specifically in the Schedule hereunder.
B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.
C) Directs the Municipal Corporation of Greater Mumbai that in the Schedule of Modifications sanctioning the said DCPR-2034, after the last entry, the Schedule referred to at (A) above shall be added.

SCHEDULE

Regulation No.	**Existing provision**	**Sanctioned provision**
clause 20 of Regulation 33(7)(A)	20. If the rehab plus incentive as per this regulation is less than the permissible FSI as per regulation 30, then the owner may opt for development up to permissible FSI by availing TDR/Additional FSI on payment of premium as per Regulation 30.	20. If the rehab plus incentive as per this regulation is less than the permissible FSI, as per Regulation 30, then the owner may opt for development up to permissible FSI by availing TDR/Additional FSI on payment of premium at 50% rate of Normal Premium as per Regulation 30.
new clause 21 is added	--	**Relaxation in building and other requirements for rehabilitation:** Notwithstanding anything contained in these Regulations, the relaxations incorporated in Clause 6 of Regulation 33 (10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply. The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI 1), whichever is more shall apply.

This Notification is also made available on the Govt. of Maharashtra website: www.maharashtra.gov.in (Acts & Rules)

By order and in the name of the Governor of Maharashtra,

(Nirmalkumar Chaudhari)
Under Secretary to Government.

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये निर्देश.

बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ४५ (सी) बाबत.

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : १३ सप्टेंबर, २०१९

आदेश

क्रमांक:- टिपीबी -४३१९/३७९/प्र. क्र. १४७/२०१९/नवि -११

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे याचा उल्लेख “उक्त अधिनियम” असा करणेत आलेला आहे) चे कलम ३१, पोट - कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र. टिपीबी -४३१७/६२९/प्र. क्र. ११८/२०१७/वि. यो. /नवि -११, दि. ०८/०५/२०१८ (यापुढे याचा उल्लेख "उक्त अधिसूचना" असा करणेत आलेला आहे) व्दारे बृहन्मुंबई प्रारूप विकास योजना - २०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ (यापुढे याचा उल्लेख "उक्त नियमावली" असा करणेत आलेला आहे) ला मंजुरी दिली आहे. तसेच शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुध्दीपत्रक दि. २२ जून २०१८ रोजी निर्गमित केले असून त्यानुसार उक्त नियमावली दि. ०१/०९/२०१८ पासून अंमलात आली आहे. तसेच शासनाने दि. २१/०९/२०१८ रोजीच्या अधिसूचनेव्दारे विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ मधील सारभूत स्वरूपाचे बदल ईपी -१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजुरी प्रदान केली आहे;

उक्त नियमावलीचे विनियम ४५ मध्ये ठराविक क्षेत्रातील विकासावर निर्बंधाची तरतूद असून विनियम ४५ चे उपविनियम (सी) मध्ये रेल्वे हद्दी (Railway Track Boundary) लगतचे भूभागावरील विकासावर निर्बंधाची तरतूद आहे.

उक्त नियमावलीचे विनियम ४५ (सी) च्या दुसऱ्या परिच्छेदामधील तरतुदीनुसार रेल्वे हद्दीपासून (Railway Track Boundary) ३० मीटर अंतरापर्यंतचे क्षेत्रात इमारतीचे बांधकामास प्रारंभ प्रमाणपत्र (CC) देण्यापूर्वी, विकास करण्यापूर्वी रेल्वेचे नाहरकत प्रमाणपत्र घेणे आवश्यक असून रेल्वेचे नाहरकत प्रमाणपत्रात नमूद अटींचे अधिन राहून सदर क्षेत्रात विकास करण्याची तरतूद आहे. तेव्हा विनियम ४५ (सी) चे पहिल्या परिच्छेदामधील निर्बंधाचे आवश्यकतेबाबत तसेच विकास नियंत्रण नियमावलीतील तरतुदीबाबत सुसूत्रता व स्पष्टता करण्याची बाब शासनाच्या विचाराधीन होती. त्यानुसार महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम १५४(१) खालील अधिकारात शासन याव्दारे बृहन्मुंबई महानगरपालिकेस पुढीलप्रमाणे निर्देश देत आहे.

निर्देश

(अ) बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ४५(सी) नुसार रेल्वेचे नाहरकत प्रमाणपत्र घेणे आवश्यक असलेल्या प्रकरणी रेल्वेने नाहरकत प्रमाणपत्र देण्यापूर्वी प्रस्तावित इमारतीची उंची, रेल्वे हद्दीपासून इमारतीचे अंतर इत्यादी सर्व बाबी विचारात घेवून नाहरकत परवानगी देणे अभिप्रेत आहे. त्यामुळे रेल्वे हद्दीपासून ३० मीटरचे क्षेत्रात विकास नियंत्रण व प्रोत्साहन नियमावलीत वेगळे निर्बंध (Restrictions) ठेवण्याची आवश्यकता नाही. रेल्वेने अशी नाहरकत परवानगी दिल्यावर नियोजन प्राधिकरणाने विनियम ४५(सी) चे पहिले परिच्छेदामधील तरतुदीनुसार वेगळे निर्बंध लावण्याची आवश्यकता नाही. तथापि, रेल्वेने नाहरकत परवानगी देताना लागू केलेल्या अटींची पूर्तता करणे जमिनमालक /विकासक यांचेवर बंधनकारक राहील

(ब) सदर निर्देश या शासन आदेशाच्या दिनांकापासून लगोलग अंमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(निर्मलकुमार पं. चौधरी)
अवर सचिव महाराष्ट्र शासन

प्रत:

(१) आयुक्त, बृहन्मुंबई महानगरपालिका

(२) व्यवस्थापकीय संचालक, पश्चिम रेल्वे चर्चगेट स्टेशन इमारत, दुसरा मजला, महर्षी कर्वे रोड, मुंबई - ४०० ०२०.

(३) व्यवस्थापकीय संचालक, मध्य रेल्वे, मुंबई.

प्रत माहितीसाठी:

(१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

(२) उप सचिव (नगर रचना), मंत्रालय, मुंबई - ३२

(३) उपसंचालक, नगर रचना, बृहन्मुंबई

(४) निवड नस्ती (नवि-११)

(५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विंनती करण्यात येते की, सोबतची आदेश विभागाच्या वेबसाइटवर प्रसिद्ध करावी.

महाराष्ट्र शासन

क्रमांक:- टिपीबी-४३१९/प्र.क्र. १९६/२०१९/नवि -११
नगर विकास विभाग, ४ था मजला,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :३१/१२/२०१९

प्रति,

आयुक्त,
बृहन्मुंबई महानगरपालिका.

विषय: बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम १७ अन्वये समावेशक आरक्षणाच्या माध्यमातून विकास करताना जमिन मालकाचे ताब्यात शिल्लक राहणारे क्षेत्रावरील परवानगी योग्य बांधकाम क्षेत्राबाबत स्पष्टता करण्याबाबत

महोदय,

बृहन्मुंबई महानगरपालिकेच्या विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ च्या समावेशन आरक्षणाच्या विनियम १७ मधील तरतुदीनुसार महानगरपालिकेस /समुचित प्राधिकरणास जमीन मालकाकडून बांधीव सुविधेसह /मोकळे क्षेत्र हस्तांतरण केले जाते ते विचारात न घेता संपूर्ण भूखंडाचा चटई क्षेत्र निर्देशांक जमीन मालकास त्याचे उर्वरित क्षेत्रावर अनुज्ञेय राहतो. बांधीव सुविधा क्षेत्रासाठी Amenity TDR देणेची तरतूद असल्याने त्याप्रमाणे स्वतंत्ररित्या कार्यवाही होते. महानगरपालिका / समुचित प्राधिकरणास हस्तांतरण केलेले क्षेत्र वजावट करता जमीन मालकाचे ताब्यातील क्षेत्रामध्ये (balance plot) विनियम १७(१)(a) व (b) ची तरतूद विचारात घेता अनुज्ञेय करावयाच्या चटई क्षेत्र निर्देशांकाचे परिगणनेच्या अनुषंगाने अनौपचारिकरीत्या महानगरपालिकेकडून स्पष्टीकरणाची मागणी होत असलेने त्याबाबत खालीलप्रमाणे कळविण्याची मला सूचना आहेत.

"समावेशक आरक्षणाचे माध्यमातून (AR) विकास करताना त्यामधील तरतुदीनुसार जमीन मालकाचे ताब्यातील क्षेत्रावर त्याच्या आरक्षित असलेल्या क्षेत्राचा संपूर्ण चटई क्षेत्र निर्देशांक अनुज्ञेय आहे. जमीन मालकास मंजूर विनियमाच्या इतर तरतुदीनुसार त्याच्या ताब्यातील क्षेत्राचा (Balance Plot) विकास करावयाचा असलेस, असा विकास त्याच्या तब्यतील क्षेत्र विचारात घेवून सदर विनियमानुसार अनुज्ञेय होणाऱ्या कमाल चटई क्षेत्र निर्देशांकाचे मर्यादेमध्येच त्याच्या ताब्यातील क्षेत्रावर परिगणित होणारा एकंदर चटई क्षेत्र निर्देशांक राहील याप्रमाणे अनुज्ञेय आहे."

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत माहितीस्तव :

१) प्रमुख अभियंता (वि.नि.) बृहन्मुंबई महानगरपालिका
२) उपसंचालक, नगर रचना, बृहन्मुंबई
३) निवडनस्ती (नवि-१)

महाराष्ट्र शासन

क्रमांक:- टिपीबी-४३१९/७७२/प्र.क्र. ८/२०२०/नवि -११
नगर विकास विभाग, ४ था मजला,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :१३/०२/२०२०.

प्रति,

आयुक्त,
बृहन्मुंबई महानगरपालिका.

विषय: Clarification under Clause 4(3) of DCPR 2034 regarding applicability of Inclusive Housing as per Reg. 15 of DCPR 2034 for the on-going proposals where Residential development has partly taken place as per DCR 1991.

संदर्भ : आपणाकडील पत्र क्र. MGR/4585 दि. १३/०१/२०२०.

महोदय,

आपणाकडील संदर्भित पत्राचे कृपया अवलोकन व्हावे.

मे. क्रेडाई - एमसिएचआय यांचे दि. ३१/१०/२०१९ रोजीचे विंनती अर्जाचे अनुषंगाने बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम १५ मधील Inclusive Housing च्या तरतुदी संबंधी विनियम ४(३) अन्वये संदर्भित पत्राव्दारे बृहन्मुंबई महानगरपालिकेने शासनाकडून स्पष्टीकरण अपेक्षिले आहे.

सदर प्रकरणी बृहन्मुंबई महानगरपालिकेने केलेल्या विचारणेवर विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ४(३) नुसार खालील स्पष्टीकरण कळविणेबाबत मला आदेश आहेत.

i) बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ मधील तरतुदीनुसार औद्योगिक ऐवजी रहिवास / वाणिज्य (I to R/C) असा जमिन वापर बदल मंजुरी दिलेल्या प्रगतीपथावरील योजनांमधील विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ९(६)(b) नुसार उर्वरित क्षेत्रासाठी (Balance Potential) प्रकल्प प्रवर्तकाने प्रस्ताव सादर केल्यास अशा विकासास बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ च्या Inclusive Housing च्या विनियम १५ च्या तरतुदी लागू होणार नाहीत. तसेच विकास नियंत्रण नियमावली -१९९१ मधील तरतुदीनुसार औद्योगिक ऐवजी रहिवास / वाणिज्य (I to R/C) असा वापर बदल मंजूर करताना नियमानुसार सुविधा क्षेत्र सोडलेले / समायोजित केले असल्यास त्यानंतर पुन्हा त्यामधील स्वतंत्र भूखंडामध्ये सुविधा क्षेत्र सोडण्याची आवश्यकता राहणार नाही.

ii) बृहन्मुंबई महानगरपालिका क्षेत्राच्या विकास नियंत्रण नियमावली, १९९१ मध्ये फेरबदल करून अधिसूचना दि. ०८/११/२०१३ व्दारा Inclusive Housing ची तरतूद अंतर्भूत करण्यात आली. सदर दि. ०८/११/२०१३ रोजीची शासन अधिसूचना निर्गमित होणेपूर्वी अभिन्यासात बांधकाम प्रारंभ परवानगी (CC) देण्यात आलेल्या प्रकरणी उर्वरित क्षेत्राचा (Balance Potential) विकास करताना देखील बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ मधील Inclusive Housing च्या विनियम १५ च्या तरतुदी लागू होणार नाहीत.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत माहितीस्तव :

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

२) प्रमुख अभियंता (वि.नि.) बृहन्मुंबई महानगरपालिका

३) उपसंचालक, नगर रचना, बृहन्मुंबई

४) निवडनस्ती (नवि-१)

महाराष्ट्र शासन
नगर विकास विभाग, मंत्रालय,
४ था मजला, मादाम कामा रोड,
हुतात्मा राजगुरु चौक, मुंबई - ४०० ०३२.
nirmal.chaudhari@gov.in

क्रमांक : टिपीबी -४३२०/८८/नवि -११ दिनांक : १३/०३/२०२०

प्रति,

मुख्य कार्यकारी अधिकारी,
झोपडपट्टी पुनर्वसन प्राधिकरण,
अनंत काणेकर मार्ग, वांद्रे -कुर्ला संकुल,
वांद्रे (पूर्व), मुंबई - ५१.

विषय: Direction/Instruction under section 154 of M.R.&T.P. Act, 1966 Regarding application of incentive FSI as permitted under DCPR 2034 for Partially completed S.R. Scheme executed as per DCR, 1991.

संदर्भ : उप प्रमुख अभियंता झोपडपट्टी पुनर्वसन प्राधिकरण यांचे पत्र क्र. SRA/Eng.Desk-IV/GS/2020, दि. ०६/०३/२०२०

महोदय,

संदर्भित पत्राचे कृपया अवलोकन व्हावे.

झोपडपट्टी पुनर्वसन प्राधिकरणाने वरील विषयी नगर विकास विभागाचे मार्गदर्शन अपेक्षिले आहे.

१) बृहन्मुंबई विकास योजना -२०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ दि. ०१/०९/२०१८ पासून अंमलात आली आहे. विकास नियंत्रण नियमावली, १९९१ चे विनियम ३३(१०) अन्वये इरादापत्र देण्यात आलेल्या झोपडपट्टी पूनर्वसन योजनेस सुधारित इरादापत्राकरिता किंवा इतर कोणत्याही सुधारणा / बदलाकरिता प्रस्ताव प्राप्त झाल्यास विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ३३(१०) चे खंड -११ तसेच विनियम ९(६)(b) मधील तरतुदीनुसार रूपांतरणाची तरतूद स्वयंस्पष्ट आहे. त्यानुसार विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ नुसार प्रस्ताव विचारात घेताना शिल्लक विकसन क्षेत्र (balance Development Potential) हिशोबित करताना विनियम ९(६)(b)नुसार संपूर्ण भूखंड क्षेत्राचे विकसन क्षमता (Development Potential of entire plot) विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ नुसार हिशोबीत करण्याची तरतूद आहे. विनियम ३३(१०) चे खंड VIII मधील प्रोत्साहनात्मक बांधीव क्षेत्र (Incentive BUA) संबंधीचे उपखंड ३.२ च्या तरतुदी पूर्वीचे इरादापत्रानुसार बांधण्यात आलेल्या पुनर्वसन घटकाला (Rehab Component) देखील लागू होतात.

२) तसेच विविध विनियमांतर्गत मंजूर करण्यात आलेल्या Clubbed Scheme संबंधी विनियम ३३(१०) चे उपखंड ११.१ चे शेवटचे परंतुकामधील तरतूद विचारात घेण्यात यावी, असे आपणास कळविण्याच्या मला सूचना आहेत.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत माहितीस्तव :

१) मा. संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

२) उपसंचालक, नगर रचना, बृहन्मुंबई

३) निवडनस्ती (नवि-११)

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे
कलम १५४(१) अन्वये शासन निदेश

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : २२ मे, २०२०

शासन निर्णय क्र. टिपीबी -४३१९/१८९/प्र. क्र. १२३/२०१९/नवि -११

वाचा : शासन नगर विकास विभागाकडील आदेश क्र. टिपीबी -४३१९/१८९/प्र. क्र. १२३/२०१९/नवि -११, दि. २०/०८/२०१९ व्दारे देण्यात आलेले कलम १५४(१) अन्वये शासन निदेश

प्रस्तावना :-

बृहन्मुंबई मधील बांधकाम व्यवसायाला उभारी देण्यासाठी विविध उपाययोजना करण्याबाबत, बृहन्मुंबई महानगरपालिका / म्हाडा यांना बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील विविधी तरतुदीअंतर्गत भरणा करावयाच्या अधिमूल्याचे दर कमी करण्याबाबत विविध संस्थांकडील विंनती अर्ज, बृहन्मुंबई महानगरपालिका, म्हाडा यांचे पत्र इत्यादी विचारात घेवून शासन नगर विकास विभागाने दि. २०/०८/२०१९ रोजीच्या आदेशाव्दारे महाराष्ट्र महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम १५४(१) अन्वये निदेश दिले आहेत. त्यानुसार बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ मधील विविधी तरतुदीअंतर्गत बृहन्मुंबई महानगरपालिकेस भरणा करावयाचे अधिमूल्य दर दोन वर्षाचे कालावधीसाठी कमी करण्यात आले आहेत.

बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ३१(३) मध्ये रहिवास, वाणिज्य व औद्योगिक प्रयोजनार्थ विकासासाठी ३५% क्षेत्र Fungible Compensatory area म्हणून अधिमूल्याचे भरणा करण्याचे अटीवर उपलब्ध होतो. शासनाकडे दि. २०/०८/२०१९ रोजीचे कलम १५४ खालील निदेशाव्दारे त्यापैकी रहिवास तसेच वाणिज्य प्रयोजनार्थ फंजिबल क्षेत्रासाठी अधिमूल्याचे दरात सुधारणा करण्यात आली. तथापि, त्यामध्ये औद्योगिक क्षेत्राचे फंजिबल क्षेत्राचा समावेश करण्याचे राहून गेले होते. रहिवास प्रयोजनार्थ फंजिबल क्षेत्रासाठी अधिमूल्याचे दर रेडीरेकनरच्या दराच्या ५०% ऐवजी ३५% तर वाणिज्य प्रयोजनार्थ फंजिबल क्षेत्रासाठी अधिमूल्य दर ६०% ऐवजी ४०% असे सुधारित करण्यात आले आहेत. तथापि, औद्योगिक प्रयोजनार्थ फंजिबल क्षेत्राचे अधिमूल्याचा उल्लेख त्यामध्ये नसल्याने वाणिज्य फंजिबल क्षेत्राचे धर्तीवर औद्योगिक फंजिबल क्षेत्रासाठी ४०% दराने अधिमूल्य आकारणी करणेबाबत मे. क्रेडाई -एमसीएचआय यांनी त्यांचेकडील दि. १४/०१/२०२० रोजीचे पत्राव्दारे उपरोक्त तरतुदी बाबत स्पष्टीकरण अपेक्षिले आहे. त्यानुसार अर्जदार यांची विंनती उचित असल्याने महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम १५४(१) अन्वये बृहन्मुंबई महानगरपालिका क्षेत्रातील नियोजन प्राधिकरणांना याव्दारे पुढीलप्रमाणे निदेश देण्यात येत आहेत.

निर्देश

१) बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४चे विनियम ३१(३) मध्ये रहिवासी, वाणिज्य व औद्योगिक प्रयोजनार्थ विकासासाठी ३५% क्षेत्र Fungible compensatory area म्हणून अधिमूल्याचा भरणा करण्याचे अटीवर उपलब्ध होतो. शासनाकडे दि. २०/०८/२०१९ रोजीचे कलम १५४ खालील निदेशाव्दारे त्यापैकी रहिवास तसेच वाणिज्य प्रयोजनार्थ फंजिबल क्षेत्रासाठी अधिमूल्याचे दरात सुधारणा करण्यात आली आहे.

शासनाकडील दि. २०/०८/२०१९ रोजीचे निदेशानुसार वाणिज्य प्रयोजनार्थ फंजिबल क्षेत्रासाठी अधिमूल्याचे दरात करण्यात आलेल्या सुधारणांचे धर्तीवर दोन वर्षांचे कालावधीकरिता औद्योगिक प्रयोजनार्थ फंजिबल क्षेत्रासाठी देखील विद्यमान तरतुदीतील अधिमूल्य दर ६०% ऐवजी रेडीरेकनरचे ४०% दराने आकारणी करण्यात यावी.

२) सदरचे निर्देश हे तात्काळ अमलात येतील.

सदरहू शासन निदेश महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदा/नियम) या वेबसाइटवर देखील उपलब्ध आहेत.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रति,

आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई

यांस माहिती व उचित कार्यवाहीसाठी

प्रत माहितीस्तव:

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

२) उपसंचालक, नगर रचना, बृहन्मुंबई इन्साहटमेन्ट, महापालिका मार्ग, मुंबई - ४०० ००१.

३) प्रमुख अभियंता (विकास नियोजन) बृहन्मुंबई महानगरपालिका.

४) निवडनस्ती (नवि-११)

महाराष्ट्र शासन

क्रमांक:- टिपीबी -४३१९/२६०/प्र. क्र. १४६/२०१९/नवि -११
नगर विकास विभाग, ४ था मजला,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :०६/०८/२०२०.

प्रति,
आयुक्त,
बृहन्मुंबई महानगरपालिका.

विषय: Applicability of provision 33(7)(A) & 33(7)(B) to ongoing proposal of redevelopment of existing buildings.

संदर्भ : १) आयुक्त, बृहन्मुंबई महानगरपालिका यांचे अर्धशासकीय पत्र क्र. MCP/6239, दि. २२/०७/२०१९.

२) शासन नगर विकास विभागाकडील सम क्रमांकाचे पत्र दि. १३/०९/२०१९.

३) आयुक्त, बृहन्मुंबई महानगरपालिका यांचे अर्धशासकीय पत्र क्र. MCP/1609, दि. २७/०२/२०२०.

महोदय,

संदर्भित पत्रांचे कृपया अवलोकन व्हावे.

आपणाकडील संदर्भ क्र. १ येथे नमूद पत्रानुषंगाने शासन नगर विकास विभागाने दि. १३/०९/२०१९ रोजीचे पत्राव्दारे आपणास स्पष्टीकरण कळविले आहे. आता संदर्भ क्र. ३ चे पत्राव्दारे आपण केलेल्या विंनतीनुसार शासन नगर विकास विभागाकडील दि. १३/०९/२०१९ रोजीचे पत्र रद्द करण्यात येत असून विषयांकित प्रकरणी या पत्राव्दारे आपणास खालीलप्रमाणे सुधारित स्पष्टीकरण विनियम ४(३) अन्वये कळविण्याबाबत मला आदेश आहेत.

बृहन्मुंबई प्रारूप विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ हि कलम २६ अन्वये दि. २७/०५/२०१६ रोजी प्रसिद्ध होण्यापूर्वी अथवा त्यानंतर महापालिकेस पुनर्विकासाचा प्रस्ताव सादर होऊन बृहन्मुंबई विकास नियंत्रण नियमावली. १९९१ अथवा बृहन्मुंबईची प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ नुसार महापालिकेची मंजुरी प्राप्त करून विद्यमान इमारती तोडण्यात आल्या असतील. अशा प्रकरणी अशा इमारती दि. २७/०५/२०१६ रोजी अस्तिस्त्वात होत्या. याबाबत खातरजमा होत असल्यास तसेच बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ३३(७)(A)/ विनियम ३३(७)(B) मधील तरतुदीनुसार पुनर्विकास अनुज्ञेय करणेबाबतच्या इतर तरतुदीची (Except existing building) पूर्तता होत असल्यास, अशा प्रकरणी हन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ३३(७)(A)/ विनियम ३३(७)(B) मध्ये रूपांतरण खालील अटी सापेक्ष अनुज्ञेय करणेस हरकत नाही.

अट :

१) वरीलप्रमाणे रूपांतरणास परवानगी देण्याचे अधिकार आयुक्त, बृहन्मुंबई महानगरपालिका यांना राहतील.

२) आयुक्त, बृहन्मुंबई महानगरपालिका हे अशा रूपांतरणाला लागू करतील त्या अटींची पूर्तता करणे प्रकल्प प्रवर्तकास बंधनकारक असेल.

३) महानगरपालिकेने दिलेली विकास परवानगी हि महाराष्ट्र प्रादेशिक व नगर रचना अधिनियमाचे कलम ४८ अन्वये वैध असल्याबाबतची खात्री महानगपालिकेने करावी.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत :

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

२) उपसंचालक, नगर रचना, बृहन्मुंबई

३) निवडनस्ती (नवि-११)

महाराष्ट्र शासन
नगर विकास विभाग,
क्रमांक:- टिपीबी -४३१९/२२०/प्र. क्र. १४०/२०१९/नवि -११
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : २४ सप्टेंबर, २०२०

शासन निर्णय : सोबतचे शुद्धिपत्रक महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिद्ध करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत:

(१) मा. मुख्यमंत्री यांचे प्रधान सचिव.

(२) मा. मंत्री (नगर विकास) यांचे खाजगी सचिव.

प्रति,

(१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई

(२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

(३) उपसंचालक, नगर रचना, बृहन्मुंबई इन्साहटमेन्ट, महापालिका मार्ग, मुंबई - ४०० ००१.

(४) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चुर्नीरोड, मुंबई.

(त्यांना विंनती करण्यात येते की, सोबतचे शुद्धिपत्रक महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिद्ध करून त्याच्या प्रत्येकी २५ प्रती १) नगर विकास विभाग नवि-११, मंत्रालय, मुंबई २) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई ३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे. व ४) उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

(५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विंनती करण्यात येते की, सोबतचे शुद्धिपत्रक विभागाच्या वेबसाइटवर प्रसिद्ध करावे.

(६) निवडनस्ती (नवि-११)

Maharashtra Regional and Town Planning Act, 1966.

Regarding Corrigendum to provisions of Regulation 33(19) of Sanctioned Development Control & Promotion Regulations-2034 of Greater Mumbai

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai – 400 032.
Date: 24th September 2020

CORRIGENDUM

No. TPB-4319/220/CR-140/2019/UD-11

Whereas, in exercise of the powers conferred by sub section (1) of Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018 and thereafter issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Government Gazette dt. 30th June, 2018.

And whereas, the Government vide Notification dt. 21/09/2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations – 2034, which were excluded as substantial modifications;

And whereas, the Government has issued Corrigendum on dated 12/11/2018 and on dated 11/09/2019 in respect of Development Control and Promotion Regulations-2034 wherein some typographical errors and mistakes regarding Regulation 33(19) were rectified;

And whereas, the Chief Engineer (Development Plan) Municipal Corporation of Greater Mumbai vide his letter dated 20/07/2020 has requested to issue clarification as to whether the gross plot area excluding areas to be handed over to MCGM/Appropriate Authority in lieu of Reservations / existing amenity in the D.P. should be considered for allowing additional FSI under Regulation 33(19) i.e. including proposed D.P. road/sanctioned RL as stated in the regulation without considering the note below table in regulation 33(19) of DCPR -2034.

And whereas, the Government has examined the aforesaid issue and it is revealed that in sub regulation (1) of regulation 33(19) the Intent and spirit is not to deduct the area of proposed D.P. Road /sanctioned R.L. under MMC Act and parking reservation. Thus, it is observed that there is an error and mistakes in proviso below sub regulation (5) and in the note below table of regulation 33(19)

and therefore it is essential to rectify the aforesaid error and mistake Regulation 33(19) for its proper interpretation, clarify and co-relate the said provision, Government feels it necessary to issue a Corrigendum for the same;

Now, therefore, this Corrigendum is issued to rectify error and mistake in proviso below sub-regulation (5) & Note below Table of regulation 33(19) in sanctioned Development Control and Promotion Regulations -2034 as mentioned in Schedule appended hereto;

Copy of this Corrigendum is made available for the inspection of the public in the following offices during office hours on all working days for the period of thirty days.

1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai – 400 001.
2) Deputy Director of Town Planning, Greater Mumbai, 'E' Block, ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai – 400 001.

This Corrigendum is also available on the Govt. of Maharashtra website: www.maharashtra.gov.in (Acts & Rules)

By order and in the name of the Governor of Maharashtra,

(Nirmalkumar Chaudhari)
Under Secretary to Government.

SCHEDULE

Appended to the Urban Development Departments Corrigendum No. TPB-4319/220/CR-140/2019/UD-11, Dt. 24th September 2020.

CORRIGENDUM

Sr. No.	Regulation	Instead of	Read
1	Regulation 33(19) Proviso below sub Regulation (5)	Designation	Existing amenity
2	Note below Table in Regulation 33(19)	Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/Existing amenity in the DP/Proposed DP roads/prescribed RL under MMC Act and Parking Reservation.	Note: On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation /Existing amenity in the DP except affected by proposed DP roads/sanctioned RL under MMC Act and Parking Reservation.

(Nirmalkumar Chaudhari)
Under Secretary to Government.

महाराष्ट्र शासन
नगर विकास विभाग, मंत्रालय,
४ था मजला, मादाम काम रोड,
हुतात्मा राजगुरु चौक, मुंबई - ४०० ०३२.
nirmal.chaudhari@gov.in

क्रमांक : टिपीबी -४३१९/७७२/प्र. क्र. ८/२०२०/नवि -११ दिनांक : २३/१०/२०२०

प्रति,

आयुक्त

बृहन्मुंबई महानगरपालिका,

विषय: बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ४(३) अन्वये स्पष्टीकरण.

Applicability of Inclusive Housing as per Reg. 15 of DCPR-2034

संदर्भ : १) शासन नगर विकास विभागाचे समक्रमांकाचे पत्र दि. १३/०२/२०२०.
२) मे. PEATA चे दि. ०४/०९/२०२० व दि. १५/०९/२०२० रोजीची शासन नगर विकास विभागास प्राप्त पत्र

महोदय,

बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम १५ मधील Inclusive Housing च्या तरतुदी संबंधी विनियम ४(३) अन्वये संदर्भ क्र. १ चे पत्राव्दारे आपणास स्पष्टीकरण कळविण्यात आले आहे. Inclusive Housing च्या तरतुदी लागू करण्याबाबत आणखी स्पष्टता करण्याबाबत मे. PEATA यांनी संदर्भ क्र. २ चे पत्राव्दारे शासनास विंनती केली आहे.

अर्जदार यांनी केलेली विनंती विचारात घेता, यापूर्वी शासनाने दि. १३/०२/२०२० रोजीचे पत्राव्दारे दिलेले स्पष्टीकरण कायम ठेऊन विनियम १५ च्या तरतुदीच्या अनुषंगाने आणखी स्पष्टता करण्यासाठी विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ४(३) अन्वये खालीलप्रमाणे स्पष्टीकरण कळविण्याबाबत मला आदेश आहेत:-

बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ लागू असताना तेव्हाचे प्रचलित नियमावलीनुसार बेसिक झोनल चटई क्षेत्र निर्देशांकानुसार (उपनगरात १.०० तर शहरात १.३३) मंजुरी घेण्यात येऊन तसेच दि. ८/११/२०१३ रोजीची शासन अधिसूचना निर्गमित होणेपूर्वी बांधकाम प्रारंभ परवानगी (CC) देण्यात आलेल्या विकास प्रस्तावात इमारतीचे बांधकाम पूर्ण होऊन भोगवटा प्रमाणपत्र देण्यात आलेल्या प्रकरणी विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ लागू झाल्याने बेसिक चटई क्षेत्र निर्देशांकामधील शिल्लक ०.१५ चटई क्षेत्र निर्देशांक अनुज्ञेय करणेबाबत अथवा, तसेच अतिरिक्त चटई क्षेत्र निर्देशांक, टिडीआर चा वापर प्रस्तावित करून विकास प्रस्ताव महापालिकेकडे सादर केल्यास अशा प्रस्तावास देखील Inclusive Housing च्या विनियम १५ च्या तरतुदी लागू होणार नाहीत. तथापि, भविष्यात अशा जमिनीवर पुनर्विकासाचा प्रस्ताव प्राप्त झाल्यास त्यावेळी अशा पुनर्विकास प्रस्तावास तेव्हाचे नियमावलीनुसार विनियम १५ सहीत इतर तरतुदी लागू राहतील.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत माहितीस्तव:

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

२) प्रमुख अभियंता (वि. नि.) बृहन्मुंबई महानगरपालिका.

३) उपसंचालक, नगर रचना, बृहन्मुंबई.

४) निवडनस्ती (नवि-११)

महाराष्ट्र शासन
नगर विकास विभाग, मंत्रालय,
४ था मजला, मादाम काम रोड,
हुतात्मा राजगुरु चौक, मुंबई - ४०० ०३२.
nirmal.chaudhari@gov.in

क्रमांक : टिपीबी -४३२०/१९०/प्र. क्र. ११०/२०२०/नवि -११ दिनांक : ११/११/२०२०

प्रति,

आयुक्त

बृहन्मुंबई महानगरपालिका,

विषय: बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ३३(७) चे उपखंड २० च्या तरतुदी विचारात घेता विनियम १९(२) च्या तरतुदी लागू असणेबाबत (applicability) स्पष्टीकरण मिळणेबाबत.

संदर्भ : १) आयुक्त, बृहन्मुंबई महानगरपालिका यांचे अर्धशासकीय पत्र क्र. MCP/३१९२ दि. ३१/०८/२०२०
२) मे. हेमाली इन्व्हेस्टमेंट्स अँड फायनान्स प्रा. लि. यांचे दि. १४/०९/२०२० रोजीचे शासनास पत्र.

महोदय,

आयुक्त, बृहन्मुंबई महानगरपालिका यांनी दि. ३१/०८/२०२० रोजीचे पत्राव्दारे विषयांकित स्पष्टीकरण अपेक्षिले आहे. तर महापालिकेचे वरील पत्राचे अनुषंगाने न.भू. क्र. ३६२ माझगांव डिव्हीजन येथील प्रस्तावित इमारतीची उंची १३६.२५ मीटर इतकी मंजूर करण्याबाबतचे विनंतीवर विचार होणेबाबत संदर्भ क्र. २ मधील पत्राव्दारे अर्जदार यांनी शासनास विनंती केली आहे.

बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ चे विनियम ३३(७) उपखंड २० मध्ये इमारतीची ३२ मीटर पेक्षा जास्त (any height) उंची करीता ९ मी. रुंद विद्यमान रस्ता आवश्यक आहे. सदर तरतुद ही फक्त इमारतीच्या ३२ मी. पेक्षा जास्त कोणत्याही उंचीसाठी किमान ९ मी. रुंद विद्यमान रस्ता आवश्यक असल्याबाबत आहे. विनियम १९(२) चे परंतुकामध्ये नमूद केल्यानुसार विनियम ३३(७) अन्वये पुनर्विकासाकरिता इमारतीचे १२० मीटर उंची पर्यंत ९ मीटर रुंद रस्ता आवश्यक आहे. तर १२० मीटर पेक्षा जास्त उंच इमारतींकरिता १३ मीटर रुंद रस्त्यास चिफ फायर ऑफिसर चे नाहरकत परवानगीचे अधीन राहून अनुज्ञेय करता येईल ही तरतूद रस्ता रुंदी निहाय इमारतीची उंची किती अनुज्ञेय राहील याबाबत आहे.

विनियम ३३(७) मधील इमारत उंचीबाबत उपखंड २० ची तरतूद खालीलप्रमाणे आहे.

"20. Notwithstanding anything contained in these Regulations existing 9 m. width of road shall be essential for any height of building above 32 m. height."

सदर विनियम हा पुनर्विकासाचा विशेष उपयोजन असल्यामुळे तसेच, इतर संबंधित तरतूदी कायम असतानाही, त्यांना अधिक्रमीत (Supersede) करतो हे स्पष्ट आहे. सदर तरतूद हि केवळ ३३(७)

बाबतच असल्यामुळे व इतर पुनर्विकासाच्या तरतुदींमध्ये उल्लेखित नसल्यामुळे हि बाब अधोरेखित होते.

सबब, विनियम ३३(७) बाबत असणारी इमारतीच्या उंचीबाबतची उपखंड २० ची तरतूद ही अशा प्रकरणी विचारात घ्यावी. अशा प्रकरणांमध्ये रस्ता हा 'अस्तित्वात' (existing) असावा लागेल तसेच अग्निशमन विषयक सर्व बाबींची पूर्तता करणे बंधनकारक राहील, असे आपणांस कळविण्याचे मला आदेश आहेत.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत: १) अर्जदार मे. हेमाली इन्व्हेस्टमेंट अँड फायनांस प्रा. लि., श्री मंगलम हाऊस,
डी. एन. सिंग रोड नं. २, हातीबाग, भायखळा, मुंबई-४०००१०.
२) निवडनस्ती (नवि -११)

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६.

प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार अतिरिक्त चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमूल्यामध्ये सवलत देण्याबाबत **कलम १५४ अन्वये निदेश**.

महाराष्ट्र शासन

नगर विकास विभाग,

मंत्रालय, मुंबई - ४०० ०३२

शासन निर्णय क्र:- टिपीएस -१८२०/अनौ-२७/प्र.क्र.८०/२०/नवि -१३

दिनांक : १४/०१/२०२१

प्रस्तावना: राज्य शासनाने, कोविड-१९ विषाणूच्या संक्रमणाचा धोका व जागतिक आरोग्य संघटनेने जाहीर केलेली जागतिक महामारी यांचा सारासार विचार करून, राज्यात वेळोवेळी घोषित केलेली टाळेबंदी आणि या सर्व बाबींमुळे जागतिक स्तरावर आर्थिक व औद्योगिक प्रगतीत आलेली आमूलाग्र शिथिलता या साऱ्याच्या पार्शवभूमीवर आर्थिक सुधारणांसाठी राज्य शासनामार्फत विविध उपाययोजना करण्यात येत आहेत. ह्याचाच एक भाग म्हणून रियल इस्टेट क्षेत्राच्या पुनरुज्जीवनासाठी शासनस्तरावर प्रयत्न सुरु आहेत. या दृष्टीने, बांधकाम क्षेत्राला पुनर्रउभारणीसाठी प्रोत्साहन देणे गरजेचे झाले आहे. या अनुषंगाने दीपक पारेख समितीने काही शिफारशी सुचविल्या आहेत.

अतिरिक्त चटई क्षेत्र निर्देशांक मंजूर करताना आकारण्यात येणारे अधिमूल्य हे शासनाने ठरवून दिलेल्या टक्केवारीनुसार नियोजन प्राधिकरणांकडून आकारण्यात येते. अशा अधिमूल्यात शासन तसेच नियोजन प्राधिकरण यांच्यामध्ये काही प्रमाणात हिस्स्याचे वाटप आहे. तर प्रादेशिक योजना क्षेत्रात आकारण्यात येणारे अधिमूल्य हे शासनाने ठरवून दिलेल्या टक्केवारीनुसार संबंधित नगर रचना विभागाची शाखा कार्यालये/ जिल्हाधिकारी यांच्यामार्फत आकारण्यात येते. अतिरिक्त चटई क्षेत्र निर्देशांकासाठी अधिमूल्य हे वार्षिक बाजारमूल्यदर तक्त्यातील संबंधित जमीन दराच्या, शासनाने ठरवून दिलेल्या टक्केवारीनुसार आकारायचे आहे. त्यामुळे अशा अतिरिक्त चटई क्षेत्र निर्देशांकासाठी आकारण्यात येणाऱ्या अधिमूल्यामध्ये पारेख कमिटीच्या शिफारशीनुसार सूट देणे आवश्यक असल्याचे आणि सदर बाब तातडीने लागु करणे आवश्यक असल्याचे शासनाचे मत झाले आहे. तसेच प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदींनुसार अतिरिक्त चटई क्षेत्र निर्देशांकाव्यतिरिक्त नियोजन प्राधिकरणांमार्फत तसेच इतर प्राधिकरणांमार्फत अन्य बाबींसाठीचे अधिमूल्य आकारण्यात येते. यानुसार आकारण्यात येणाऱ्या अधिमूल्यामध्ये ५०% (पन्नास टक्के) सूट देण्याबाबत नियोजन प्राधिकरणांचे /इतर प्राधिकरणाचे स्तरावत निर्णय घेण्याबाबत सर्व नियोजन प्राधिकरणांना तसेच इतर प्राधिकरणांना सूचना देणेबाबत शासनाचे मत झाले आहे.

सबब याबाबत महाराष्ट्र प्रादेशिक नियोजन नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये सर्व नियोजन प्राधिकरणे /नगर रचना विभागाची सर्व शाखा कार्यालये/सर्व जिल्हाधिकारी /इतर प्राधिकरणे यांना पुढीलप्रमाणे निदेश देण्यात येत आहेत:-

"निदेश"

१. प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार, नियोजन प्राधिकरणाचे क्षेत्रात तसेच प्रादेशिक योजना क्षेत्रात अतिरिक्त चटई क्षेत्र निर्देशांकापोटी/ फंजिबल चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमुल्याच्या बाबतीत ५०% (पन्नास टक्के) सूट देण्यात यावी. यानुसार अंमलबजावणी करताना खालीलप्रमाणे (अ, ब व क) कार्यवाही करण्यात यावी.

२. तसेच प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदींनुसार अतिरिक्त चटई क्षेत्र निर्देशांकाव्यतिरिक्त नियोजन प्राधिकरणांमार्फत तसेच इतर प्राधिकरणांमार्फत अन्य बबनला (उदा. स्टेअरकेस, पॅसेजेस, खुले क्षेत्र कमतरता सवलती देण्यासाठी, विभाग बदल इ.) आकारण्यात येणाऱ्या अधिमूल्यामध्ये ५०% (पन्नास टक्के) सूट देण्याबाबत नियोजन प्राधिकरणांनी /इतर प्राधिकरणांनी निर्णय घ्यावा. त्याची अंमलबजावणी करताना खालीलप्रमाणे (अ, ब व क) कार्यवाही करण्यात यावी.

अ) या योजनेसाठी खालील प्रकल्प /प्रकल्पाचा भाग पात्र होतील.

i) चाली प्रकल्प आणि नवे प्रकल्प: अशा प्रकल्पांना दि. ३१/१२/२०२१ पर्यंत प्रत्यक्ष जमा करण्यात येणाऱ्या अधिमूल्याच्या रकमेवर ५०% (पन्नास टक्के) एवढी सूट डे असेल.

ii) सदर सवलत केवळ विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार आकारावयाचे सर्व प्रकारचे अधिमूल्य (Premium) यासाठी लागु असून, विकास शुल्क (Development Charges) अथवा इतर प्रशासकीय बाबींना लागू राहणार नाही.

ब) जे विकासक वरीलप्रमाणे ज्या प्रकल्पांसाठी अथवा प्रकल्पातील ज्या भागासाठी अधिमूल्यात सूट घेतील अशा प्रकल्पांमधील EWS/LIG/MIG/HIG क्षेत्रातील घरे/सदनिका / वाणिज्यिक -औद्योगिक इ. गाळे घेणाऱ्या ग्राहकांचे डे मुद्रांक शुल्क भरतील (म्हणजेच ग्राहकाचे मुद्रांक शुल्क शून्यावर आंतील) अशाच विकासकांना सदर योजनेचा लाभ मिळेल व ताशा प्रकारचे जाहीर प्रकटीकरण व खालीलप्रमाणे कार्यवाही अशा विकासकांनी करणे जरुरीचे राहील.

I. या योजनेमध्ये सहभागी होवू इच्छिणाऱ्या प्रकल्पांकरिता संबंधित विकासकाने ग्राहकांचे पूर्ण मुद्रांक शुल्क भरण्यात येणार असल्याचे हमीपत्र नियोजन प्राधिकरणाला सादर करावे लागेल.

II. अशा प्रकल्पामधील मुद्रांकांचा संपूर्ण खर्च विकासकामार्फत करण्यात आला असल्याचे लाभार्थी ग्राहकाचे प्रमाणपत्र विकासकाम नियोजन प्राधिकरणाला सादर करावे लागेल.

III. विकासकाने ज्या ग्राहकांचा अशा प्रकारे मुद्रांकांचा संपूर्ण खर्च केला आहे, त्यांची यादी त्यांच्या संकेतस्थळावर प्रसिद्ध करावी लागेल.

IV. जे प्रकल्प या योजनेत सहभागी होतील त्या प्रकल्पांची अथवा प्रकल्पांच्या ज्या भागासाठी सवलत घेतली आहे त्याची यादी, महानगरपालिका आयुक्त / नगरपरिषद अथवा नगरपंचायत मुख्याधिकारी / जिल्हाधिकारी / नियोजन प्राधिकरण यांच्यामार्फत माहितीकरिता मुद्रांक नोंदणी कार्यालयास कळवावी लागेल. तसेच संबंधित प्राधिकरणाच्या संकेतस्थळावरही प्रसिद्ध करावी लागेल.

V. या सवलतींचा लाभ घेणाऱ्या प्रकल्पाना, लाभ घेतलेल्या बांधकाम क्षेत्राची विक्री होईपर्यंत लाभ चालू ठेवावा लागेल.

क) नव्याने अधिमूल्य आकारणी कारवायाच्या नवीन प्रकल्पांच्या अथवा प्रकल्पाच्या नवीन भागाच्या बाबतीत अधिमूल्य आकारणीकरीता जो वार्षिक बाजारमूल्य दर तक्ता (Annual Statement of Rates-ASR) आधारभूत धरण्यात येईल तो-

i) दि. ०१/०४/२०२० रोजी लागू असणारा,

किंवा

ii) अधिमूल्य भरणा करताना प्रचलित असणारा,

यापैकी जो अधिकतम (जास्त) असेल, तो तक्ता (Annual Statement of Rates-ASR) गृहीत धरून आकारणी करण्यात यावी.

सदर योजनेंची प्रभावी अंमलबजावणी करण्याकरीता महारेराशी समन्वय साधून आवश्यकतेनुसार त्यांची मदत व मार्गदर्शन घेण्यात येईल.

सादर निदेश लगोलग अंमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने

(नो. र. शेन्डे)
सह सचिव, महाराष्ट्र शासन

प्रति :-

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
२) सर्व विभागीय सहसंचालक, नगर रचना.
३) सर्व विभागीय आयुक्त.
४) सर्व जिल्हाधिकारी
५) आयुक्त, सर्व महानगरपालिका
६) महानगर आयुक्त, सर्व महानगर प्रदेश विकास प्राधिकारणे
७) सर्व विशेष नियोजन प्राधिकरणे
८) मुख्य कार्यकारी अधिकारी, कोल्हापूर नागरी क्षेत्र विकास प्राधिकरण, कोल्हापूर
९) सर्व नवनगर विकास प्राधिकरणे
१०) सहायक संचालक, नगर रचना/ नगर रचनाकार,नगर रचना व मूल्यनिर्धारण विभाग, सर्व शाखा कार्यालये.
११) मुख्य कार्यकारी अधिकारी, सर्व जिल्हापरिषद
१२) अवर सचिव, नवी -११/नवि -३०, कक्ष अधिकारी, नवि - १२, नगर विकास विभाग, मंत्रालय, मुंबई
१३) मुख्याधिकारी (सर्व नगरपरिषद / नगरपंचायती)
१४) कक्ष अधिकारी (नवि -२९), नगर विकास विभाग, मंत्रालय, मुंबई

/- सोबतचे निदेश या विभागाच्या संकेतस्थळावर प्रसिद्ध करावेत.

१५) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग, मंत्रालय, मुंबई

/- सदरचे निदेश शासनाच्या संकेतस्थळावर प्रसिद्ध करावेत.

१६) निवडनस्ती, कार्यासन (नवि - १३)

प्रत :-

१. मा. मुख्यमंत्री महोदय यांचे प्रधान सचिव, मंत्रालय, मुंबई
२. मा. उप मुख्यामंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई
३. मा. मंत्री, नगर विकास यांचे खासगी सचिव, मंत्रालय, मुंबई
४. मा. राज्यमंत्री, नगर विकास यांचे खासगी सचिव, मंत्रालय, मुंबई
५. मा. विरोधी पक्षनेता, विधानपरिषद/विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई
६. मा. उपसभापती, महाराष्ट्र विधानपरिषद, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई
७. मा. उपाध्यक्ष, महाराष्ट्र विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई
८. प्रधान सचिव (नवि - १) नगर विकास विभाग, मंत्रालय, मुंबई
९. संचालक (नगर रचना) तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.

CIRCULARS

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110/ Gen dated. 2019-20

CIRCULAR DCPR2034 C-1

Sub: Various decisions taken in meetings with Municipal Commissioner.

1. To allow Fungible Compensatory Area (FCA) for existing buildings under Regulation 31(3) can be categorized as detailed below :-

   a. Redevelopment of existing building having occupation certificate.

      FCA on existing BUA as per the OC plan can be granted without charging premium.

   b. Redevelopment of existing building having approved copy of plan and full commencement certificate and building is existing as per approved plans but not having the occupation certificate.

      FCA on existing BUA can be granted without charging premium.

      This shall be applicable prospectively. The premium already paid if any, under this category shall not be refunded or adjusted.

   c. Redevelopment of existing building having neither approved copy of plan nor having the occupation certificate.

      In such case FCA on existing BUA shall be granted by charging premium.

      This shall be applicable prospectively. In this category plans already approved if any, and FCA on existing BUA is allowed without charging premium the same shall be allowed to be continued.

   d. In case of redevelopment of existing building having tolerated category. FCA on existing BUA based on assessment record prior to datum line can be granted without charging premium.

While submitting the proposals to Hon. M.C. for approval of concession, the concerned E.E.(B.P.) shall clearly mention the details under which category mentioned as above the proposal under reference falls before recommending the FCA on existing BUA without charging premium.

While considering the existing BUA as per the assessment record, the area as per the original assessment extract or area of tolerated structures prior to datum line shall only be considered & no subsequent additions in areas shall be considered for allowing FCA without charging premium.

2. Area of Fitness center shall be 2% of {total BUA + FCA} and NOC from society is not required for approving the Fitness Center.

However, said area shall be marked as "Fitness Center for Society" and necessary clause to be incorporated in the sale agreement.

C.H.E.(D.P.) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI
No. CHE/DP/110 / Gen dated 2019-20
CIRCULAR DCPR 2034 C- 2

Subject :- Decisions taken by Technical Advisory Committee

Sr. No.	Issue	Guidelines to be followed
1.	Whether to insist Railway NOC for proposals where basement is proposed within 30 mt. from Railway Track Boundary.	As per Regulation 45 (C) of DCPR 2034, for construction of building within 30 m from Railway Track boundary. NOC from Railway authority is required. Since basement is also part of the building, the same will not be permitted within 30 mt. from Railway Track Boundary without obtaining Railway N.O.C.
2.	To allow the amenities viz parking spaces & other amenities proposed in Basement/Stilt/ Podium for full permissible FSI even though the plans are submitted for the Zonal (Basic) FSI on the basis of concessions approved by the Hon. M.C. for full consumption of FSI	Where the concessions are approved for full consumption of permissible F.S.I./TDR and the parking requirement is proposed at basement/stilt/podiums, the plans with entire parking requirement may be considered for approval even for consumption of zonal (Basic) FSI.(i.e. 1.00 /1.33 etc.) being a construction difficulty subject to suitable safeguards i.e. by insisting registered undertaking agreeing to handover excess parking spaces to MCGM free of cost without claiming any compensation in any form in case full permissible FSITTDR is not consumed

C.H.E.(D.P.) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110 / Gen dated 2019-20

CIRCULAR DCPR2034 C-3

Sub : Charging of Development Cess /Additional Development Cess in case of proposals received for development under Regulation 30, 33(7), 33(7)A and 33(9) of DCPR 2034.

Government of Maharashtra in U.D. Department has sanctioned DCPR 2034 for Greater Mumbai vide notification dated 08.05.2018 with EPs and EPs are sanctioned vide notification dated 21.09,2018 which has come into effect from 13.11.2018

As per Clause 7 of Regulation 30 of DCPR 2034, Development cess at the rate of 100% of Development charge, for BUA over and above the Zonal(basic) FSI / protected BUA whichever is higher (excluding fungible compensatory area) in accordance with the Time Schedule for such payment as may be laid down by the Commissioner. MCGM shall be paid. This development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

For redevelopment of buildings undertaken under Regulation 33(7), 33(7)A & 33(9) of DCPR 2034 these regulations through their respective provisions stipulate to recover development cess/ additional development cess in addition to development charges levied as per section 124 of MR & TP Act 1966,

These Regulations also stipulate that development cess / additional development cess amount shall be paid to MCGM in accordance with the time schedule for such payment as may be laid down by the Commissioner MCGM. Provided the payment of installments shall not go beyond the completion of construction.

The policy for payment of such additional development cess in 4 installments was already in operation vide circular issued under No. Dy.Ch.E.(B.P.) (city)/241/Gen dt. 17/4/2010.

Accordingly, all concerned are here by directed to recover development cess /additional development cess in case of development /redevelopment project in city. Suburbs and extended suburbs under provisions of various regulations of DCPR 2034 where in it is specifically mentioned that the development cess amount shall be paid in accordance with the Time Schedule as may be laid down by Municipal Commissioner, as tabulated below.

Stage of work	% Amount to be recovered
I -100	30%
II - Before plinth CC	30%
III - Before full CC of Sale component	20%
IV - Before 0.C. to sale building (Part or full)	20%

a) For ongoing proposals under regulation 33(7), 33(9) of DCR 1991, if the proposals are continued as per plans approved earlier as per the provisions of DCR 1991, the balance installments of additional development cess / development cess if any, shall be payable as per the provisions of DCR 1991.

b) However, in cases where the ongoing proposal under regulation 33(7), 33(9) of DCR 1991 is proposed to be converted as per provisions of DCPR 2034. the additional development cess / development cess on total permissible BUA shall be worked out as per the provisions of DCPR 2034 and the subsequent installments than those paid earlier shall be payable as per provisions of DCPR 2034.

c) Where other ongoing proposals are proposed to be converted as per provisions of DCPR 2034, the development cess shall be worked out as per the provisions of DCPR 2034. The total installments of such development cess as tabulated above payable at the time of granting approval of plans as per provisions of DCPR 2034 shall be equivalent to the stage of ongoing proposal at that time.

d) For the balance development potential proposed to be utilized as per regulation 9(6)(b) of DCPR 2034 in ongoing proposals, the additional development cess /development cess applicable on balance development potential shall be recovered as per the provisions of DCPR 2034. The total installments of such development cess / additional development cess as tabulated above payable at the time of granting approval of plans with balance development potential as per provisions of DCPR 2034 shall be equivalent to the stage of ongoing proposal at that time.

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110 / Gen dated 2019-20

CIRCULAR DCPR 2034 C-5

Sub: The policy guidelines to allow the area covered by Staircase/lift wells Including lobbies as specified in D.C. Reg. 31(1)(iv) of DCPR 2034.

The area of staircase / lift wells including lobbies are allowed free of FSI by charging premium as per the provisions of Regulation 31(1) (iv) of Sanctioned DCPR 2034 The provision of Regulation 31(1)(iv) of Sanctioned DCPR 2034 read as follows:

31(1): Exemption from FSI:

The following shall not be counted in FSI ;

(iv) "Areas covered by Staircase/lift wells Including lobbies as specified, excluding those covered under D. C. Regulation No.31 (1) (iii) with special written permission of the Commissioner subject to payment of premium. "

In the above DCPR provisions, the lobbies as specified shall be allowed free of FSI. To specify the lobby area, the policy is framed & circulated as below.

1. Staircase / Lift / Lobbies:

As per Regulation 31 (1) (iv) of sanctioned DCPR areas covered by staircases / lift wells including lobbies as specified shall not be counted In F.S.I with special written permission of the Commissioner, subject to the payment of premium. Premium is payable except for areas covered under Regulation 31 (1) (iii).

Accordingly.

i) The areas covered by staircases/lift wells shall not be counted in F.S.I with special written permission of the Municipal Commissioner by charging premium at 25% of ASR (for FSI 1.00) for developed land.

ii) Following area comprised of Lobby /Lobbies shall not be counted in F.S.I with special written permission of the Municipal Commissioner by charging premium at 25% of ASR (for FSI 1.00) for developed land.

(I) **For buildings having height up to 32 meters**.

a) Lobby in front of lifts equivalent to 1.25 times the depth and 1.25 times the width of the lift.

b) Lobby in front of the staircase having depth and width equivalent to 1.25 times the width of the stair flight.

c) Not more than 1.5 mt. long lobby In front of smoke vent (window) provided only between the lifts/ staircase equivalent to 1.25 times depth of the lift. However, such lobby shall not be allowed free of FSI, if It abuts habitable area.

(II) **For buildings having height more than 32 meters and up to 70 meters**,

a) Lobby in front of lift/s, equivalent to 1.5 times the depth and 1.5 times the width of the lift.

b) Lobby in front of the staircase/s, having depth and width equivalent to 1.5 times the width of the stair flight.

c) Not more than 1.5 mt. long lobby in front of smoke vent (window) provided only between the lifts / staircase equivalent to 1.5 times depth of the lift. However, such lobby shall not be allowed free of FSI. if it abuts habitable area.

(III) For buildings having height above 70 meters,

a) Lobby In front of lift/s, equivalent to 2.0 times the depth and 2 times the Width of the lift.

b) Lobby In front of the staircases, having depth and width equivalent to 2.0 times the width of the stair flight.

c) Not more than 1.5 mt. long lobby In front of smoke vent (window) provided only between the lifts / staircase equivalent to 2.0 times depth of the lift. However, such lobby shall not be allowed free of FSI. if It abuts habitable area.

Note: For Guidance the sample sketch for a building having height more than 70 m. is attached herewith.

2. Wall thicknesses of the Staircase / Lift / Lobbies:

1. The wall thickness may be included in the area of lift/staircase for claiming the same free of FSI if it is not abutting to any habitable area.

2. If staircase/lift is abutting to habitable area, then the minimum thickness of wall to be considered In FSI shall be 230 mm for brick masonry wall & 150 mm in case of RCC wall.

3. This Circular will be applicable to all ongoing proposals as per DCR 1991 as modified on 6th Jan 2012 for which Occupation Certificate is not granted and the proposals under DCPR 2034.

4. The area generated due to allowing such area as above free of FSI for the under construction buildings can be allowed to be utilized in the same building or on any other building in the plot / Layout.

Notes:

(a) The proposal which were approved prior to 01.09.2018 for granting the area covered by staircase/ lift wells including lobbies free of FSI as per Regulation 35(2) of DCR 1991 and the proposals which envisages increase in the area covered by staircase/ lift lobbies , free of FSI as per this circular, the same shall be approved by the concerned Executive Engineer (Building Proposal) by charging premium as per policy subject to condition that no other concessions are required to be granted under 64(b) of DCR 1991 / 6(b) of DCPR 2034 due to claiming of this area free of FSI

(b) In such cases there should not be any addition of the number of floors or any addition of new staircase/ lift wells including lobbies to be granted free of FSI with respect to the approval already granted by Hon'ble MC for area of staircase. lift, lift lobby free of FSI.

The area covered by staircase/ lift wells including lobbies will be allowed free of FSI as per above guidelines and same shall be followed by all concerned.

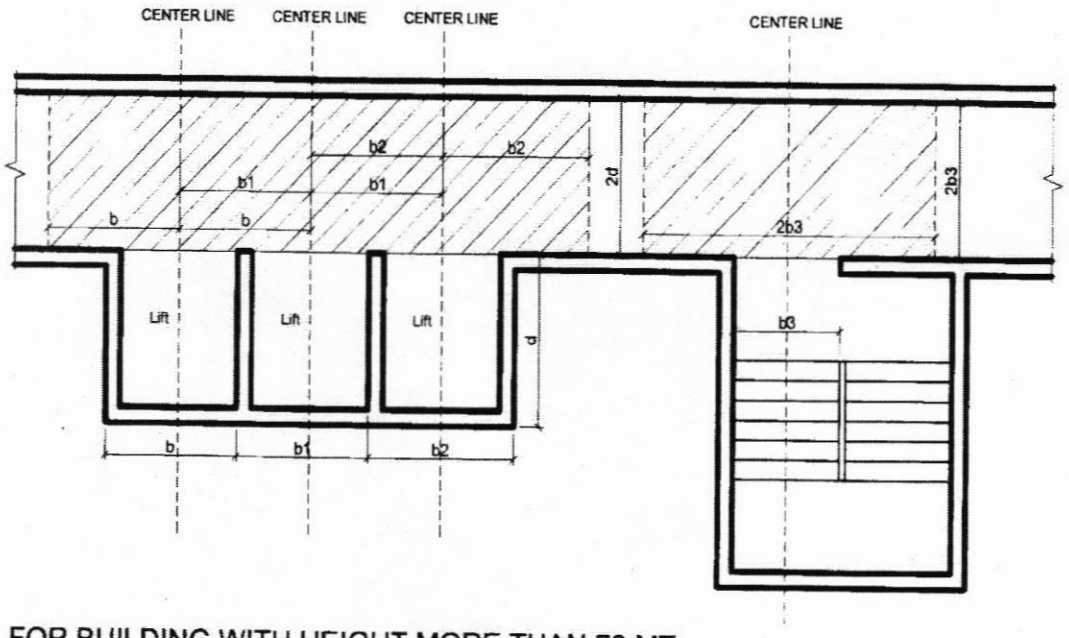
Acc : Sketch as mentioned above:

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

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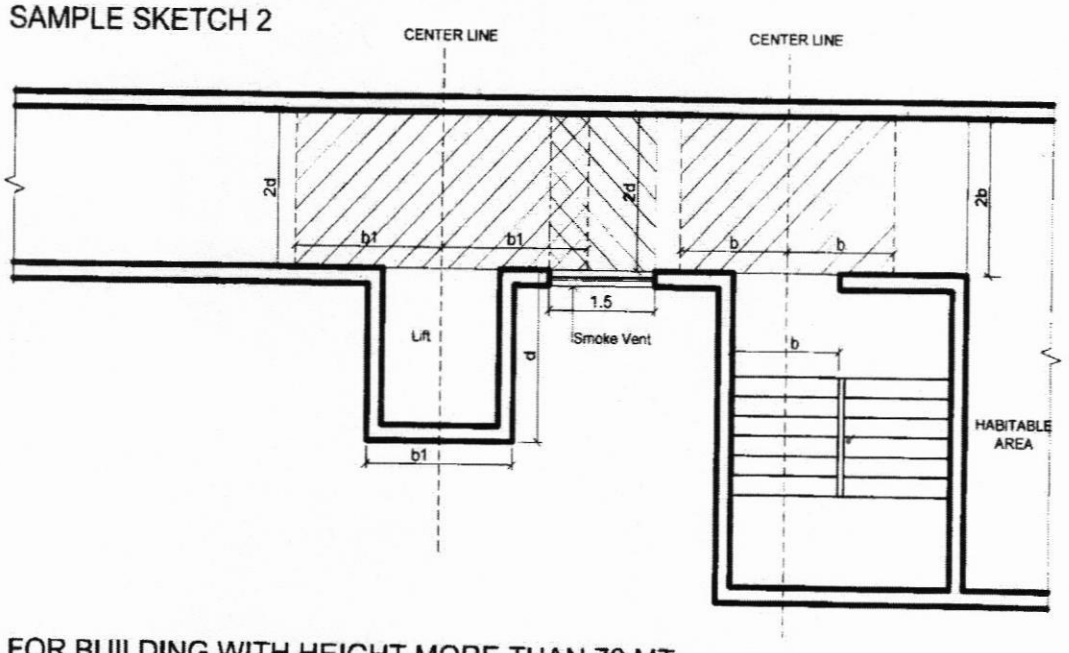
(428)

SAMPLE SKETCH 1



FOR BUILDING WITH HEIGHT MORE THAN 70 MT.

SAMPLE SKETCH 2



FOR BUILDING WITH HEIGHT MORE THAN 70 MT.

30/01/2020

CH.E.(D.P.)

MUNICIPAL COMMISSIONER.

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.CHE/DP/ 110 / Gen dated 2019-20

CIRCULAR DCPR2034 C-6

Sub: The policy guidelines for allowing internal staircase, internal lift of duplex / triplex I multi-level single units in residential building free of FSI.

There is provision in D. C. Reg. 31(1)(iv) to allow areas covered by staircase / lift including lobbies as specified. Excluding those covered under D.C.Reg.31(1)(iii) with special written permission of the Commissioner subject to payment of premium. There is no policy provision to allow the internal staircase for residential duplex / triplex flats or non-residential duplex/triplex units

To streamline the process of allowing internal staircase / lifts for duplex / triplex tenements in Residential. Following guidelines are now issued as per provision of sanctioned D.C.P.R. 2034

(1) The minimum 0.90 mt. width of the internal staircase of proposed duplex / triplex I multilevel single units shall be insisted.

(2) The minimum size of internal lift 0.75 X 0.75 mt. and maximum size of 1.25 X 1.25mt. shall be allowed within the units.

(3) (a) The area of internal staircase (except spiral internal staircase) of duplex / triplex I multilevel single units at base level which is usable with minimum head room of 1.80 mt. shall be counted in FSI and the remaining area of internal staircase at base level and the area of internal staircase at all upper floors of the proposed duplex / triplex I multilevel single units of the building only will be allowed free of FSI by charging 100% premium at ASR (for FSI 1 0)

(b) The area of spiral internal staircase only shall be allowed free of FSI at base level as well as on all upper floors by charging 100% premium at ASR (for FSI 1.0)

(c) Provided that the area of entire proposed staircase shall be kept open at all upper floors, if some portion on upper floors are proposed to be covered, the area of the same shall be counted in FSI.

(4) Only one internal staircase or internal lift or staircase with internal lift per unit will be allowed as stated above.

(5) The lift lobby and staircase lobby at floor level (i.e. floor landing of staircase & lift) at each floor of duplex / Triplex / multi level single unit will be counted in FSI being a habitable area of these units.

(6) The Developer shall submit the declaration. certifying that the duplex / triplex / multi level residential unit will be a single unit and will be sold to the purchaser as a single residential unit and shall incorporate specific clause in agreement so that the duplex / triplex unit will remain as single residential unit & will not be misused by removing staircase.

(7) While requesting for occupation certificate to the building by the Architect / Developer, the Architect has to invariably certify that, he has inspected the building and verified the construction and completion of internal staircase, lift or both of each duplex / triplex / multi-level single units at site as per approved plan and same shall be confirmed by concerned EE(BP) on site before granting part O.0 / Full O.C. cum B.C.C.

(8) The Architect has to clearly earmark the duplex / triplex / multi-level single units as a single unit on the plan to be submitted for approval / OCC cum BCC.

(9) C.F.O. NOC shall be obtained for provision of internal staircase / lift proposed.

(10) The special permission of Municipal Commissioner for allowing the area free of FSI shall be obtained as per provision in DCPR 2034.

(11) Regular Main Entry to Duplex / Triplex / Multilevel Single Unit shall be allowed only at One floor and single fire escape door of max. 0.75 mt. width with opening at common lobby passage shall be allowed on other floor/ floors provided that, the entire wall abutting to common passage / lobby shall be allowed with R.C.C. for all such fire escape doors.

These guidelines shall be applicable for fresh proposals and all the ongoing proposals where full O.C.C.is not yet granted.

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/ 110 / Gen dated 2019-20

CIRCULAR DCPR 2034 C-7

Sub : Policy guidelines for allowing construction of staircase/ staircase Lobby/ lift/ lift lobby/ lift machine room/ overhead water tank (staircase, lift core) up to the total proposed height of the building mentioned in the approved concessions on receipt of request from the concerned Architect/Developer.

The following guidelines will be implemented for allowing the construction of staircase/ staircase lobby/ lift/ lift lobby/ lift machine room/ overhead water tank (staircase. lift core) up to the total proposed height of the building mentioned in approved concessions where approval to a building/wing is proposed in multiple phases and on receipt of request from Architect/ Developer.

1) On receipt of the request from Architect/ Developer. the plans will be approved for the staircase/ staircase lobby/ lift/ lift lobby/ lift machine room/ overhead water tank (staircase. lift core) up to total proposed height of a building/wing for permissible full potential FSI as in approved concessions, in addition to the height which can be approved with available FSI in phase I of the Building /wing of the project on following conditions.

   a. The premium for allowing staircase/ lift/ lift lobbies/staircase lobbies, free of FSI shall be recovered for such area at all levels before grant of CC for the staircase and lift core.

   b. On request of Architect/ Developers for grant of C.C. for staircase/lift core same may be issued for construction of staircase/ staircase lobby/ lift/ lift lobby/ lift machine room/ overhead water tank (above staircase core) up to full proposed height as per total FSI proposed along with further C.C. beyond plinth on its merits.

2) Registered Undertaking-cum-Indemnity Bond for the Architect/ Developer shall be insisted before grant of CC for full proposed height of Core, stating that the precautionary measures of safety of structure and its occupants will be provided and undertaken during the constructions and in addition the structural engineers certificate will be insisted certifying that design of staircase and lift core will have seamless connection with balance RCC work which will be connected to the core after receipt of appropriate approvals.

3) The NOC from Civil Aviation and High-Rise Committee for proposed height and M.O.E.F. for the proposals affected by CRZ and or for the proposed construction area more than 20.000 sq.mt. (i.e. Total BUA to be consumed on plot as per approved concession) shall be insisted before grant of C.C. wherever applicable.

   No instalment facility will be granted in respect of the area comprised in the staircase and Lift core for which CC is requested.

The portion of staircase core will be removed by the Developer at his risk and cost within 30 days if the plans of upper floors are not feasible to be approved in future for any reasons and registered undertaking to that effect shall be insisted before granting C.C.

The amount of premium recovered by allowing staircase/ staircase lobby lift/ lift lobby area free of FSI shall not be refunded or adjusted against any other payment in future. The registered undertaking to that effect shall be insisted from the Developer before grant of C.C for Core area.

CH.E. (DP) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110 / Gen dated 2019-20

CIRCULAR DCPR2034 C-8

Subject: Guide Lines for of parking layout proposals

1) <u>PLANS:</u>

Parking Layout proposal shall be submitted showing Block Plan (Scale 1 :500, 1:40 or to the scale as per T.P. Scheme). Location Plan (Scale 1:4000 / 1:2500) the required parking statement as per DCPR 2034, Plans (Scale 1: 1 00 preferably and 1:200 in case of bigger layouts only) showing parking floors such as ground floor, stilt floor, basement floors, parking / podium floors and floor next to parking floors, cross sections showing the details of parking/podium floors and floor next to parking / podium floor (Particularly, showing all level differences such as basement top, ground level, stilt level, underground water tank top, rewas of stair case, staircase mid landing, elevation features projection where maneuvering is proposed) along with road level, ground level of the plot at the entry, exit points of vehicle and cross sections of mechanized parking systems, if any.

1.1) Ground floor plan shall contain compound wall entry/ exit gate, chain link gate, sliding gate, type of access to the plot such as layout road, existing road. D P Road, etc. with detail of width of road L.O.S. / paved L.O.S. and other reservations, amenities if any, required front open space line to be shown in dotted line.

1.2) Each parking floor plan shall contain minimum clear dimensions of drive way, angular dimensions of driveway at the corners of the plot and at the turning direction of driveways.

1.3) All R.0 C. / Structural members such as columns, lifts sheer walls, etc. shall be shown in dark colour.

1.4) Statement showing the area of side & rear open space of the building and area consumed by the proposed car parking spaces as per provision of Regulation 44 of DCPR 2034.

1.5) Slope of the ramp, width of ramp and length of the ramp at the center of driveway (Length of the ramp shall be shown at the center of inner driveway in case of two-way maneuvering) shall be shown on plan.

1.6) In case of proposal under Regulation 33 (18) of DCPR -2034, the conditions insisted by Jt. C. P. (Traffic) & by the Committee for approval of the proposals under Regulation 33 (18) of DCPR - 2034 shall be incorporated in the parking layout for obtaining NOC of Dy.Ch.E.(Traffic) department.

2) <u>DRIVEWAY:</u>

2.1 Driveway proposed shall be free of any obstructions and width as mentioned below shall be provided

2.1.1) The width of driveway for one way maneuvering shall be minimum 3.00 mts in straight alignment & 3.90 mts. width shall be provided at turning portions for proper maneuverings of the vehicles.

2.1.2) The width of driveway for two way maneuvering shall be minimum 6.00 mts. in straight alignment & 7.50 mts. at the turning portions for proper maneuvering of the vehicles.

2.1.3) Minimum 3.75 mts wide driveway shall be provided for one way maneuvering in straight alignment & 4.65 mts. at the turning portions and 7.50 mts. wide driveway shall be provided for two way maneuvering in straight alignment & 9.00 mts at the turning portions shall be provided for transport vehicles & Ambulance.

2.2) Minimum 3.50 mts. wide gate shall be provided in case of single entry or exit and 6.00 mts. wide gate for entry & exit.

2.3) Unobstructed Passage of minimum width of 3.00 mts. shall be provided from entry gate up to entrance lobby / staircase of the building for ingress & egress of the vehicles up to entrance of the building, if the parking spaces are proposed in the said passage.

2.4) In the driveway portion where 'U' turn is proposed, minimum 5.50 mts. of inner diameter of the turning portion ('U' turn) shall be provided.

2.5) In the driveway portion, the minimum 2.40 m. head room shall be provided from the bottom of slab/ beam/ any projection/ ramp/ revas projection of staircase cantilever parking etc.

2.6) If the surface angular parking is proposed along the one-way driveway minimum 3.6 m width shall be provided for proper ingress and egress of vehicle in the parking space

3) <u>PARKING SPACES:</u>

3.1) SIZE OF PARKING SPACES The size of parking spaces shown on plan shall be as per the provisions of regulation 44(1) of DCPR 2034

3.1.1) For motor vehicles : -Big cars = 2.50 mts. x 5.50 mts. (shall be shown in green colour) In case of parking spaces for motor vehicles. up to 50% of the prescribed parking spaces may be of size 2.30 mts. x 4.50 mts. as per Regulation 44(1) of DCPR 2034.

3.1.2) For Transport Vehicles: 3.75 mts. x 7.50 mts. as per Regulation 44(1) of DCPR 2034. (shall be shown in red colour)

3.1.3) For Ambulance: 4.00 mts. x 10.00 mts. as per 44(2) Table 21 of DCPR 2034. (shall be shown in red colour) 3.1.4) In case of 33(18) proposals. PPL / MCGM parking spaces shall be shown in blue colour. 3.1.5) Mechanical stack parking shall be shown in green hatched. 3.1.6) School Bus parking may be provided as per Note (iv) below Table 21 of regulation 44(2) of DCPR 2034 of size 3.75 mts X 7.5 mts. 3.1.7) Two Wheeler parking: 3.0 sq.m. with least dimension minimum 1.2 m as per regulation 44(1) (ii). 3.2) Car parking spaces shall not be proposed on

(1) Required front open space.

(2) L.O.S.

(3) Ventilation openings for Basements.

(4) Manhole / Openings / Chambers of under-ground water tank / Fire fighting tank.

3.3 DISTANCE REQUIRED FOR PARKING SPACE:

3.3.1) There is no necessity to provide minimum distance on either side of parking for ingress/ egress of vehicle if parking spaces are proposed in row along the driveway or alternate parking.

3.3.2) Tandem Parking: The required sizes of parking spaces may be allowed directly one behind the other with 2.50 m. wide parking bay.

3.4) Parking spaces for Differently Able shall be proposed only for public building as per Regulation 39 (3.2) and as under

3.4.1) Surface parking shall be provided near ground floor entrance or on immediate upper floor entrance for the physically handicapped persons with maximum travel distance of 30 mt. from building entrance.

3.4.2) The size of parking bay shall be minimum 3.60 mt. x 5.50 mt.

3.4.3) The information stating that the space is reserved for wheel chair users shall be conspicuously displayed.

4) <u>CAR LIFT:</u>

4.1) The minimum size of car lift hoist -way shall be 3.30 mts. x 6.00mts. to accommodate all kinds of vehicles.

4.2) Minimum 5.00 mts. unobstructed open space shall be provided in front of the car lift /hoist for proper maneuvering of vehicles on the respective parking floor.

4 3) If the car hoists are proposed then provision of separate passenger lift shall be made nearby.

4.4) If the driveway is proposed through the Car Lift, then the clear opening of the car lift shall be minimum 3.30 mts. wide. (The details of the Car Lift and required hoist-way as per Manufacturer's specification shall be submitted)

4.5) Number of car lifts requirement shall be as per provisions of DCPR- 2034

5) RAMP:

5.1) Ramps shall be proposed as per provisions of Regulation 37(16) of DCPR 2034.

5.2) The maximum 45.00 mts. continuous ramp length shall be permitted.(Mid-Landing minimum of 6.00 mts. in length shall be provided at the interval of maximum every 45.00 mts. travel distance.)

5.3) Parking spaces may be allowed over slopping parking floors of gradient not steeper than 1 20.

5.4) In the ramp portion where U turn is proposed, Minimum 5.50 mts. Inner diameter of the turning radius by means of well/turn shall be provided.

5.5) When a building abuts 3 or more roads, then the ramps shall be allowed in front marginal open space facing the road having least width for ingress and egress of vehicles.

6) MECHANICAL PARKING:

6.1) Stack, Pit. Rotary. Puzzle. Tower or any such type of Mechanized parking system having height more than 4.20 mt. above G.L. may be proposed at least 1.50mts. away from the compound wall on all sides except front

6.2) Rotary. Puzzle. Tower or any such type of Mechanized parking system in side open space touching to the building or as an independent structure shall be proposed along dead wall only upto height of the building

6.3) The car parking spaces may be proposed with minimum height of 1.80 mts and maximum height of 2.50 mt. in all type of Mechanized parking system.

6.4) Minimum 5.00 mts. clear unobstructed open space shall be provided in front of stack parking meant for big size cars & 4.00 mts. for small stack parking shall be provided for smooth ingress & egress of vehicles in parking spaces.

6.5) The minimum clear 3 60 m (i.e 1 8 m + 1.8 m) 3 90 m (i.e. 1.8 + 2.1 m) 4.20 m (i.e.2.10 + 2.10) head room in the building whatsoever the case shall be provided where double stack

parking is proposed (Note:-The proposed height under this clause can be modified as per the specification of manufacturer.)

6.6) A traffic impact analysis / assessment study is required to be carried out through Traffic Engineering Dept. / Traffic Engineering Institute! Traffic consultancy agency for parking layout where car parking spaces are proposed more than 2000.

7) <u>General requirements for parking layouts:</u>

i. The Ground Floor, stilt, podium, basement floor where parking spaces are proposed, the parking area shall be adequately lighted, ventilated and drained properly.

ii. Edges of the column shall be either preferably round in shape or shall be covered with protective edge guards in the Ground Floor, stilt, podium, basement floor where parking spaces are proposed.

iii. The parking spaces shall be paved & clearly marked, painted and numbered.

iv. The traffic operation shall be marked in Thermoplastic road marking paint. Arrows and traffic amenities such as Retro Reflective Road Studs shall be provided to guide the motorists.

v. Anti-Crash Barriers shall be provided at the turning portions of the ramps.

vi. Anti-Skid finish (Surface) shall be provided at the parking floors / ramps.

vii. Cautionary I Informatory signages shall be provided at the ramps as well as in the drive ways to guide the motorists.

viii. The entire drive-way as well as parking spaces shall be kept free of obstructions.

ix. The Board indicating car parking in Gr. Floor, stilt, podium, basement floor shall be provided near the entry gate.

x. Adequate no. of parking attendants shall be employed where ever is required.

xi Necessary care shall be taken to abate the nuisance of car exhaust I smoke I lights I noise in Ground Floor, stilt, podium and basement floor parking area.

xii. The convex mirror (i.e. ml m2. etc.) shall be provided on ramp at the required locations of turning portions or locations shown on the parking layout plans so as to facilitate the smooth maneuvering of vehicle.

xiii. The registered undertaking indemnifying the M C.G M. against any litigation arising out of hardship to user in case of the failure of Mechanized system I car lifts I nuisance due to mechanical system / car lift to the building under reference & to the adjoining wing / adjoining building shall be submitted to Ex.Eng (B.P.).

xiv. The standby arrangement of generator / alternative electric power supply of requisite capacity for lifts and the mechanical parking system shall be made in case of failure of electric supply.

xv. The Mechanized parking system shall be equipped with electric sensor devices and also proper precautions & safety measures shall be taken to avoid any mishap & the damages occurred due to flooding in pit if any & maintenance of Mechanized parking system shall be done regularly and registered undertaking & indemnity bond to that effect shall be submitted to Ex.Eng.(B.P.).

xvi. The adequate measures shall be taken to provide proper artificial light & ventilation through mechanical means within basement floors proposed for parking.

xvii. The parking layout shall also meet the requirement of C.F.O wherever applicable. If the size, shape or configuration of the any floor with parking spaces, cantilever projection which will obstruct the parking spaces if any, amalgamation / subdivision. boundary correction of plot, parking layout is required to be changed as per applicant's requirement or as per the requirements of E.E.(B.P.) / C.F.O. etc., revised parking layout shall be got approved from Dy.Ch.E.(Traffic) dept. / Licensed Surveyor/ Architect / Consultant.

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110/ Gen dated 2019-20

CIRCULAR DCPR2034 C-10

Sub: To allow elevational features to proposed buildings / under construction buildings of residential / Commercial users.

There are provisions in Regulation 31(1) (xxx), 37(23). 42 of DCPR 2034 for elevation treatments to be permitted in open space of the building. However, for better aesthetic view of the building, it is decided to allow the elevation treatments at terrace level and for other parts of the building as per the following guidelines with the special permission of Municipal Commissioner.

1) **To allow parapet wall at terrace level of greater height up to 4.50 mt / 6.50 mt. or more** :-

The parapet wall of greater height up to 4.50 mt. for building up to 70.00 mt height, up to 6.50 mt. for building having height from 70.00 mt. up to 120.00 mt. and parapet wall up to 9.0 m for building height above 120.00 mt. Parapet wall of required height may be allowed on all sides of the building periphery in any shape / any profile provided that;

(a) The parapet wall above 1.50 m. (i.e. 3.00 m for building having height less than 70.00 m, 5.00 m for building having height from 70.00 mt. up to 120.00 mt. & height of parapet wall up to 7.50 mt. or up to top of LMR/ Water Tank Parapet Top whichever is higher with specific design requirement for a building having height beyond 120.00 mt. which may / may not include need of providing seismic damper as per the structural requirement of the building approved by High Rise Committee) shall be provided with voids / opening so that the area of such voids / openings / profile should not be less than 60% of the surface area of parapet wall above 1.30 m. Such openings shall be at 1.30 m. level from terrace level & shall be of adequate size (width 1.5 mt. & height 1.5 mt.) from where person can be taken out or communicated through visual or oral easily,

(b) The regular parapet wall of 1.50 Mt. height without any voids / opening shall be provided all over the periphery of building line at terrace level as per provisions of DCPR.

(c) The parapet wall may be provided with or without decorative material with or without cladding / bonds / cornices / support structure. The material used for decorative purpose or for cladding shall be fire resistant as per NBC.

(d) Greater height of parapet wall shall only be allowed on topmost common terrace of building / wing / wings and shall not be allowed on Intermediate part terraces / pocket terraces / slopping terraces, podium / Parking floors, refuge floors, etc.

(e) For part terrace on topmost floor, the parapet wall up to the maximum height of Lift Machine Room / Water Tank Parapet Top whichever is higher can be permitted along all sides with voids in surface area not less than 75% subject to 1(b) and 1 (c) above.

(f) The elevation features in the form of MS/RCC railing up to the height of 1.20 m from the finished floor at top of overhead tank shall be allowed along the periphery of overhead water tank for protection / safety.

2)To allow elevations / features / Dome like structures above water tank / Lift machine room / staircase room and at 4 corners of topmost terrace (reg. 31(1)(xxx) :-

The elevational features / Dome like structures upto 4.00mt for building with height beyond 32.00 mt and upto 70.00 mt. height. 6.00 mt. for building having height more than 70.00 mt. to upto 120.00 mt. & upto 9.00mt for building height beyond 120.00 mt. may be allowed in any geometrical shape above water tank / lift machine room / staircase room along the periphery or at the four corners of topmost terrace may be permitted subject to providing 60% openings / voids of the surface area of elevation treatment / profile.

3)To allow pergola at terrae slab level up to 2.00 mt. beyond the building line :-

The pergola at terrace slab level may be allowed subject to-

a) The pergola projection beyond building line shall not be more than 2.00 mt.
b) The pergola projection shall not affect side marginal open space of 3.0 mt. and front marginal open space of 1.5 mt.
c) Such pergolas shall be allowed only on top most common terrace of building / wing / wings.
d) The pergola shall not be allowed on part terraces I pocket terraces I slopping terraces.
e) The pergola shall not be allowed in 6 m side open access required for fire fighting vehicle as per Supreme Court order.

4) To allow peripheral fins at podium level to camouflage stack parking at podium level:-

The peripheral fins may be allowed at podium level above parapet subject to-,

a) Min. 75% see-through opening area of proposed peripheral area shall be provided.

b) The fins shall be provided with material such as Alco bond / fibre / aluminium sheets / FRP plastic / wooden panels.

c) The fins with RCC, brick work, hollow blocks or any such construction material shall not be permitted.

5) To allow drop chajja:-

The drop (down) chajja of 0.10 to 0.15 m thick may be allowed with 0.30 m drop.

6) To allow Slant chhajjas:-

The slant chhajjas as shown in sketch no.2 may be allowed.

7) To allow drop chhajja of 1.20 m with cut out In between:-

The same may be allowed as shown in sketch no.3

All above types of chhajjas shall be permitted with minimum level difference of 0.60 m from finished floor level up to top of chhajjas as shown in accompanying sketches.

8) To allow cornices:-

The cornices up to 0.10 / 0.15 mt. max. projection along the periphery of window opening. top / bottom and vertical at external wall, at the floor level / mid-landing level / terrace level / parapet top level, dead wall / staircase bay opening / may be allowed along with cornices to chhajjas as shown on sketch no.4

9) To allow chajjas I cornices for parking floors /stilt :-

The chajja up to 0.60 mt. projection with level difference of 0.60 mt. or cornices up to 0.15 mt proposed at parking level shall be permitted.

10) To allow elevational bands:-

The elevational bands of max. 0.75 mt. width in the form of decorative materials of max. 20 mm thick including all fixtures in cement sand plaster of 20 mm thick may be allowed.

11) Crown on the building :-

The crown on the building with height of 70 mt. or more will be allowed with the height of 1/8th of the total height of the building above terrace, the crown profile selected will be allowed covering the entire terrace with 60% opening of all sides with the support system as per the design requirement and as approved by the Hon. M.C.

12) Platform for providing A.C. unit :-

The M.S. chequered plate platform of 1.20 mt. width and 2.0 m length with level difference of 0.6 m exclusively to provide A.C. units location for residential / non-residential building shall be allowed in service ducts and if provided at suitable location other than service duct then may be allowed with prior permission of Hon. M.C.

13) Connection of terraces of the wings of the building :-

The terraces of the wings of the building will be allowed to be connected at terrace slab level for the building if allowed by Hon'ble M.C. subject to following conditions :-

(i) The area of such passage / extended terrace shall not be counted in FSI being extension to the terrace which is permissible free of FSI as per DCPR.

ii) Necessary safety measures for taking care of light & ventilation, structural safety, fire safety & neighbourhood safety shall be taken during and after construction of such passages. Architect to submit complete details about steps taken for safety measures, details about ensuring adequate LN in writing while putting up such proposal.

iii) Grater height of parapet wall shall not be allowed for such passages/ extended terraces.

iv) Maximum 1 50 mt. height of parapet wall in these portions shall be insisted as a safety measure of the occupants.

v) Necessary CFO NOC shall be insisted before approval of plans.

vi) This area shall be kept vacant & maintained open to sky & not be allowed for any other purpose.

14) The following elevation features are proposed to be considered at Executive Engineer (B.P.) level for buildings having height up to 120 m and for buildings with height beyond 120 m the proposal will be submitted for approval of Ch.E.(D.P.) / Municipal Commissioner.

a. To allow parapet wall at terrace level of greater height up to 2.00 mt. / 5.00 mt. as provided in reg. 37(23) of DCPR'34.
b. To allow elevation features / dome above water tank / lift machine room / staircase room depending upon the height of the building, as provided in reg. 31(10)(xxx) of DCPR'34.
c. To allow pargola at terrace slab level up to 2.00 mt. beyond the building line.
d. To allow peripheral fins at podium level to camouflage stack parking at podium level.
e. To allow drop chajja.
f. To allow slant chajja.
g. To allow drop chajja of 1.20 mt. with cut-out in between.

h. To allow cornices.

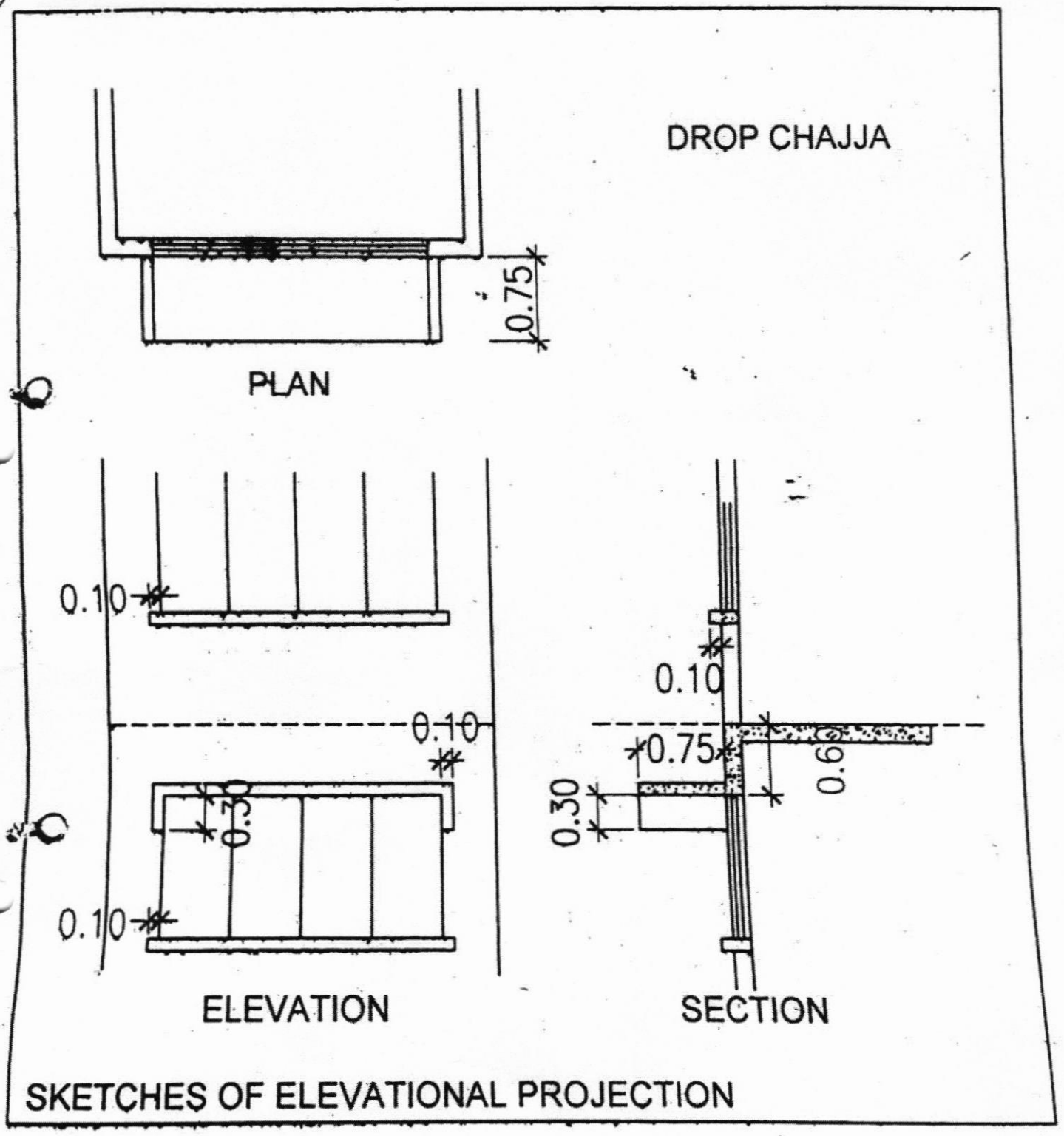
i. To allow elevational bands.

The other elevation features may be permitted by the Municipal Commissioner subject to following:

1) Elevation treatment at Sr no 1. 2 may be permitted only on the building having width of access road more than 12 m.
2) The elevation treatment shall not be counted in FSI. However, for the purposes of civil aviation, Heritage, Archaeology, etc. the height of building up to the topmost point of elevation treatment shall be taken into consideration.
3) Regd. undertaking for not misusing the said elevation features shall be submitted by the Developer / owner.
4) The individual proposal shall be scrutinised by concern building proposal dept. and submitted for special sanction of Municipal Commissioner.
5) No pergola or horizontal roof type enclosure shall be allowed on terrace.
6) The detailed drawings showing plans, sections shall be submitted for approval.
7) The specific NOC from CFO shall be obtained for such proposed elevation features before processing the proposal for approval. Where. H.R.C. is obtained for full height, the structural stability from VJTI, IIT or SPCE for sr. no. 1, 2.11 & 13 shall be obtained.

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

SKETCH NO. 1



SKETCHES OF ELEVATIONAL PROJECTION

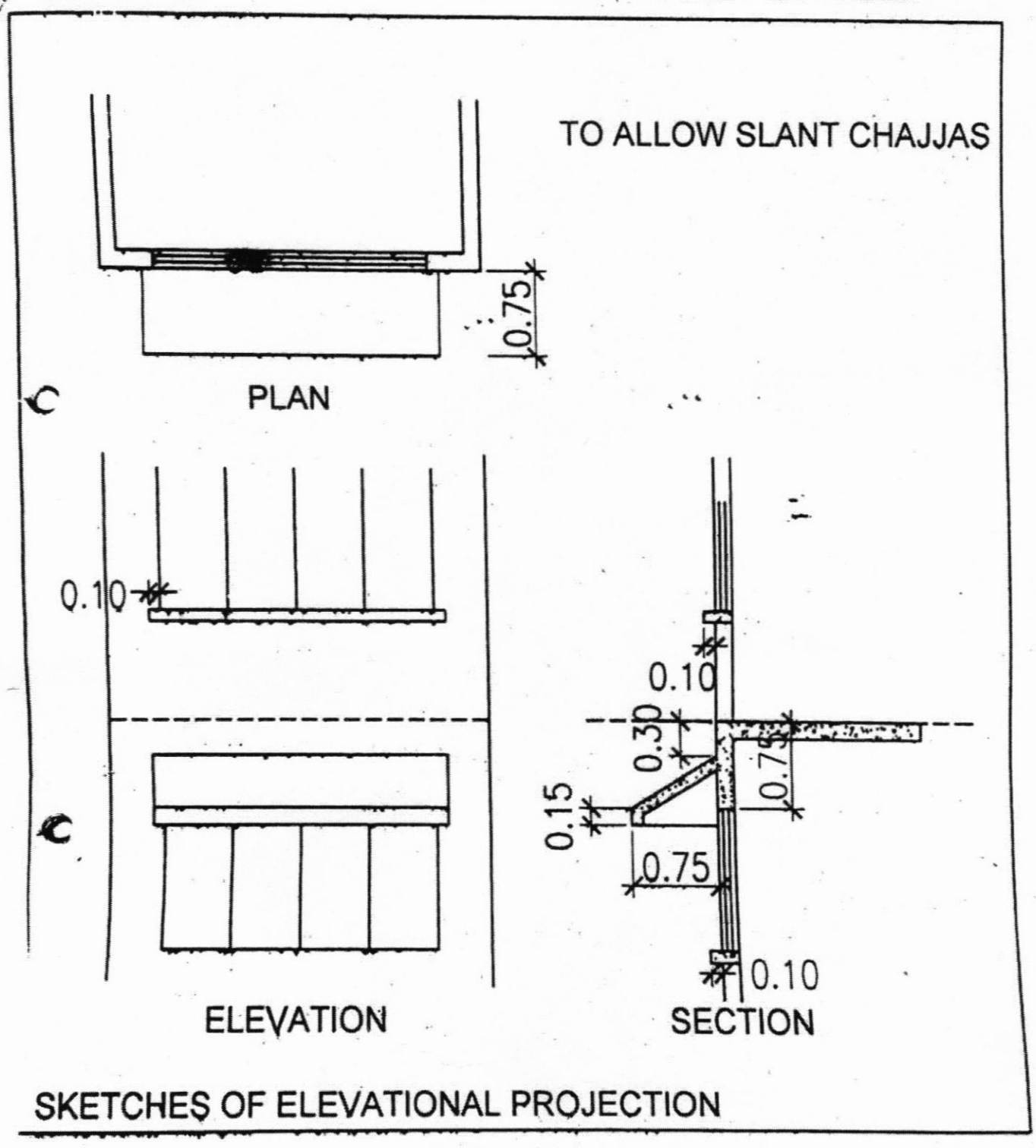
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CH.E.(D.P.)

MUN. COMMISSIONER.

C-221

SKETCH NO.2



SKETCHES OF ELEVATIONAL PROJECTION

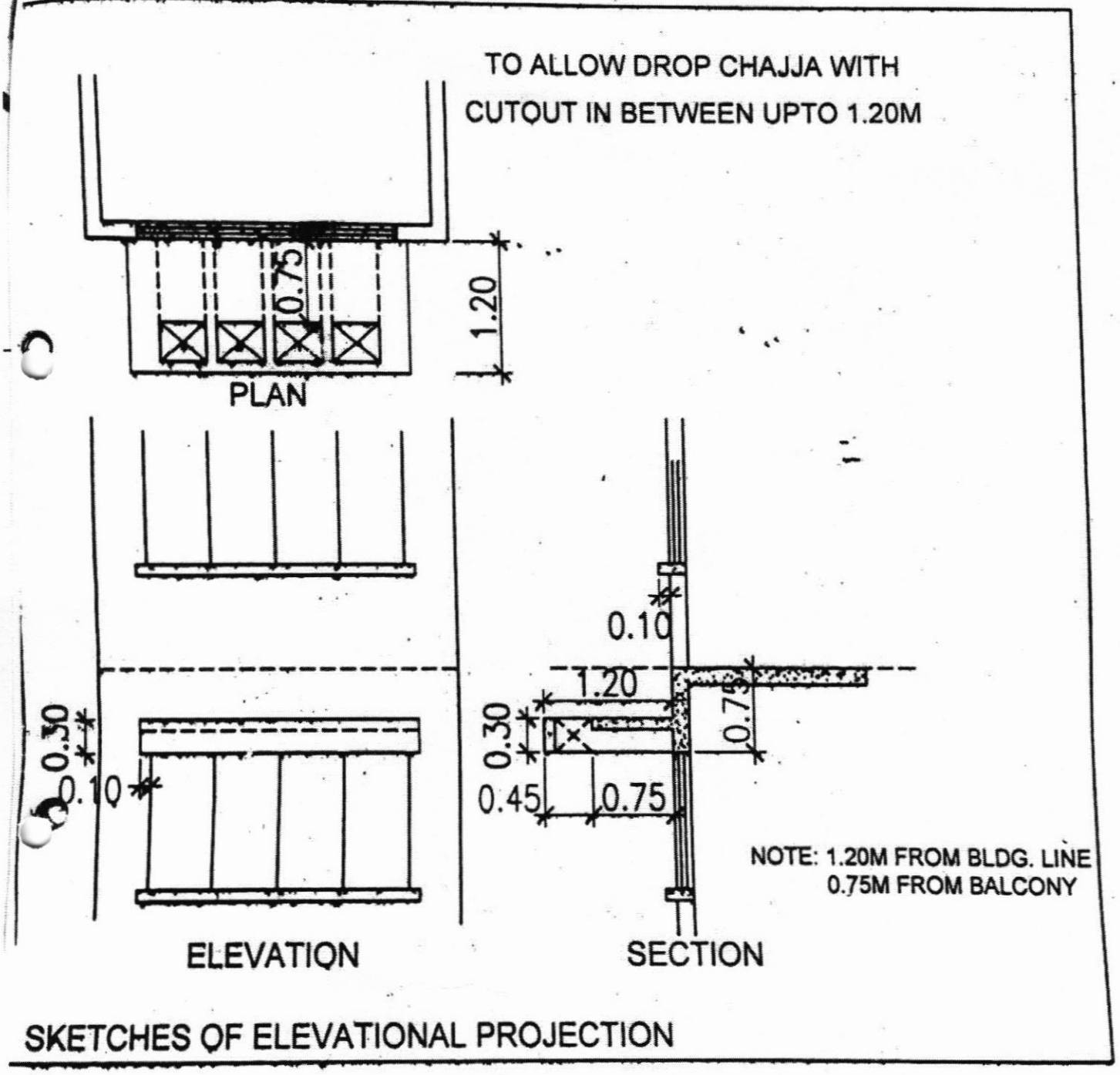
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CH.E.(D.P.)

MUN. COMMISSIONER

C.223

SKETCH NO.3



SKETCHES OF ELEVATIONAL PROJECTION

30/01/2020

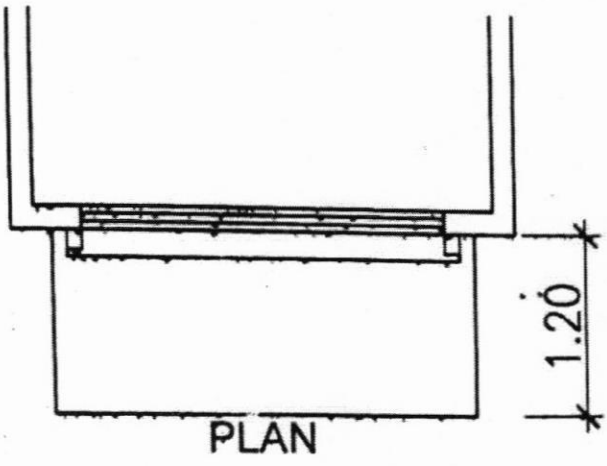
CH.E.(D.P.)

MUN.COMMISSIONER

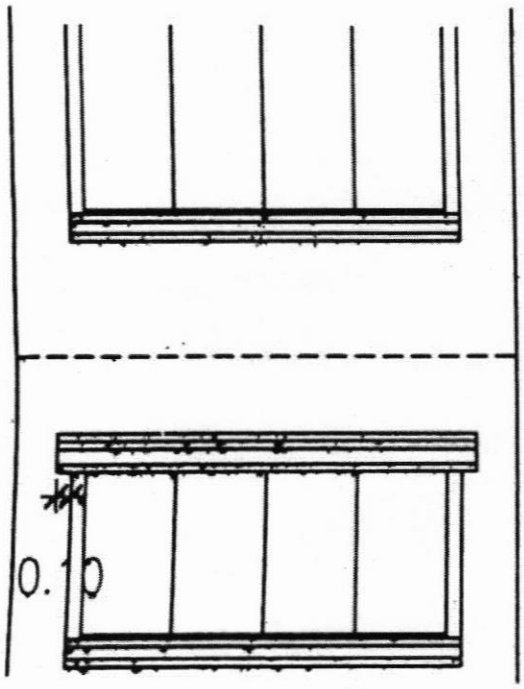
C-225

SKETCH NO.4

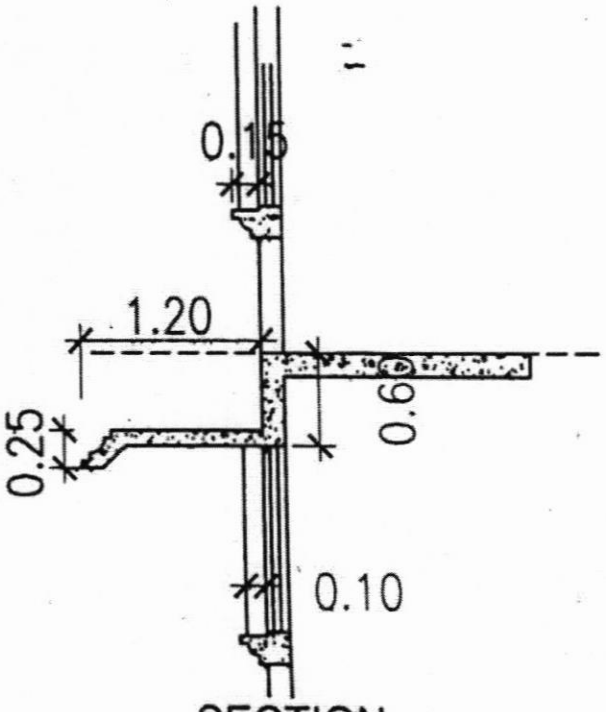
TO ALLOW CORNICES
AT EDGE OF CHAJJAS



PLAN



ELEVATION



SECTION

SKETCHES OF ELEVATIONAL PROJECTION

30/01/2020

CH.E.(D.P.)

MUN. COMMISSIONER

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110 / Gen dated 2019-20

CIRCULAR DCPR2034 C-11

Sub: Policy for allowing garbage chute with / without garbage / refuge shaft in proposed under construction residential buildings with the openings on each habitable floor.

As per regulation 37(12) of DCPR 2034, in all residential buildings, refuse chute / garbage chute may be provided with openings at each floor or at mid-landing. The refuse chute / garbage chute is free of FSI as per regulation 31(1) (xxxiii) of DCPR 2034.

If provided, the guidelines as below shall be followed for allowing garbage / refuge chutes in proposed / under construction residential buildings:-

1 The garbage / refuge chute will be allowed with the opening at every habitable floor in all resident al buildings. The refuge chute with refuge shaft / garbage shaft already proposed or now proposed will also be allowed as per these guidelines The maximum size of garbage shaft / refuge shaft (inclusive of service slab) if provided with provision of wet / dry garbage chute shall be 1.20 mt X 1.20 mt for bldgs. up to 32 mt. height. A service slab of 0 60 mt. width at floor level may be provided within this garbage shaft to facilitate easy access to the shaft.

2 The refuge chute which is proposed without any shaft will be allowed free of FSI as per the requirement. The construction of shaft with service slab will not be mandatory and if only separate refuge chute for dry and wet garbage is proposed, the same will be allowed free of FSI.

3. The garbage shaft / refuge shaft may be allowed to enclose the refuge / garbage chute. The maximum size of garbage shaft/ refuge shaft inclusive of service slab if provided with provision of wet/dry garbage chute shall be 2.4 mt. x 2.4 mt. for buildings height from 32.00 mt. to 70.00 mt. A service slab of 1.20 mt. width at floor level may be provided within this garbage shaft to facilitate easy access to the shaft.

4 The maximum size of garbage shaft / refuge shaft (inclusive of service slab with provision of wet / dry garbage chute) for buildings with height exceeding 70.00 mt. may be up to 3.00 Mt. x 3.00 Mt. A service slab of 1.50 mt. width at floor level may be provided within this garbage shaft to facilitate easy access to the shaft.

5. The garbage shaft including service slab shall be accessible from common passage/corridors such as floor landing, mid-landing level of staircase, abutting to lift, between lift and staircase, abutting to other utility service ducts (except electrical duct).

6. The area of garbage shaft including service slab abutting to any habitable area from any side shall be accounted for ES. I. computation.

7. Alternate shapes of garbage shaft I refuge shaft may be permissible; however, the total area of garbage shaft / refuge shaft should not be more than permissible area prescribed above The excess area of the garbage shaft / refuge shaft than specified above shall be counted in F.S I.

8. For collection of garbage from garbage shaft / refuge shaft I refuge chute, garbage collection area admeasuring up to 10 00 sq.mt. in 1st level basement / stilt / ground floor shall be provided and the same shall be considered free of F.S.I. The area in excess of 10.00 sq.mt. shall be counted in F.S.I.

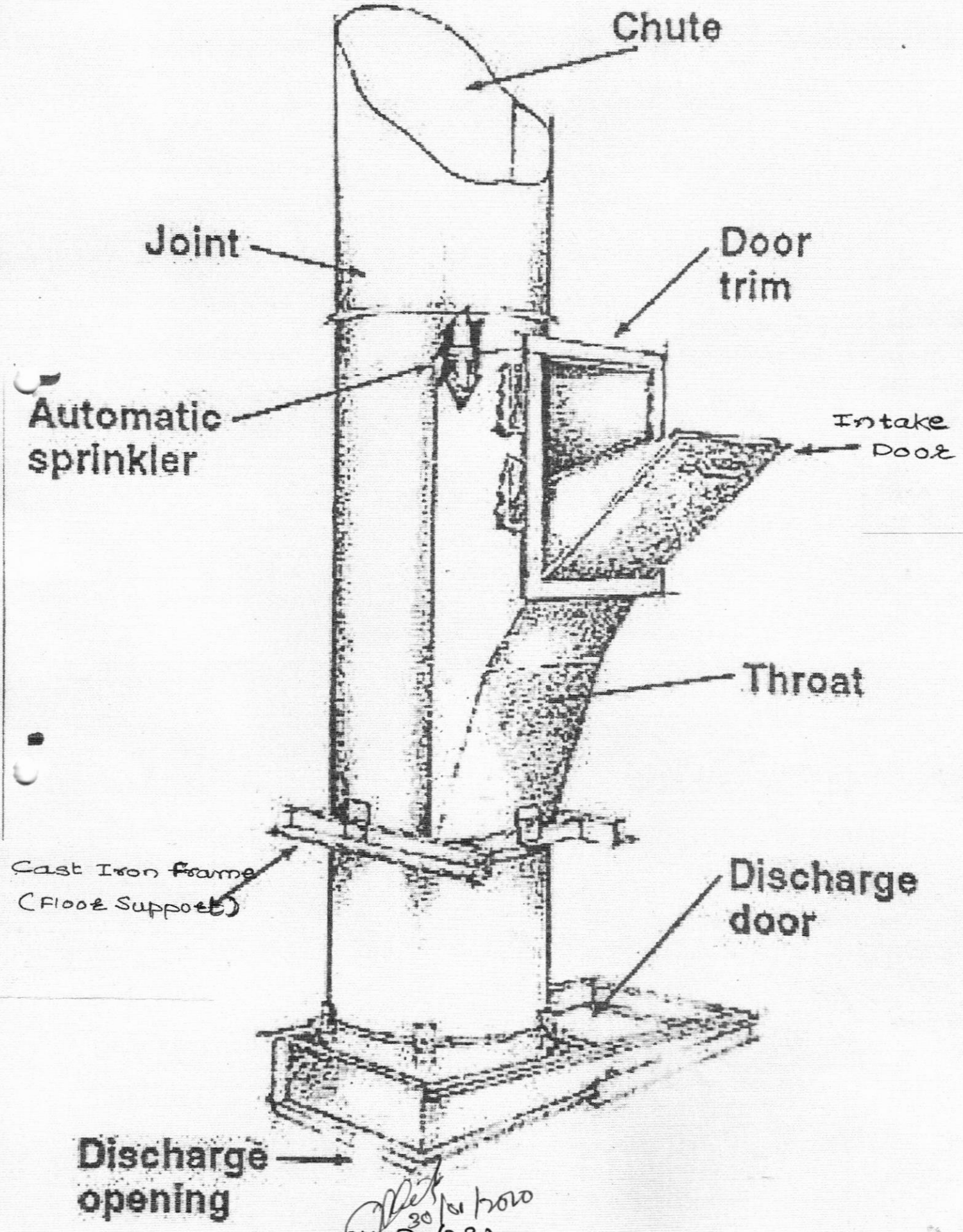
9. The Design and specifications of refuse shafts / chutes shall be in accordance with provisions of IS 6924.

10. The wet garbage so collected should be treated at site I on plot only as per the recent directives from Govt. of Maharashtra.

A sample sketch of refuge chute is enclosed only for reference and the dimensions may vary in case to case.

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

Reference Sketch for Gasbage Chute



CH. E. 30/1/2020 (D.P.)

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110/ Gen dated 2019-20

CIRCULAR DCPR2034 C-13

Sub : Applicability of D. C. Regulation 1991/ DCPR 2034 for buildings approved as per D. C. Regulation 1991 prior to 06/.01.2012.

Ref : Circular issued under no. CHE/23227/DP/Gen dated 21/11/2017

A policy circular was issued under no. CHE/23227/DP/ Dated 21/11/2017 as referred above for processing proposals approved under DCR 1991 prior to its modification dated 6th Jan 2012 and occupation permission is granted (part or full), for counting in FSI (partly/fully) the features of users permitted free of FSI as per D. C. Regulation 1991 prior to 06/01/2012, by utilizing the additional permissible FSI/ balance FSI available on the plot without making applicable DCR 1991 as modified on 6th Jan 2012 to entire floor/s of the building. The same is allowed without construing it to be change in foot print.

The various options for processing such building proposals are already elaborated in the said circulars under clause 15 a), b), c).

Now, DCPR 2034 is finally sanctioned by Govt. and is in force since 13th Nov. 2018.

The above referred circular will be operative for processing the proposals approved under DCR 1991 prior to 6th Jan 2012, in accordance the provisions of the circular referred above under No. CHE/23227/DP/Gen dated 21/11/2017 i.e. without making applicable the DCR 1991 as modified on 6th Jan 2012 and also without applying DCPR 2034 to the already constructed existing building, for counting in FSI (partly/fully) the features or users permitted free of FSI as per D. C. Regulation 1991 prior to 06/01/2012, by utilizing the additional permissible FSI/ balance FSI available on the plot without making applicable DCR 1991 as modified on 6th Jan 2012 and / or DCPR 2034 to entire floor/s of the building. The same will be allowed without construing it to be change in foot print. However, after counting in FSI (partly/fully) the features or users permitted earlier free of FSI, the lie will change. Hence, open space requirement will have to be reworked by considering change in building line and deficiency in open spaces, if any will have to be worked out as per provisions of DCPR 2034.

The provision of prevailing D.C. Regulation i.e. DCPR 2034 as may be modified from time to time will be applicable for additional work i.e. vertical / horizontal extension /additional construction in existing building and /or horizontal extension in the form of separate wing, proposed by utilising balance potential / additional FSI plus fungible FSI permissible as per provisions of DCPR 2034 modified from time to time.

For applying regulations for such additional work of vertical extension/ horizontal extension of existing building, the word prevailing regulations on the date of granting approval to such amended plans in the earlier circular under No. CHE/23227/DP/Gen dated 21/11/2017 would mean provisions of DCPR 2034 as may be amended from time to time and prevailing on the date of granting approval.

For the plots with such existing buildings approved as per provision of DCR 1991 prior to 6th Jan 2012, the balance FSI potential shall be worked out as per regulation 9 (6) (b) of DCPR 2034.

For proposals where provision of 14(A), 14(B) & 15 of DCPR 2034 would be applicable for utilising balance potential, the proposal shall be processed as per policy circular in that respect.

CH.E.(D.P.) **MUNICIPAL COMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/110/ Gen dated 2019-20

CIRCULAR DCPR2034 C-14

Sub: Procedure to be followed for Implementation of various Provisions of sanctioned DCPR 2034.

In order to deal with ongoing Proposals Transitional Policy Circulars (T-1, T-2 & T-3) have been issued. However, there are further queries in the minds of MCGM officers / Licensed Surveyors/ Architects regarding implementation of provisions of DCPR 2034 and procedure to be followed while processing building proposals submitted under the provisions of DCPR 2034 as expressed in the Joint Stake Holders Meeting held on 28/02/2019 with the representatives of PEATA, MCHI & NAREDCO.

Accordingly, some of the issues raised in the meeting are proposed to be clarified as under: -

1. As per regulation 2(75) of DCPR 2034, the definition of High-Rise Building is changed from building having height more than 24 mts. to building having height more than 32 mt. As such, the b to 32 m will now be Low rise.

   Hence for buildings having height up to 32 m, the open space requirement as per DCPR 41(2) Table A, Sr. No. 1, shall apply and requirement of Regulation 47 (1)(A) / 47 (1) (B) shall not be applicable for Buildings with height up to 32m.

   However, for the purpose of regulation 31 (1)(xix) of DCPR'34, the high-rise buildin shq11 be considered above 70 mt. height.

2. In cases of old proposal submitted prior to 15-05-2015 and where the plans are approved, then the proposal shall be processed further through online approval system and not rewired to be auto scrutinized through AUTODCR as per the earlier policy circular in this regards u/no. CHE/DP/17001/Gen to 23-08-16 & CHE/DP/27163/Gen dt.30-11-16.

   However, in case of conversion of the proposal in to to as per clause 9(6) (a) of DCPR 2034, AUTO DCR scrutiny is mandatory.

3. In case of ongoing building proposals where it is proposed to utilise only balance potential as per DCPR 2034, vide Sr. No. 1 of T-2 & T-3 Cir - d it is already clarified that for such

ongoing building proposals, the built up area proposed to be retained as approved earlier as per provisions of DCR 1991 & BUA proposed as per provisions of DCPR2034 shall be shown clearly in separate columns along with total BUA in proforma A, wherever applicable.

If the entire proposal is either as per provisions of DCR 1991 or DCPR 2034, separate columns in proforma A will not be necessary, however, in case the proposal is proposed as per DCR 1991, the same must be mentioned in proforma A at the top. In absence of any mention of DCR, the proposal will be presumed to be proposed as per DCPR 2034.

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

Cir.No. CHE/DP/106/Gen
2019-20

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/30311/Gen dated 28/02/2020

CIRCULAR DCPR2034 C- 15

Sub: Penalty for regularization of work carried out beyond approval /C.C. and procedure for regularization.

Procedure for regularising unauthorized work / structure was circulated vide Circular No. CHE/2052/DP/GEN dt. 4-2-2011. Other circulars were also in force for miscellaneous works /issues etc. The said circulars are now clubbed together and revised as follows.

1. On receipt of application in prescribed manner as per DCR along with requisite documents u/s 44 of MR & TP Act requesting for regularisation and due reasons for exceeding the work beyond approval / C.C., if concession / relaxations are involved approval of higher authorities shall be sought within 15 days. After receipt of approval, demand note shall be issued for payments to be made.

2. All the payments shall be made by the user/ developer within seven days from receipt of demand note by him.

The rate of penalty shall be as under.

The premium rate shall be taken as 25% of developed land rates given in Stamp Duty Ready Reckoner (For FSI 1.0) issued by Government for the year of the date of approval for regularization. The land rates shall be enhanced by factor 1.5 for industries and 2 for commercial.

Table A

Category	Type	Scale of penalty as % of premium rates
1.	Work carried out beyond CC but within the approved plan	20%
2.	Work carried out beyond cc and within the approved plan but after issue of stop work notice	40%
3.	Work carried out without approval but within plot potential (including setback area)	70%
4.	Work carried out without approval but regularizable by way of utilizing TDR or amalgamation of additional plots or additional FSI as per DCR 30 and 33.	100%
5.	For change of user within approved /authentic building	30%
6.	For interior addition / alteration within approved / authentic building which requires prior permission or work of foundation of any type or excavation work /	Rs.520/- per Sq.mt. (minimum

	temporary labour huts/ camp /temporary site office/ godown / store /site laboratory/ sample flat.	Rs.25,000/-) to be increased 5% every two year's period
7.	For regularising-converting elevation features / free of FSI features in to habitable use which are shown/reflected in approved plan. May not involve new construction & if FSI required for such regularisation is available as per relevant provision of the regulation.	10% SDRR

Table B

For redevelopment as per DCR 33 (5), 33 (7),33(7) A and 33 (9)

Category	Type	Scale of penalty as premium rates
1.	Composite building	40% of normal penalty as per Table A
2.	Non composite building	Normal penalty as per Table A for sale portion and 40% of normal penalty as per Table A for rehab component.
3.	Only for rehab building	40% of the normal penalty as per Table A
4.	Sale Building	Normal Penalty as per Table A

4. The necessary condonation for any deficiency including Open Space, Parking etc. prior approval shall be obtained and premiums as per the policy in force shall be recovered.

5. While calculating the penalty, the entire area including staircase, lift, lift lobby, balcony, basement, service floor, stilt parking floor, shall be included and taken as a base for arriving penalty by applying the desired scale as mentioned in Table above.

6. For regularization of staircase room, lift machine room and overhead water tank, a lump sum penalty of Rs.20,000 per wing of the bldg. shall be recovered.

7. Necessary premiums for granting staircase, lift, passage area free of FSI shall be levied as per policy in force.

Sd/- Sd/-

05.02.2020

CH.E.(D.P.) **MUNICIPAL COMMISSIONER**

MUNICIPAL CORPORATION OF GREATER MUMBAI

CHE/HRB/6159/DPWS 15 JUL 2019

Sub: Open space requirement for High Rise Building as per the provision of the Reg. 47 of DCPR 2034.

Ref: 1) FB/H/OD/27 dtd.05.04.2019
2) MGC/F/8902 dtd.10.05.2019
3) MGC/F/8902 dtd.17.06.2019
4)MCP/5695 dtd. 25.06.2019(pg. C/55-61)
5)MCP/5675 dtd.25.06.2019(pg.C/63-75)

1) Reference is please requested to the note dated 05.04.2019 submitted by CFO in the subject matter to MC and the then MC's approval thereon.

In this context reference is requested to the note of CFO's subsequent note dated 10.06.2019 to DMC(MCO) and endorsement of Hon. MC dtd.15.06.2019 as, "Please see if this relaxation is appropriate for fire safety and consistent with DCPR 2034" at page C/33.

2) As desired this office remarks are as follows:

The provisions of Reg. 47(1) (A) & (B) of DCPR 2034 which deal with the fire protection requirements have been mentioned in the draft circular AS at page C/29-30. The similar provision was there in the earlier DCR i.e. DCR 1991 under Reg. No. 43(1) which reads as below:

43(1) General: -

The planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of part IV: Fire Protection Chapter, National Building Code, shall apply.

For multistoried, high rise and special buildings, additional provisions relating to fire protection contained in Appendix VIII shall also apply,

(A) For proposal under regulations 33(7) and 33(10),

In case of rehabilitation/composite buildings on plots exceeding 600 sq. m and having height more than 24 m, at least, one side other than road side, shall have clear open space of 6 m at ground level, accessible from road side. Provided, if the building abuts another road of 6m or more this condition shall not be insisted.

Provided further that even for the proposals of plots up to the size of 600 sq. m under DCR 33(7), open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for maneuverability of a fire

engine, unless the building abuts two roads of 6 meters or more on two sides, or an another access of 6 meters to the building is available, apart from road abutting the building.

(B) For the proposals other than (A) above

(a) Buildings having height more than 24 m up to 70 m, at least one side, accessible from road side, shall have clear open space of 9 m at ground level. Provided, however, if podium is proposed it shall not extend 3m beyond building line so as to have clear open space of 6m beyond podium. Provided, further, where podium is accessible to fire appliances by a ramp, then above restriction shall not apply.

(b) Buildings having height more than 70 m, at least two sides, accessible from road side, shall have clear open space of 9 m at ground level. Provided, however, if podium is proposed it shall not extend 3m beyond building line so as to have clear open space 6m beyond podium. No ramps for the podium shall be provided in these side open spaces. Provided, further, where podium is accessible to fire appliances by a ramp then above restriction shall not apply.

(c) Courtyard / ramp / podium accessible to fire appliances shall be capable of taking the load up to 48 tonnes.

(d) These open spaces shall be free from any obstruction & shall be motorable.

3) Even though there was provision of requirement of clear open space of 9.00 m at ground level for the proposals other than Reg. 33(7) & 33(10) in DCR 1991, with the NOC of CFO, clear open space of 6.00 m was allowed in the past by condoning the deficiency to the extent of 3.00 m by charging premium. Now, in DCPR 2034, the said Reg. No.43(1) (A) & (B) of DCR 1991 has been renumbered as 47(1)(A) & (B) with minor modification. As per Regulation 47(1)(A) in respect of proposals processed under Regulation 33(7), 33(10) etc. (where normally tenement density is more), 6.00 m clear open space is being insisted for a building having height 32.00 m to 70.00 m. However, if the proposed development falls in Regulation other than 47(1)(A), 9.00 m. of open space is applicable. Hence, the redevelopment proposals which are not covered under Regulation 47(1)(A) face planning constraints.

4) The above aspect was represented by MCHI/PEATA/NAREDECO in their meetings with then Hon.MC & in meetings with Hon.MC, with a request for formulation of policy guidelines by CFO, after duly considering the planning constraints, so as to make various development proposals feasible. Accordingly, CFO has formulated the guidelines for the proposed building having height between 32.00 m to 70.00 m. The CFO has recommended that for

a building having height more than 32.00 m up to 45.00 m, above 45.00 m up to 58.00 m & above 58.00 m up to 70.00 m at least one side accessible from road side shall have clear open space of 6.00 m, 7.5 m. & 9.00 m. respectively at ground level.
CFO has also suggested for a building having height more than 32.00 m up to 70.00 m, if one of the lift is provided within the external staircase at landing/ mid landing level as per Reg. 48(9)(b) clear open space of 6.00 m at ground level may be allowed.

5) It may be stated that prescription of necessary fire safety requirements falls within the purview of Chief Fire Officer (CFO) and CFO has now formulated the policy guidelines as at pg. C/29-33, after duly considering the fire safety requirements. In his guidelines it is stated by CFO that the said guidelines are proposed as regards to Regulation 47, Fire Protection Section B after taking into consideration of the heights of the buildings, the open space requirements, mobilizing of resources required in case of emergency, maneuverability of fire appliances.
Further, the relaxation in open space requirements (subject to CFO NOC) is within the powers of MC as per Regulation 6(b) of DCPR 2034 and accordingly, MC may consider such relaxations, subject to fulfillment of requisite fire safety requirements.

6) In view of the above, Hon'ble M.C.'s approval is requested to circulate and to implement the policy guidelines formulated by CFO, as at pg C/29-33.

Submitted for approval to Sr. No. 6 above please.

(R.B. Zope)
Ch.E.(DP)

(Praveen Pardeshi)
Hon.M.C.,
Sir,

CHE/DP/105/Gen
(2019-20)

MUNICIPAL CORPORATION OF GREATER MUMBAI
OFFICE OF CHIEF ENGINEER DEVELOPMENT PLAN

No. CHE/DP/ 10598/30312/Gen dt. 28/02/2020

CIRCULAR

Sub: Policy regarding computation of front open space for reg. 43(1) of DCPR'34 as per the averaging method for irregular shape of plot and/or building.

PEATA vide letter dated 27.07.2019 have represented that considering the irregular shape of the plot or building proposed at an angle with respect to the road, averaging of front open space shall have to be considered for calculating required front open space.

In one of the such type of case, Hon'ble M.C. has referred the issue of the computation of average front open space, as requested by PEATA, to the Technical Expert Committee (TEC).

Accordingly, as directed by the Hon. M.C., meeting TEC was held on 1st October 2019, to discuss the representation made by PEATA regarding computation of average Front open space. The representative of the architect and developer presented that odd shape of the plot is the major constraints in planning the building while complying most of the provisions of DCPR 2034. Since the building tenements have to be designed to have rectangular /square shape rooms (in width and length) and the front space between the boundary line of the plot and the building line is not 'constant but it is varying. Also many times, as per DCPR'34, 15% LOS as well as various fire requirements are to be provided which restrict the planning.

TEC unanimously decided vide minutes of meeting dated 4th October, 2019, that in both the regulation 41 & 43 of DCPR 2034, there is no provision for averaging of open spaces and as per DCPR 2034, definition of Front Open Space (regulation 2 (64)) is mentioned but the method to calculate space area for the front is not specified. Accordingly, Ch.E. (DP) was requested to decide method to calculate front open space as defined in the regulation 2 (64) of DCPR 2034and formulate & issue the guidelines accordingly.

Accordingly, the following policy to be adopted for computation of front open space.

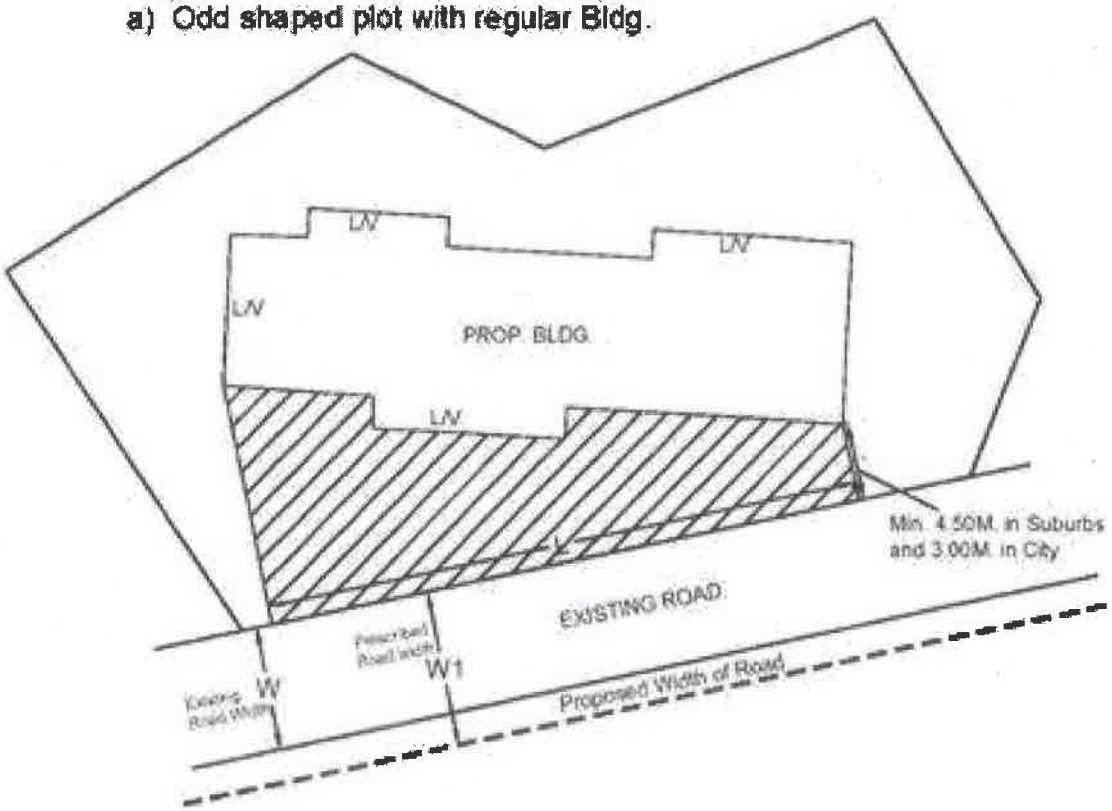
As per provisions of regulation 43(1) of DCPR 2034, it is provided that the height of the proposed building shall not exceed three times the total of existing or prescribed width of the street on which it abuts and the required front open space. Considering the irregular shape of the plot boundary or building proposed with offset in the building line or building proposed at an angle with respect to the road, computing of front open space shall be as given below.

The required open space between the existing or prescribed street and the building shall be calculated by dividing the area of the land between the street and the building by the length of the front face of the building projected along roadside as shown in the sketch enclosed. This can be considered only if minimum open pace as prescribed in Regulation 41(2) Table 18 A of DCPR 2034 is available in front of the proposed building i.e. 4.5 m in suburbs and 3.0 m in city in general except otherwise specified in the regulation. The illustrative sketches are attached herewith. This will be applicable from the date of approval of this circular.

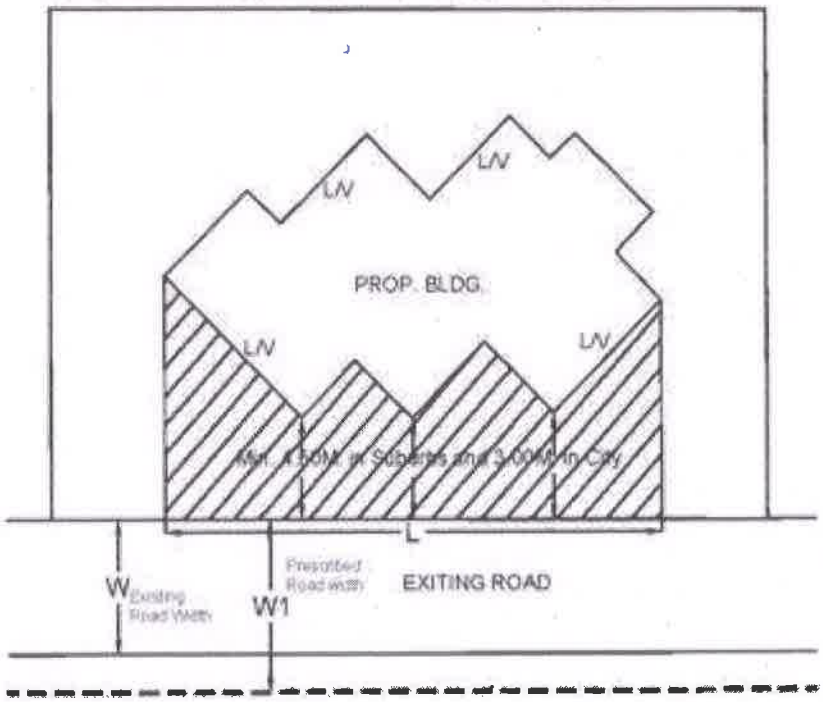
(Vinod P. Chithore)
Chief engineer (DP)
& Director (E.S.&P.)

(Praveen Paradeshi)
Municipal Commissioner

a) Odd shaped plot with regular Bldg.



b) Regular shaped plot with diagonal Bldg.



(Vinod P. Chithore)
Chief Engineer (DP)
& Director (E.S.&P.)

(Praveen Paradeshi)
Municipal Commissioner

Cir No. CHE/DP/128/Gen/

2020-21

MUNICIPAL CORPORATION OF GREATER MUMBAI

OFFICE OF THE CHIEF ENGINEER DEVELOPMENT PLAN

No. ChEng / DP / 3310 / Gen. of 31/07/2020

CIRCULAR

Sub.: - Policy for allowing development of residential plot with smaller width of abutment to public street/road ,

There are many cases where plot/s abut public street/road. However, width of abutment to such public street/road is smaller than 9.00m. There are various cases where width of abutment of two or more plots combinedly provide access to buildings in the plots from public street/ road.

Representations were received to consider such cases for allowing development on such plots.

Provisions with respect to requirement of access to any plot are very clear in DCPR'34 and are not dealt herewith. However, where plot/s abuts the public street/ road, but width of abutment of plot/s is less than 9.00m will be processed as per the policy herewith.

A. For residential building having height less than 15m, Fire Safety requirements :— Whenever plot/s partly abut public street/ road of width 6.00m or more and width of such abutment and/or approach is min. 3.60m for entire length, as the width of approach of 3.60 m width is not sufficient for fire appliances to reach up to the proposed building the fire appliances will be parked on the main road / public street and further firefighting operations will be carried out manually and with the help of inbuilt fire safety measures as recommended below –

1. Approach to proposed building from public street / road shall not be less than 3.60 mtrs. wide.

2. The clear open space of the proposed building from plot boundary in alignment of approach shall be minimum 3.60 mtrs. (Sketch attached)

3. The said public street/road of minimum 6.00 mtrs. width shall be connected to another road having width of minimum 6.00 mtrs for easy manoeuvrability of fire appliances in case of an emergency. Traffic department's / traffic consultant's certificate to that effect shall be submitted along with proposal.

4. The length of the approach from the main road to the point from where, the plot widens to full width within plot/s, shall not be more than 100 mtrs.

5. Down Comer of internal diameter 10 cms. of G.I. "C" class pipe along with booster pump of 450 Ipm capacity shall be provided in the duct or niches adjoining the staircase with hose reel at each floor & on ground floor. Pressure reducing discs or orifice shall be provided at lower level so as not to exceed pressure of 5.5 kgs/sq.cms. The riser shall be extended upto topmost floor/ terrace level & shall be installed such that it will not reduce the flight width of the staircase.

6. A fire service inlet on the public street / main road side as well as on the external face of the building directly fronting the courtyards shall be provided to connect the mobile pump of the fire service to the rising mains of Down Corner.

7. Minimum two courtyard hydrants shall be provided within the confines of the site of the down comer in accordance with I.S. specification.

8. Smoke detectors shall be installed in Lift Machine room and Electric Meter room in accordance with I.S. specification.

9. The building shall be provided with manual fire alarm system with main control panel at ground floor level & pill boxes & hooter at each floor level. The same shall be in accordance with I.S. specification.

10. One fire extinguisher of 06 kgs capacity each with BIS Certification mark shall be provided in electric meter room, lift machine room & on each floor.

11. Over Head Water Storage Tank for firefighting purpose at Terrace Level of minimum 5,000 litres capacity is mandatory.

12. Staircase/s provided shall be having minimum width as per the provision of DCPR 2034.

13. Government approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 for fire safety measures (referred as Licenced Agency) shall be appointed. Schematic drawings pertairling to fire prevention & fire safety measures shall be submitted along with proposal by the Licenced Agency.

14. The self-declaration regarding the maintenance of all the fire-fighting measures provided in the building from the Licensed Agency minimum upto 03 years shall be submitted by the Owner/Occupier of the said building at the time of submission of building completion certificate in online single window system through AutoDCR and same shall be renewed time to time.

15. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate as per Common Completion Application process as per EODB including joint site visit by concerned departments and issuance of completion will be followed.

16. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the Licensed Agency registered under The

Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR

17. Certification from Licenced Agency regarding the maintenance of all the fire-fighting measures provided in the building initially for period of minimum 3 years, shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR.

18. Undertaking regarding the maintenance & to keep the entire fire service inlet as well as all other firefighting installations / equipment in 'good working condition all the time shall be submitted by the Owner/Occupier of the building as per Section 3 of The Maharashtra Fire Prevention & Life Safety Measures Act-2006 and Form B shall be submitted in the month of January & July to Fire Brigade Department as per the provisions of Sec 3 of Maharashtra Fire Prevention & Life Safety Measures Act.

B. <u>Residential building having height 15 m and above up to 32 m —</u>

Whenever plot/s partly abut public street/ road of width 6.00m or more and width of such abutment and/or approach is min. 3.60m for entire length, as the width of approach of 3.60 m width is not sufficient for fire appliances to reach to the proposed building the fire appliances will be parked on the main road / public street and further firefighting operations will be carried out manually and with the help of inbuilt fire safety measures as recommended below –

1. Approach to proposed building from public street / road shall not be less than 3.60 mtrs. wide.

2. The clear open space of the proposed building from plot boundary in alignment of approach shall be minimum 3.60 mtrs. (Sketch attached)

3. The said public street/road of minimum 6.00 mtrs. width shall be connected to another road having width of minimum 6.00 mtrs for easy manoeuvrability of fire appliances in case of an emergency. Traffic department's / traffic consultant's certificate to that effect shall be submitted along with proposal.

4. The length of the approach from the main road to the point from which plot widens to full width within plods shall not be more than 100 mtrs.

5. Minimum two lifts will be provided in such buildings, out of which one will be fireman evacuation lift with the requirement as per MGC/A/580 I dated 25.01.2018 and as per illustrative sketches attached. Fireman evacuation lift can be used as passenger lift unless in case of emergency.

6. Alternate supply shall be provided to Fireman Evacuation Lift, fire lift, fire pumps, sprinkler pump & jockey pump.

7. Wet riser-cum-down comer of internal diameter 10 cms. of G.I. "C" class pipe along with booster pump (900 1pm capacity) & fire pump (1400 1pm capacity) & sprinkler

pump shall be provided in the duct or niches adjoining the staircase with single hydrant outlet and hose reel at each floor & on ground floor. Pressure reducing discs or orifice shall be provided at lower level so as not to exceed pressure of 5.5 kgs/sq.cms. The riser shall be extended upto topmost floor/ terrace level & shall be installed such that it will not reduce the flight width of the staircase.

8. A fire service inlet on the public street / main road side as well as on the external face of the building directly fronting the courtyards shall be provided to connect the mobile pump of the fire service to the rising mains of Wet riser cum down comer system as well as sprinkler system

9. Automatic Sprinkler System shall be provided in the entire building including lift lobby, common corridor, each habitable room in each flat and other prominent areas.

10. Minimum two courtyard hydrants shall be provided within the confines of the site of the wet riser in accordance with I.S. specification.

11. Smoke detectors shall be installed in Lift Machine room and Electric Meter room in accordance with I.S. specification.

12. The building shall be provided with manual fire alarm system with main control panel at ground floor level & pill boxes & hooter at each floor level. The same shall be in accordance with I.S. specification.

13. One fire extinguisher of 06 kgs capacity each with BIS Certification mark shall be provided in electric meter room, lift machine room & on each floor.

14. For firefighting purpose Underground water storage tank of minimum 50,000 litres capacity & Overhead water storage tank of minimum 20,000 litres capacity is mandatory.

15. Staircase/s provided shall be of enclosed type having minimum width as per the provision of DCPR 2034 (Reg. 37, Table No. 16).

16. Fire Resistant Door having 01 hour fire rating shall be provided at staircase, main entrance and kitchen of each flat.

17. Government approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 for fire safety measures (referred as Licenced Agency) shall be appointed. Schematic drawings pertaining to fire prevention & fire safety measures shall be submitted along with proposal by the Licenced Agency.

18. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate as per Common Completion Application process as per EODB including joint site visit by concerned departments and issuance of completion will be followed.

19. The self-declaration regarding the maintenance of all the fire-fighting measures provided in the building from the Licensed Agency minimum upto 03 years shall be submitted by the Owner/Occupier of the said building at the time of submission of building completion certificate in online single window system through AutoDCR and same shall be renewed time to time.

20. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR.

21. Certification from Licenced Agency regarding the maintenance of all the fire-fighting measures provided in the building initially for period of minimum 3 years, shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR.

22. Undertaking regarding the maintenance & to keep the entire fire service inlet as well as all other firefighting installations / equipment in good working condition all the time shall be submitted by the Owner/Occupier of the building as per Section 3 of The Maharashtra Fire Prevention & Life Safety Measures Act-2006 and Form B shall be submitted in the month of January & July to Fire Brigade Department as per the provisions of Sec 3 of Maharashtra Fire Prevention & Life Safety Measures Act.

NOTE:

(a)The proposals as mentioned above for the residential buildings upto height of 32 mfrs. with smaller width of abutment to public street / road as well as for any open space concession for the residential building below 32 mfrs. Due to hardship shall be strictly adhered to the fire safety measures at (a) 01 to 18 & (b) 01 to 22 above respectively & the compliance of the same shall be obtained from Licensed Agency as per the provisions of Maharashtra Fire Prevention & Life Safety Measures Act, 2006.

(b) No separate NOC from CFO needs to be obtained even if proposal involves relaxations due to hardships in open space other than open space insisted in the policy.

(c) The process to obtain completion certificate for compliance of fire will be as per EODB.

C. <u>Residential building having height more than 32 m —</u>

Whenever plot/s partly abut public street/ road of width 9.00m or more and width of such abutment and/or approach is min. 4.50m for entire length , as per reg. 12(2) read with Reg. 2 (IV) (75) of DCPR'34, all such proposals will be scrutinized by Fire Department with respect to access, staging area etc. & NOC/remarks regarding the same will be offered with

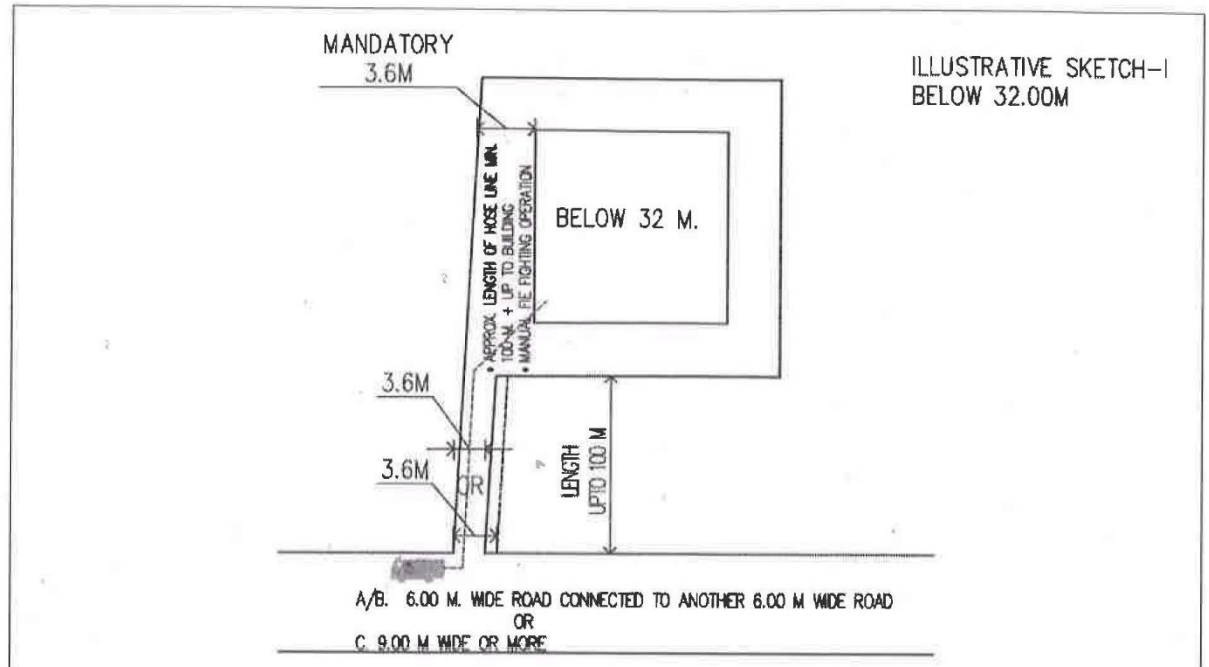
justification by Fire Department, wherever required, approval of Hon. M.0 shall be obtained.

Notes :

1. The word abutment and/or access to plot/s specified in paragraphs above, shall mean and include any narrow access which is a part / portion of same plot or any narrow access which includes a portion of other plot / plots or common access which is commonly used with any other adjoining plot / plots for common access. The width of abutment / access shall be considered as total width of abutment / access of the same plot as well as adjoining plot which is jointly used as common access by the plot holders.
2. List of Licenced Agency can be obtained from https://www.mahafireservice.gov.in by accessing Tab List of License Agency.
3. Where NOC is already issued by CFO before the date of this circular, building permissions shall be processed as per these NOCs.

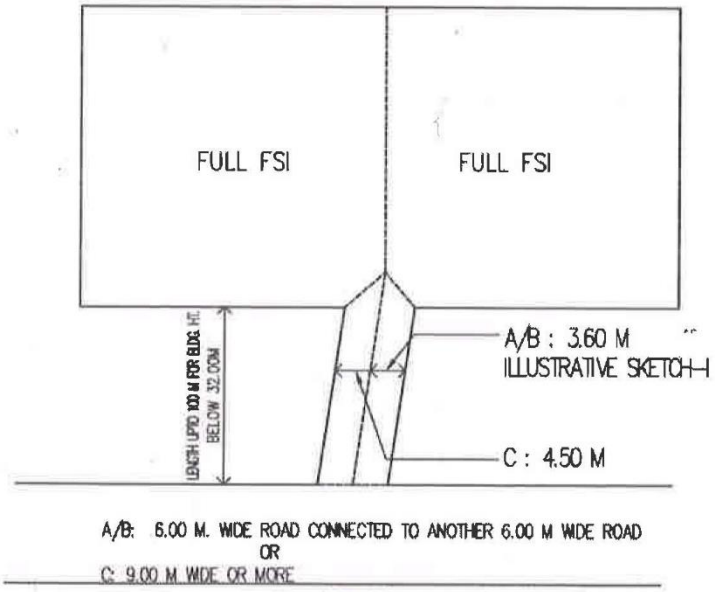
Attached : Illustrative Sketches I to IV .

(Mr. Vinod Chitore)	(Prabhat Rahangdale)	(I. S. Chahal)
Ch. Eng. (D.P.) & DMC (SE)	CFO/DMC(DM)	Municipal Commissioner



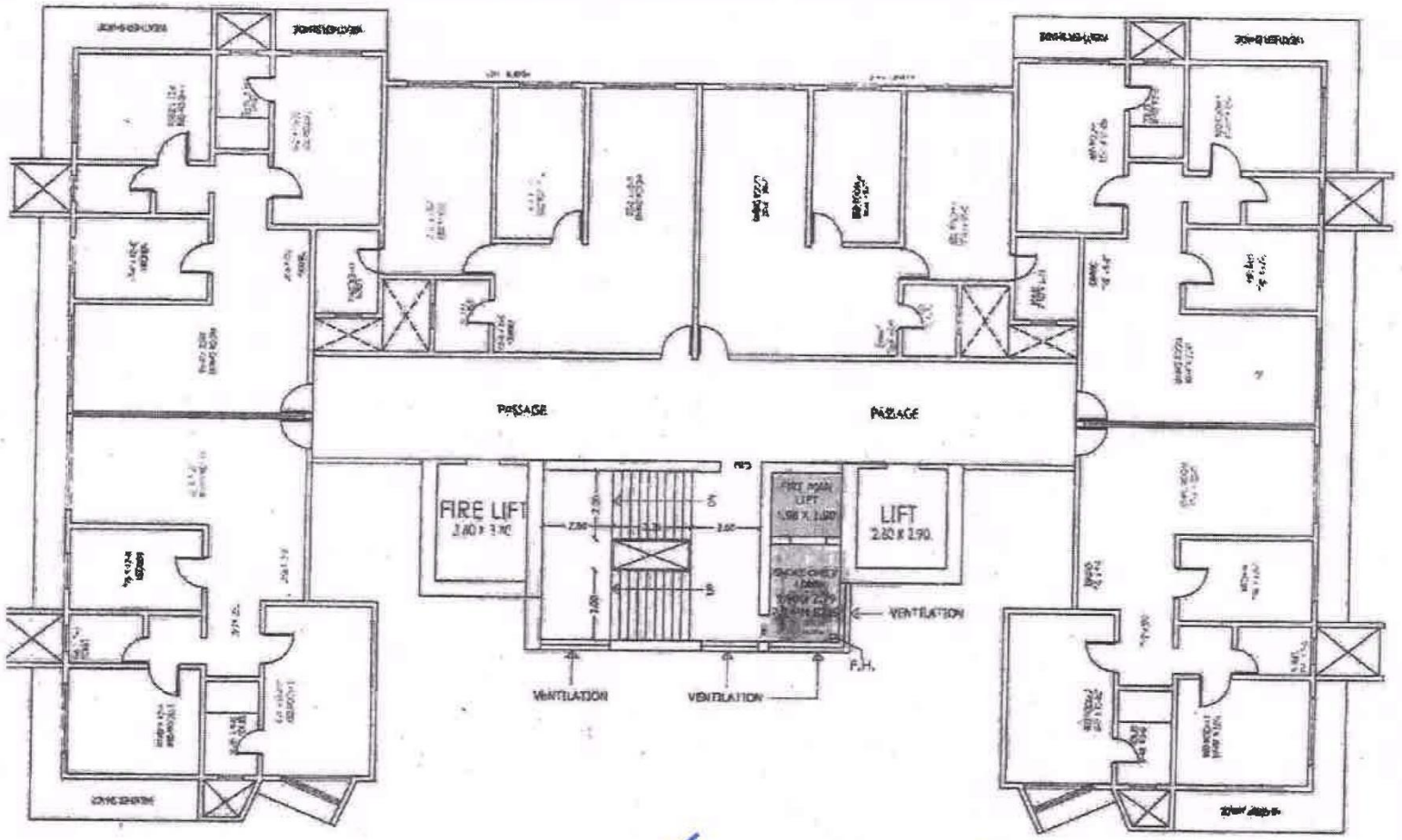
ILLUSTRATIVE SKETCH-I
BELOW 32.00M

ILLUSTRATIVE SKETCH-II



DY.CH.ENG. (DP) -1 C.F.O CH.ENG.(DP) & DMC (SE)

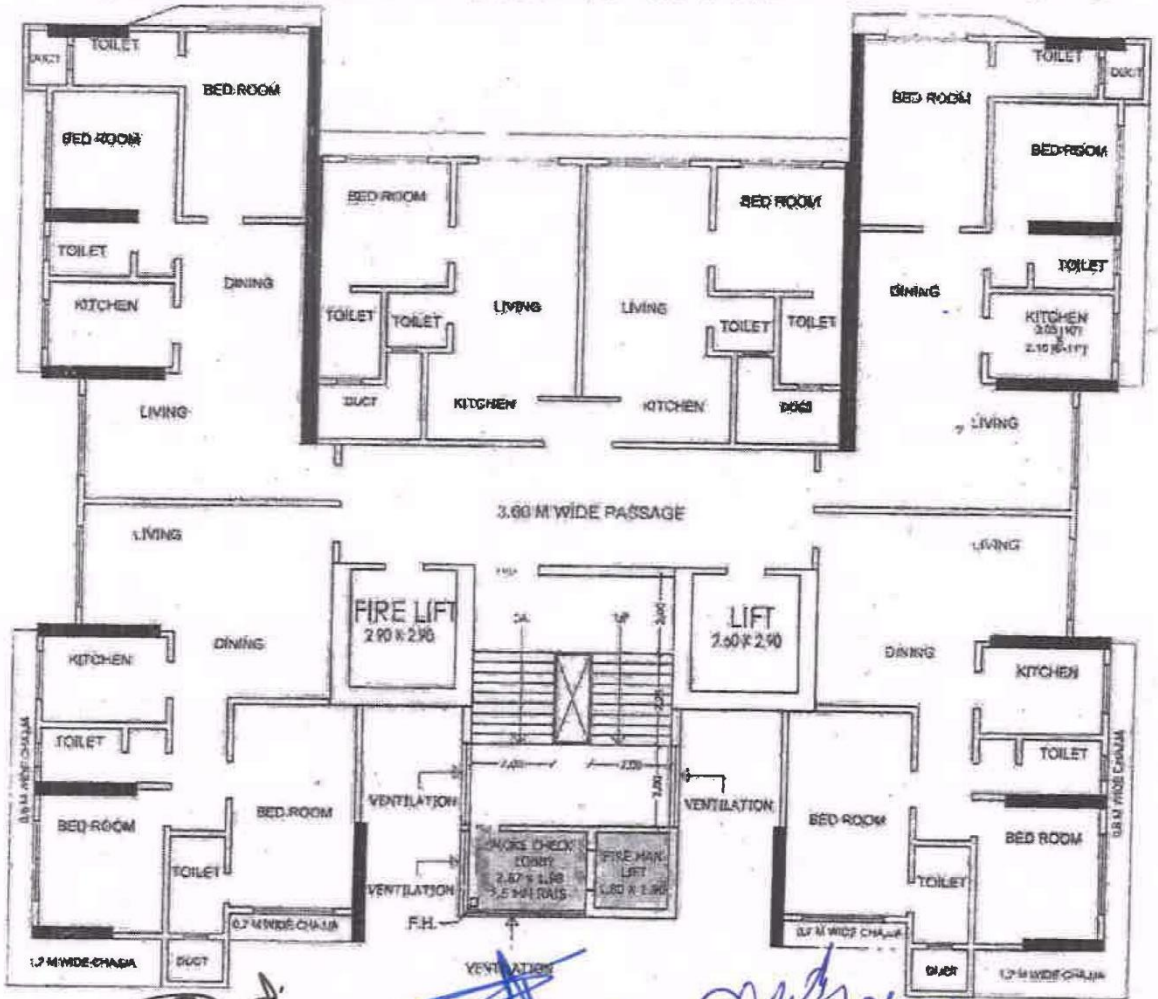
FIREMAN EVACUATION LIFT AT LANDING



ILLUSTRATIVE SKETCH-III

DY.CH.ENG. (DP) -1 C.F.O CH.ENG.(DP) & DMC (SE)

FIREMAN EVACUATION LIFT AT MIDLANDING



DY.CH.ENG. (DP) -1 C.F.O CH.ENG.(DP) & DMC (SE)

ILLUSTRATIVE SKETCH-IV

PROPOSED MODIFICATION

RNI No. MAHBIL/2009/35529



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक - कोकण विभागीय पुरवणी

वर्ष ४, अंक ५९] बुधवार, नोव्हेंबर १४, २०१८/कार्तिक २३, शके १९४० [पृष्ठे १४, किंमत : रुपये ११.००

असाधारण क्रमांक ७६

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक १३ नोव्हेंबर २०१८

सूचना

क्रमांक टीपीबी ४३१७/६२९/प्र.क्र. ११८/२०१७/(III)/नवि-११. - ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे याचा उल्लेख "उक्त अधिनियम" असा करणेत आलेला आहे) चे कलम ३१, पोट - कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्रमांक टिपीबी -४३१७/६२९/प्र. क्र. ११८/२०१७/वि. यो. /नवि -११, दि. ०८/०५/२०१८ (यापुढे याचा उल्लेख "उक्त अधिसूचना" असा करणेत आलेला आहे) व्दारे बृहन्मुंबई प्रारूप विकास योजना - २०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ (यापुढे याचा उल्लेख "उक्त नियमावली २०३४" असा करणेत आलेला आहे) ला उक्त अधिसूचनेबाबतचे परिशिष्ट - ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट -अ मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुध्दीपत्रक दि. २२ जून २०१८ रोजी निर्गमित केले असून त्यानुसार उक्त नियमावली दि. ०१/०९/२०१८ पासून अंमलात आली आहे आणि ज्याअर्थी, त्यानंतर शासनाने समक्रमांकाचे शुध्दीपत्रक व पुरकपत्र दि. २९ जून, २०१८ रोजी पारित केले असून सदर शुध्दीपत्रक व पुरकपत्र **महाराष्ट्र शासनाच्या राजपत्रात** दि. ३० जून, २०१८ रोजी प्रसिद्ध करण्यात आले आहे;

आणि ज्याअर्थी, शासनाने दि. २१/०९/२०१८ रोजीच्या अधिसूचनेव्दारे विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील सारभूत स्वरूपाचे बदल ईपी -१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजुरी प्रदान केली आहे;

आणि ज्याअर्थी, शासन नगरविकास विभागास ई.पी. मंजुरीच्या दिनांक २१ सप्टेंबर २०१८ रोजीच्या शासन अधिसूचनेमध्ये आणि उक्त नियमावलीच्या मंजूर तरतुदीमध्ये इतर काही टंकलेखनाच्या त्रुटी व चुका असल्याचे निदर्शनास आले आहे आणि शासनाने अपेक्षित्यानुसार आयुक्त, बृहन्मुंबई महानगरपालिका यांचे अभिप्राय त्यांचेकडील दिनांक ६ नोव्हेंबर २०१८ रोजीचे पत्रान्वये नगरविकास विभागास प्राप्त झाले आहे. आणि ज्याअर्थी, आयुक्त, बृहन्मुंबई महानगरपालिका यांनी उक्त नियमावलीस शुद्धिपत्रक निर्गमित करणेबाबत विंनती केली आहे. त्यानुसार शासन नगरविकास विभागाने दिनांक १२ नोव्हेंबर २०१८ रोजी शुद्धिपत्रक निर्गमित केले आहे. आणि ज्याअर्थी, काही सुधारणा ह्या सारभूत स्वरूपाच्या असून उक्त नियमावलीतील काही मंजूर तरतुदींच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे आणि उक्त नियमावली हि सर्वसमावेशकरीत्या लागू होण्याची बाब विचारात घेता सार्वजनिक हिताच्या दृष्टीने उक्त नियमावलीमध्ये सुधारणा करण्यासाठी सोबत जोडलेल्या परिशिष्टामध्ये असल्याप्रमाणे फेरबदल (यापुढे याचा उल्लेख "प्रस्तावित फेरबदल" असा करणेत आलेला आहे) तातडीने करणे आवश्यक आहे, अशी शासन नगरविकास विभागाची खात्री झाली आहे.

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१ क क)अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याव्दारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट कलम (१ क क) चे खंड (क) नुसार कोणत्याही व्यक्तीकडून सदरची सूचना **शासन राजपत्रामध्ये** प्रसिद्ध झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये सूचना/ हरकती मागविण्यासाठी सदर सूचना प्रसिद्ध करीत आहे.

शासनाकडून असेही कळविणेत येत आहे की, सोबतचे परिशिष्टात नमूद प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती /सूचना **शासन राजपत्रात** सदर सूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक महिन्याच्या आत उपसंचालक, नगर रचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई - ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४००००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उपसंचालक, नगर रचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होण्याऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये कार्यवाही करण्यात येईल;

सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर प्रसिद्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

प्रदीप गोहिल,
शासनाचे अवर सचिव

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 13th November 2018

Notice

No. TPB. 4317/629/C.R.118/2017(III)/UD-11.—Whereas, in exercise of the powers conferred by sub-section (1) of section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the Said Act "), the State Government vide Notification No. TPB. 4317/629/CR-118/2017/DP/UD-11, dated 8th May 2018 (hereinafter referred to as " the said Notification ") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai alongwith the Development Control and Promotion Regulations-2034 for Greater Mumbai (hereinafter referred to as " the said Regulations ") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dated 22nd June 2018 as per which said Regulation has came into force from 1st September 2018 and whereas, thereafter Government has issued a Corrigendum and Addendum of even number dated 29th June 2018 to the said Notification, which is published in Government Gazette dated 30th June 2018 ;

And whereas, the Government of Maharashtra vide Notification dated 21st September 2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations-2034 ;

And whereas, Government in Urban Development Department has noticed that there are some typographical errors and mistakes in the Notification dated 21st September 2018 sanctioning the E.P. and in the sanctioned provisions of said Regulations and the Government has called remarks of the Commissioner, Municipal Corporation of Greater Mumbai, which are received vide letter dated 6th November 2018. And whereas, the Commissioner, Municipal Corporation of Greater Mumbai has requested to issue a corrigendum to the said Regulations. Accordingly, a corrigendum to the said Regulations is issued by the Government in Urban Development Department vide corrigendum dated 12th November 2018. And whereas, certain corrections which are of substantial nature and cannot be included in corrigendum. And whereas, the Government in the Urban Development Department is satisfied that to clarify and co-relate certain provisions of the said Regulations for its proper interpretation and in the applicability of the said Regulations in a comprehensive manner in the public interest it is expedient to modify the said Regulations, as specifically described in the Schedule appended hereto (hereinafter referred to as " the proposed modification ").

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (IAA) of section 37 of the said Act ; and of all other powers enabling it in this behalf, Government hereby publishes a Notice for inviting suggestions and objections from any persons with respect to proposed modification, as required by clause (a) of sub-section (MA) of section 37 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said proposed modification will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette ;

The Government is further pleased to inform that any objections/suggestions in respect of the proposed modification mentioned in the aforesaid Schedule may be forwarded, before the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period will be dealt with in accordance with the provisions of the said sub-section (AAA) of section 37 of the said Act.

This Notice shall also be available on the Government of Maharashtra website : www.maharashtra.gov.in.

By order and in the name of the Governor of Maharashtra,

PRADEEP GOHIL,
Under Secretary to Government.

Schedule

[Appended to Government in Urban Development Departments Notification No. TPB/4317/629/C.R.-118(III)/2017/UD-11, dated 13th November 2018]

Schedule of Modification in respect of sanctioned Development Control and Promotion Regulations-2034 for Greater Mumbai.

Sr. No.	Part No.	Regulation Number	Sanctioned Provision	Proposed modification
(1)	(2)	(3)	(4)	(5)
1	III	15(1)	1 a) For Construction of EWS/LIG tenements, minimum 20% of the plot area (excluding the area under Road set back/D P Road / designation existing amenity/reservation) shall be handed over to MCGM free of cost. The FSI of the plot handed over to MCGM shall be allowed to be utilized on the remaining plot. b) The aforesaid plot shall be handed over to MCGM within twelve 24 months from the date of approval /approval of the layout. The FSI of such plot can be utilized on remainder plot only after handing over of such plot to MCGM or before availing Zonal (basic) FSI beyond 50% 75% of gross plot area or granting Occupation Certificate to last 25% of Zonal (basic) FSI in to any of the building, whichever is earlier. The ownership of such plot shall be transferred in the name of MCGM in Revenue records before seeking occupation to last 25% of admissible FSI in any of the buildings in the layout other than IH. c) MCGM after receipt of such plot shall immediately formulate a scheme of development for IH wherein the size of tenement shall have carpet area for EWS/LIG Housing as decided by the Housing Department, Government of	Provision to be deleted.

Sr. No.	Part No.	Regulation Number	Sanctioned Provision	Proposed modification
			Maharashtra, from time to time. between 27.88 25 Sq.M. and 42 27.88 Sq.M. Further, such plots shall not be used for any other purpose. Provided that in case the Landowner/ Developer desires not to utilize such FSI in the same land, fully or partly, then he shall be eligible for TDR in lieu of such unutilized FSI. The utilization of this TDR shall be subject to the prevailing provisions of DCR and as per the following formula. Formula: X=(Rg/Rr)*Y Where, X= Utilization of Development Right (DR) on the receiving plot. Rg= Land Rate in Rs. per Sq.m. as per the Annual Schedule of rates (herein after referred to as"ASR") of generating plot in the year when project is sanctioned IOD/IOA is issued. Rr= Land rate in Rs. per Sq.M. as per ASR of the receiving plot of the same year of generating plot. Y= Unutilized FSI. d) In case the owner/developer opts to utilize the FSI on the remainder plot/within layout, the permissibility of the FSI for the purpose of development on balance plot shall be considered on the gross plot area including the area to be handed over to MCGM for IH. OR	
		15(2)(c)	iv) The developer/Owner shall be entitled for the BUS in lieu of cost of construction of tenements as	Provision to be deleted

Sr. No.	Part No.	Regulation Number	Sanctioned Provision	Proposed modification
			stated below: BUA in lieu of cost of construction of IH= 1.5 [Rate of construction per Sq.M. as per ASR rate/rate of developed lans per Sq.M. as per ASR (for FSI 1)]*BUA of IH Note: 2) BUA in lieu of cost of construction of IH shall be allowed over and above the permissible FSI as specified in Regulation No. 30, table 12 or can be adjusted against permissible TDR/Additional FSI on payment of premium.	Note: 1 is replace as below 2) The Developer/Owner shall handover the IH Tenement to MCGM at Monetary compensation equal to cost of construction as per ASR on the date of grant of occupation certificate to such IH Tenement from MCGM.
		15(3)	(3) Amalgamation of IH plots/IH tenements shall not be allowed.	(3) Amalgamation of IH tenements shall not be allowed.
2	V	30(A)(3)(b)	b) TDR in lieu of cost of construction of built up amenity to be handed over as per the provisions of Regulation number 17(1) note 1(d) in lieu of cost of construction of amenity under Regulation 14, 15 & 17 shall be permissible within permissible BUA or owner may avail the TDR if not consumed on the remainder land elsewhere as these Regulation.	b) TDR in lieu of cost of construction of built up amenity to be handed over as per the provisions of Regulation number 17(1) note 1(d) in lieu of cost of construction of amenity under Regulation 14 & 17 shall be permissible within permissible BUA or owner may avail the TDR if not consumed on the remainder land elsewhere as these Regulation.
3	V	31(3) Proviso 4	Provided that, this Regulation shall be applicable only in respect of the buildings to be constructed or reconstructed.	Provision to be deleted.
4	VIII	42(II)(d)	(d) A balcony may be permitted as specified in regulation No. 37(20)	Provision to be deleted.

<table>
<tr><th>Sr. No.</th><th>Part No.</th><th>Regulation Number</th><th>Sanctioned Provision</th><th>Proposed modification</th></tr>
<tr><td>5</td><td>VIII</td><td>44 Table No. 21</td><td>Table No. 21
<table>
<tr><th>Sr. No. (1)</th><th>Occupancy (2)</th><th>Parking Space required (3)</th></tr>
<tr><td>1</td><td>(i) Residential</td><td>In the Island City areas, Suburbs and Extended Suburbs;</td></tr>
<tr><td></td><td></td><td>One Parking space for every.
a) 4 tenements having carpet area upto 45 Sq.M. each.
b) 2 tenements with carpet area exceeding 45 Sq.M. but not exceeding 60 Sq.M. each.
Provided further that in case of (a) & (b), at the option of owner/developer, may provide one parking for each tenement.
c) 1 tenement with carpet area exceeding 60 Sq.M. but not exceeding 90 Sq.M.
d) 1/2 tenement with carpet area exceeding 90 Sq.M.
In addition to the parking spaces specified in (a), (b), (C) & (d) above, parking for visitors shall be provided to the extent of 25 percent of the number stipulated above, subject to minimum of one.</td></tr>
<tr><td></td><td></td><td>Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(7)(A), 33(9), 33(9)(B), 33(10), 33(10)(A), 33(11)(A), 33(15) & 33(20)(A) the parking shall be as follows.
One parking space for every.
a) 8 tenements having carpet area upto 45 Sq.M. each
b) 4 tenements with carpet area upto 45 Sq.M. each but not exceeding 60 Sq.M. each
c) 2 tenements with carpet area exceeding 60 Sq.M. but not exceeding 90</td></tr>
</table></td><td>Table No. 21
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<tr><th>Sr. No. (1)</th><th>Occupancy (2)</th><th>Parking Space required (3)</th></tr>
<tr><td>1</td><td>(i) Residential</td><td>In the Island City areas, Suburbs and Extended Suburbs;</td></tr>
<tr><td></td><td></td><td>One Parking space for every.
a) 4 tenements having carpet area upto 45 Sq.M. each.
b) 2 tenements with carpet area exceeding 45 Sq.M. but not exceeding 60 Sq.M. each.
Provided further that in case of (a) & (b), at the option of owner/developer, may provide one parking for each tenement.
c) 1 tenement with carpet area exceeding 60 Sq.M. but not exceeding 90 Sq.M.
d) 1/2 tenement with carpet area exceeding 90 Sq.M.
In addition to the parking spaces specified in (a), (b), (C) & (d) above, parking for visitors shall be provided to the extent of 5 percent of the number stipulated above, subject to minimum of one.</td></tr>
<tr><td></td><td></td><td>Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(7)(A), 33(9), 33(9)(B), 33(10), 33(10)(A), 33(11)(A), 33(15) & 33(20)(A) the parking shall be as follows.
One parking space for every.
a) 8 tenements having carpet area upto 45 Sq.M. each
b) 4 tenements with carpet area upto 45 Sq.M. but not exceeding 60 Sq.M. each
c) 2 tenements with carpet area exceeding 60 Sq.M. but not exceeding 90 Sq.M. each</td></tr>
</table></td></tr>
</table>

Sr. No.	Part No.	Regulation Number	Sanctioned Provision	Proposed modification
			Sq.M. each d) 1 tenement with carpet area exceeding 90 Sq.M.	d) 1 tenement with carpet area exceeding 90 Sq.M.
			In addition to the parking spces specified in (a), (b), (c) & (d), above, parking spaces for visitors shall be provided to the extent of 25 percent of the number stipulated above, subject to minimum of one.	In addition to the parking spces specified in (a), (b), (c) & (d), above, parking spaces for visitors shall be provided to the extent of 5 percent of the number stipulated above, subject to minimum of one.

<u>महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६</u>

- उक्त अधिनियमाचे कलम ३७ (१कक) अन्वये सूचना
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ३१(३) मध्ये करावयाचा फेरबदल.

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
क्रमांक:- टिपीबी -४३१९/प्र.क्र. ४१/२०१९/नवि -११
दिनांक : ७ मार्च, २०१९

शासन निर्णय : सोबतची सूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिद्ध करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(संजय बाणाईत)
उप सचिव, महाराष्ट्र शासन

प्रत:

(१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
(२) मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहाय्यक

प्रति,

(१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
(२) अतिरिक्त मुख्य सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई-३२.
(३) मुख्य कार्यकारी अधिकारी आणि विशेष कार्य अधिकारी, धारावी पुनर्वसन प्रकल्प, मुंबई.
(४) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
(५) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चुर्नीरोड, मुंबई.
(त्यांना विंनती करण्यात येते की, सोबतची सूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिद्ध करून त्याच्या प्रत्येकी २५ प्रती १) नगर विकास विभाग नवि-११, मंत्रालय, मुंबई २) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई ३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे. व ४) उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
(६) उपसंचालक, नगर रचना, बृहन्मुंबई इन्साहटमेन्ट, महापालिका मार्ग, मुंबई - ४०० ००१.

२/- सदर सूचना शासनाच्या दिनांक १३.९.२०१० रोजीच्या परिपत्रकातील निदेशानुसार व खालीलप्रमाणे जाहिरात म्हणून प्रसिद्ध करून घेणेबाबत सत्वर कार्यवाही करावी.

(१)	जाहिरात देणाऱ्या कार्यालयाचे नाव	नगर विकास विभाग, मंत्रालय, मुंबई-३२.
(२)	जाहिरात कोणत्या दिनांकास द्यावयाची आहे	तात्काळ
(३)	प्रसिद्धीचे स्वरूप	स्थानिक
(४)	कोणत्या जिल्ह्यामध्ये	बृहन्मुंबई महानगरपालिका क्षेत्रामध्ये
(५)	किती वृत्तपत्रात	दोन मराठी व दोन इंग्रजी वृत्तपत्रात
(६)	वृत्तपत्राचे नाव	सर्वाधिक खपाच्या वृत्तपत्रात
(७)	किती वेळा	एकदा
(८)	जाहिरात खर्चाचे देयक कोणत्या अधिकाऱ्याकडे पाठवावयाचे त्या कार्यालयाचे नाव व संपूर्ण पत्ता	आयुक्त, बृहन्मुंबई महानगरपालिका

(७) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग (त्यांना विंनती करण्यात येते की, सोबतचे सूचना विभागाच्या वेबसाइटवर प्रसिद्ध करण्याबाबत आवश्यक ती कार्यवाही करावी)
(८) निवड नस्ती (नवि-११)

Maharashtra Regional & Town Planning Act, 1966

- Notice under section 37(1AA) of the said Act,
- Proposed modification to regulation 31(3) of Development Control and Promotion Regulation – 2034 for Greater Mumbai.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai – 400 032.
Date: 7th March 2019.

NOTICE

No. TPB-4319/CR-41/2019/UD-11

Whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11,Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018 as per which the said Regulation has came into force from 1/09/2018 and whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Government Gazette dt. 30th June, 2018;

And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned EP -1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations-2034;

And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of sanctioned DCPR for its proper interpretation;

And whereas, Regulation 33(9)(A) of the said Regulations pertains to Regulation for Dharavi Notified Area (hereinafter referred to as "DNA") wherein provision for Urban Renewal Scheme under Dharavi Redevelopment Project (hereinafter referred to as "DRP") is inserted. And whereas, Regulation 33(10)(A) of the said Regulations pertains to provision of Slum Rehabilitation Scheme within Dharavi Notified Area for Dharavi Redevelopment Project. And whereas, Regulation 31(3) of the said Regulations pertains to Fungible Compensatory Area;

And whereas, various issues involved regarding DRP were discussed in the meeting held at the Government level on 19th December, 2018, wherein, it was discussed to exempt premium payable on Fungible FSI in respect of DRP project. And whereas, as the progress of redevelopment of said DRP is not encouraging, Government finds it necessary to encourage the DRP by allowing Fungible Compensatory Area without charging premium in development, redevelopment under Regulation 33(9)(A) and Regulation 33(10)(A) of the said Regulations;

And whereas, the Government, in the Urban Development Department is of the opinion that in the public interest it is expedient to modify the Regulation 31(3)(A) of the said Regulations, as specifically described in the Schedule given below (hereinafter referred to as "the proposed modification").

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act; and of all other powers enabling it in this behalf, Government hereby publishes a Notice for inviting objections and suggestions from any persons with respect to proposed modification, as required by clause (a) of sub-section (1AA) of Section 37 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said proposed modification will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette;

The Government is further pleased to inform that any objections/ suggestions in respect of the proposed modification mentioned in the Schedule given below may be forwarded, before the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette, to the Deputy Director of Town Planning., Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objections or suggestions, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period will be dealt with in accordance with the provisions of sub-section (1AA) of Section 37 of the said Act.

SCHEDULE

Regulation No.	**Existing provision**	**Proposed provision**
31(3) (New proviso 8 after proviso 7 in Regulation 31(3) is proposed)	---	Provided further that in case of redevelopment under Regulation 33(9) (A) and 33(10)(A) the Fungible Compensatory Area admissible on rehabilitation as well as on free sale Component shall be granted without charging premium."

This Notice shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,

(Pradeep Gohil)
Under Secretary to Government.

<u>महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६</u>

- उक्त अधिनियमाचे कलम ३७ (१कक) अन्वये सूचना
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ३०(A)(३)(a) मध्ये करावयाचा फेरबदल.

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : ७ मार्च, २०१९

शासन निर्णय : सोबतची सूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिद्ध करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(संजय बाणाईत)
उप सचिव, महाराष्ट्र शासन

प्रत:

(१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
(२) मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहाय्यक

प्रति,

(१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
(२) मुख्य कार्यकारी अधिकारी, झोपडपट्टी पुनर्वसन प्राधिकरण, मुंबई
(३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
(४) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चुर्नीरोड, मुंबई.
(त्यांना विंनती करण्यात येते की, सोबतची सूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिद्ध करून त्याच्या प्रत्येकी २५ प्रती १) नगर विकास विभाग नवि-११, मंत्रालय, मुंबई २) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई ३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे. व ४) उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
(५) उपसंचालक, नगर रचना, बृहन्मुंबई इन्साहटमेन्ट, महापालिका मार्ग, मुंबई - ४०० ००१.

२/- सदर सूचना शासनाच्या दिनांक १३.९.२०१० रोजीच्या परिपत्रकातील निदेशानुसार व खालीलप्रमाणे जाहिरात म्हणून प्रसिद्ध करून घेणेबाबत सत्वर कार्यवाही करावी.

(१)	जाहिरात देणाऱ्या कार्यालयाचे नाव	नगर विकास विभाग, मंत्रालय, मुंबई-३२.
(२)	जाहिरात कोणत्या दिनांकास द्यावयाची आहे	तात्काळ
(३)	प्रसिद्धीचे स्वरूप	स्थानिक
(४)	कोणत्या जिल्ह्यामध्ये	बृहन्मुंबई महानगरपालिका क्षेत्रामध्ये
(५)	किती वृत्तपत्रात	दोन मराठी व दोन इंग्रजी वृत्तपत्रात
(६)	वृत्तपत्राचे नाव	सर्वाधिक खपाच्या वृत्तपत्रात
(७)	किती वेळा	एकदा
(८)	जाहिरात खर्चाचे देयक कोणत्या अधिकाऱ्याकडे पाठवावयाचे त्या कार्यालयाचे नाव व संपूर्ण पत्ता	आयुक्त, बृहन्मुंबई महानगरपालिका

(६) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग (त्यांना विंनती करण्यात येते की, सोबतचे सूचना विभागाच्या वेबसाइटवर प्रसिद्ध करण्याबाबत आवश्यक ती कार्यवाही करावी)
(७) निवड नस्ती (नवि-११)

Maharashtra Regional & Town Planning Act, 1966

- Notice under section 37(1AA) of the said Act,
- Proposed modification to Regulation 30(A)(3)(a) of Development Control and Promotion Regulations -2034 for Greater Mumbai.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai – 400 032.
Date: 7th March 2019.

NOTICE

No. TPB-4319/CR-27/2019/UD-11

Whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the Said Act"), the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22" June, 2018 as per which said Regulation has came into force from 1/09/2018 and whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Government Gazette dt. 30th June, 2018;

And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned EP -1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations -2034;

And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of sanctioned DCPR for its proper interpretation;

And whereas, it is noticed that due to last proviso of Regulation 30(A)(3)(a) of the said Regulations, regarding permissibility of road widening FSI on the remainder of plot, result in overall increase in permissible FSI in some plots. And whereas, certain corrections which are of substantial nature and cannot be included in corrigendum are required to be done in respect of last proviso of Regulation 30(A)(3)(a). And whereas, the Government in the Urban Development Department is satisfied that to clarify and co-relate last proviso of Regulation 30(A)(3)(a) of the said Regulations for its proper interpretation and in the applicability of the said Regulations in a comprehensive manner in the public interest it is expedient to modify the said Regulations, as specifically described in the Schedule given below (hereinafter referred to as "the proposed modification").

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act; and of all other powers enabling it in this behalf, Government hereby publishes a Notice for inviting objections and suggestions from any persons with respect to proposed modification, as required by clause (a) of sub-section (1AA) of Section 37 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said proposed modification will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette;

The Government is further pleased to inform that any objections/ suggestions in respect of the proposed modification mentioned in the Schedule may be forwarded, before the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette, to the Deputy Director of Town Planning., Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objections or suggestions, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period will be dealt with in accordance with the provisions of sub-section (1AA) of Section 37 of the said Act.

SCHEDULE

Regulation No.	**Existing provision**	**Proposed provision**
Last proviso of Regulation 30(A)(3)(a)	Provided further that FSI equivalent to TDR as per Table 12 A of Regulation 32, in lieu of road widening or roads proposed under the D.P. or the MMC Act, 1888 as per Regulation 16 may be allowed to be utilized over and above the permissible FSI as per column 7 of table 12, on remainder plot"	Provided further that FSI equivalent to TDR as per Table 12A of Regulation 32 in lieu of road widening or roads proposed in the D.P. or under the MMC Act, 1888 as per Regulation 16 may be allowed to be utilized on remainder plot within admissible TDR limit. However, if TDR/FSI of Road widening of very said plot is balance after utilizing it in the admissible TDR limit, then such balance TDR/FSI of road widening may be allowed over and above the Permissible FSI.

This Notice shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,

(Pradeep Gohil)
Under Secretary to Government.

<u>महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६</u>

- उक्त अधिनियमाचे कलम ३७ (१कक) खालील सूचना
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ३३(३) मधील प्रस्तावित फेरबदलाबाबत.

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
क्रमांक:- टिपीबी -४३१९/प्र.क्र. ७०/२०१९/२०१९/नवि -११
दिनांक : ४ सप्टेंबर, २०१९

शासन निर्णय : सोबतची सूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिद्ध करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(संजय बाणाईत)
उप सचिव, महाराष्ट्र शासन

प्रत:

(१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
(२) मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहाय्यक

प्रति,

(१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
(२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
(३) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चुर्नीरोड, मुंबई.
(त्यांना विंनती करण्यात येते की, सोबतची सूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिद्ध करून त्याच्या प्रत्येकी १० प्रती नगर विकास विभाग नवि-११, मंत्रालय, मुंबई, आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई, संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे. व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
(४) उपसंचालक, नगर रचना, बृहन्मुंबई इन्साहटमेन्ट, महापालिका मार्ग, मुंबई - ४०० ००१.

२/- सदर सूचना शासनाच्या दिनांक १३.९.२०१० रोजीच्या परिपत्रकातील निदेशानुसार व खालीलप्रमाणे जाहिरात म्हणून प्रसिद्ध करून घेणेबाबत सत्वर कार्यवाही करावी.

(१)	जाहिरात देणाऱ्या कार्यालयाचे नाव	नगर विकास विभाग, मंत्रालय, मुंबई-३२.
(२)	जाहिरात कोणत्या दिनांकास द्यावयाची आहे	तात्काळ
(३)	प्रसिद्धीचे स्वरूप	स्थानिक
(४)	कोणत्या जिल्ह्यामध्ये	बृहन्मुंबई महानगरपालिका क्षेत्रामध्ये
(५)	किती वृत्तपत्रात	दोन मराठी व दोन इंग्रजी वृत्तपत्रात
(६)	वृत्तपत्राचे नाव	सर्वाधिक खपाच्या वृत्तपत्रात
(७)	किती वेळा	एकदा
(८)	जाहिरात खर्चाचे देयक कोणत्या अधिकाऱ्याकडे पाठवावयाचे त्या कार्यालयाचे नाव व संपूर्ण पत्ता	आयुक्त, बृहन्मुंबई महानगरपालिका

(५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विंनती करण्यात येते की, सोबतची सूचना विभागाच्या वेबसाइटवर प्रसिद्ध करावी)
(६) निवड नस्ती (नवि-११)

<u>महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६</u>

- उक्त अधिनियमाचे कलम ३७ (१कक) खालील सूचना
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ चे विनियम ३३(३) मधील प्रस्तावित फेरबदलाबाबत.

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : ४ सप्टेंबर, २०१९

<u>सूचना</u>

क्रमांक:- टिपीबी -४३१९/प्र.क्र. ७०/२०१९/नवि -११

ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करणेत आलेला आहे) च्या तरतुदींनुसार बृहन्मुंबई महानगरपालिकेच्या अधिकार क्षेत्राकरीता बृहन्मुंबई महानगरपालिका (यापुढे ज्याचा उल्लेख "उक्त महानगरपालिका" असा करणेत आलेला आहे) हे नियोजन प्राधिकरण आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३१, पोट - कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र. टिपीबी -४३१७/६२९/प्र. क्र. ११८/२०१७/वि. यो. /नवि -११, दि. ०८/०५/२०१८ (यापुढे याचा उल्लेख "उक्त अधिसूचना" असा करणेत आलेला आहे) व्दारे बृहन्मुंबई प्रारूप विकास योजना - २०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ (यापुढे याचा उल्लेख "उक्त नियमावली २०३४" असा करणेत आलेला आहे) ला उक्त अधिसूचनेबाबतचे परिशिष्ट - ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट - अ मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुध्दीपत्रक दि. २२ जून २०१८ रोजी निर्गमित केले असून त्यानुसार उक्त नियमावली-२०३४ दि. ०१/०९/२०१८ पासून अंमलात आली आहे आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुध्दीपत्रक व पुरकपत्र दि. २९ जून, २०१८ रोजी पारित केले असून सदर शुध्दीपत्रक व पुरकपत्र महाराष्ट्र शासनाच्या राजपत्रात दि. ३० जून, २०१८ रोजी प्रसिद्ध करण्यात आले आहे;

आणि ज्याअर्थी, शासनाने दि. २१/०९/२०१८ रोजीच्या अधिसूचनेव्दारे उक्त नियमावली-२०३४ मधील सारभूत स्वरूपाचे बदल ईपी -१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजुरी प्रदान केली आहे;

आणि ज्याअर्थी, उक्त मंजुरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावली-२०३४ मधील काही तरतुदीच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे या करीता शासनाने दि. १२/११/२०१८ रोजी शुध्दीपत्रक निर्गमित केले आहे;

आणि ज्याअर्थी, उक्त नियमावली-२०३४ चे विनियम ३३(३) मध्ये शासन /बृहन्मुंबई महानगरपालिका / संविधानिक संस्था /निमशासकीय आणि सार्वजनिक उपक्रमाच्या इमारतींकरीता वाढीव चटई क्षेत्र निर्देशांक अनुज्ञेय करण्याची तरतूद आहे. किमान १२ मीटर रुंद रस्त्यावर विनियम

३३(३) अन्वये अतिरिक्त चटई क्षेत्र निर्देशांक अनुज्ञेय होतो. आणि ज्याअर्थी शासकीय विश्रामगृहाच्या इमारतीला अतिरिक्त चटई क्षेत्र निर्देशांक अनुज्ञेय करण्याकरीता रस्त्याचे किमान रुंदीची तरतूद सुधारीत करणेबाबत सार्वजनिक बांधकाम विभागाने विनंती केली आहे. आणि ज्याअर्थी, विनियम ३३(३) अंतर्गत अतिरिक्त चटई क्षेत्र निर्देशांक हा ९.० मीटर रुंद रस्त्यावर अनुज्ञेय करणे आवश्यक आहे असे शासनाचे मत झाले आहे.

आणि ज्याअर्थी, सोबत जोडलेल्या परिशिष्टामध्ये नमूद केल्याप्रमाणे उक्त नियमावली-२०३४ चे विनियम ३३(३) मध्ये सुधारणा करणे आवश्यक असल्याची शासन नगर विकास विभागाची खात्री झाली आहे (यापुढे याचा उल्लेख "प्रस्तावित फेरबदल" असा करणेत आलेला आहे)

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१ क क)अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याव्दारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट कलम (१ क क) चे खंड (क) नुसार कोणत्याही व्यक्तीकडून सदरची सूचना शासन राजपत्रामध्ये प्रसिद्ध झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये हरकती / सूचना मागविण्यासाठी तसेच संभाव्य बाधित होणाऱ्या व्यक्तींच्या महिणीसाठी सदर सूचना प्रसिद्ध करीत आहे. आणि याव्दारे सूचित करण्यात येते की, सदर सूचना शासन राजपत्राव्दारे प्रसिद्ध झाल्यापासून एक महिन्यांचे कालावधीनंतर प्रस्तावित फेरबदल विचारात घेण्यात येईल;

शासनाकडून असेही कळविणेत येत आहे की, सोबतचे परिशिष्टात नमूद प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती /सूचना शासन राजपत्रात सदर सूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक महिन्याच्या आत उपसंचालक, नगर रचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई - ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४००००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उपसंचालक, नगर रचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होण्याऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये कार्यवाही करण्यात येईल;

उक्त अधिनियमाचे कलम ३७(१कक) अन्वये सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदे/नियम) या वेबसाईटवर देखील उपलब्ध करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(निर्मलकुमार पं. चौधरी)
अवर सचिव महाराष्ट्र शासन

परिशिष्ट

(शासन नगर विकास विभाग सूचना क्र. टिपीबी -४३१९/प्र.क्र. ७०/२०१९/नवि -११, दिनांक - ४ सप्टेंबर, २०१९ सोबतचे परिशिष्ट)

Modification to Regulation 33(3) of DCPR -2034 :-

<table>
<tr><th>Existing provision</th><th>Proposed provision</th></tr>
<tr><td>33(3) Buildings of Government /MCGM/ Statutory Bodies, Semi-Government and PSU Offices :
The Commissioner, by special permission, may permit FSI upto 5 including Zonal (basic) FSI specified in Table No. 12 for office use & other allied purposes except residential use considering the specific requirement of Govt./MCGM and their Statutory Bodies, Semi Govt. and PSUs as detailed below:
<table>
<tr><td>Sr. No.</td><td>Minimum Road Width</td><td>Maximum Permissible FSI</td></tr>
<tr><td>1</td><td>12m</td><td>Upto 3</td></tr>
<tr><td>2</td><td>18m</td><td>Upto 4</td></tr>
<tr><td>3</td><td>27m</td><td>Upto 5</td></tr>
</table>
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<table>
<tr><td>Sr. No.</td><td>Minimum Road Width</td><td>Maximum Permissible FSI</td></tr>
<tr><td>1</td><td>9.0m</td><td>Upto 2</td></tr>
<tr><td>2</td><td>12.0m</td><td>Upto 3</td></tr>
<tr><td>3</td><td>18.0m</td><td>Upto 4</td></tr>
<tr><td>4</td><td>27.0m</td><td>Upto 5</td></tr>
</table>
</td></tr>
</table>

(निर्मलकुमार पं. चौधरी)
अवर सचिव महाराष्ट्र शासन

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६.

प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार अतिरिक्त चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमूल्यामध्ये सवलत देण्याबाबत **कलम १५४ अन्वये निदेश...**

महाराष्ट्र शासन
नगर विकास विभाग
मंत्रालय, मुंबई ४०० ०३२.

शासन निर्णय क्र.टिपीएस-१८२०/अनौ.२७/प्र.क्र.८०/२०/नवि-१३,
दिनांक : १४/०१/२०२१

प्रस्तावना :- राज्य शासनाने, कोविड-१९ विषाणूच्या संक्रमणाचा धोका व जागतिक आरोग्य संघटनेने जाहीर केलेली जागतिक महामारी यांचा सारासार विचार करुन, राज्यात वेळोवेळी घोषित केलेली टाळेबंदी आणि या सर्व बाबींमुळे जागतिक स्तरावर आर्थिक व औद्योगिक प्रगतीत आलेली आमुलाग्र शिथिलता या साऱ्याच्या पार्श्वभूमीवर आर्थिक सुधारणांसाठी राज्य शासनामार्फत विविध उपाययोजना करण्यात येत आहेत. ह्याचाच एक भाग म्हणून रियल इस्टेट क्षेत्राच्या पुनरुज्जीवनासाठी शासनस्तरावर प्रयत्न सुरु आहेत. या दृष्टीने, बांधकाम क्षेत्राला पुनर्उभारणीसाठी प्रोत्साहन देणे गरजेचे झाले आहे. या अनुषंगाने दिपक पारेख समितीने काही शिफारशी सुचविल्या आहेत.

अतिरिक्त चटई क्षेत्र निर्देशांक मंजूर करताना आकारण्यात येणारे अधिमूल्य हे शासनाने ठरवून दिलेल्या टक्केवारीनुसार नियोजन प्राधिकरणांकडून आकारण्यात येते. अशा अधिमूल्यात शासन तसेच नियोजन प्राधिकरण यांच्यामध्ये काही प्रमाणात हिस्स्याचे वाटप आहे. तर प्रादेशिक योजना क्षेत्रात आकारण्यात येणारे अधिमूल्य हे शासनाने ठरवून दिलेल्या टक्केवारीनुसार संबंधित नगर रचना विभागाची शाखा कार्यालये / जिल्हाधिकारी यांच्यामार्फत आकारण्यात येते. अतिरिक्त चटई क्षेत्र निर्देशांकासाठी अधिमूल्य हे वार्षिक बाजारमूल्यदर तक्यातील संबंधित वर्षाच्या संबंधित जमिन दराच्या, शासनाने ठरवून दिलेल्या टक्केवारीनुसार आकारायचे आहे. त्यामुळे अशा अतिरिक्त चटई क्षेत्र निर्देशांकासाठी आकारण्यात येणाऱ्या अधिमूल्यामध्ये पारेख कमिटीच्या शिफारशीनुसार सूट देणे आवश्यक असल्याचे आणि सदर बाब तातडीने लागु करणे आवश्यक असल्याचे शासनाचे मत झाले आहे. तसेच प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदींनुसार अतिरिक्त चटई क्षेत्र निर्देशांकाव्यतिरिक्त नियोजन प्राधिकरणांमार्फत तसेच इतर प्राधिकरणांमार्फत अन्य बाबींसाठीचे अधिमूल्य आकारण्यात येते. यानुसार आकारण्यात येणाऱ्या अधिमूल्यामध्ये ५०% (पन्नास टक्के) सूट देण्याबाबत नियोजन प्राधिकरणांचे / इतर प्राधिकरणांचे स्तरावर निर्णय घेण्याबाबत सर्व नियोजन प्राधिकरणांना तसेच इतर प्राधिकरणांना सूचना देणेबाबत शासनाचे मत झाले आहे.

सबब याबाबत महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये सर्व नियोजन प्राधिकरणे/नगर रचना विभागाची सर्व शाखा कार्यालये/सर्व जिल्हाधिकारी/इतर प्राधिकरणे यांना पुढीलप्रमाणे निदेश देण्यात येत आहेत :-

"*निदेश*"

" १. प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार, नियोजन प्राधिकरणाचे क्षेत्रात तसेच प्रादेशिक योजना क्षेत्रात अतिरिक्त चटई क्षेत्र निर्देशांकापोटी / फंजीबल चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमूल्याच्या बाबतीत ५०% (पन्नास टक्के) सूट देण्यात यावी. यानुसार अंमलबजावणी करताना खालीलप्रमाणे (**अ, ब** व **क**) कार्यवाही करण्यात यावी.

२. तसेच प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदींनुसार अतिरिक्त चटई क्षेत्र निर्देशांकाव्यतिरिक्त नियोजन प्राधिकरणांमार्फत तसेच इतर प्राधिकरणांमार्फत अन्य बाबींसाठी (उदा.स्टेअरकेस, पॅसेजेस, खुले क्षेत्र कमतरता सवलती देण्यासाठी, विभाग बदल इ.) आकारण्यात येणाऱ्या अधिमूल्यामध्ये ५०% (पन्नास टक्के) सूट देण्याबाबत नियोजन प्राधिकरणांनी / इतर प्राधिकरणांनी निर्णय घ्यावा. त्याची अंमलबजावणी करताना खालीलप्रमाणे (**अ, ब** व **क**) कार्यवाही करण्यात यावी.

अ) या योजनेसाठी खालील प्रकल्प / प्रकल्पाचा भाग पात्र होतील.

(i) चालू प्रकल्प आणि नवे प्रकल्प : अशा प्रकल्पांना दि.३१/१२/२०२१ पर्यंत प्रत्यक्ष जमा करण्यात येणाऱ्या अधिमूल्याच्या रकमेवर ५०% (पन्नास टक्के) एवढी सूट देय असेल.

(ii) सदर सवलत केवळ विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार आकारावयाचे सर्व प्रकारचे अधिमूल्य (Premium) यासाठी लागु असून, विकास शुल्क (Development Charges) अथवा इतर प्रशासकीय बाबींना लागु राहणार नाही.

ब) जे विकासक वरीलप्रमाणे ज्या प्रकल्पांसाठी अथवा प्रकल्पातील ज्या भागासाठी अधिमूल्यात सुट घेतील अशा प्रकल्पांमधील EWS/LIG/MIG/HIG क्षेत्रातील घरे / सदनिका/ वाणिज्यिक-औद्योगिक इ. गाळे घेणाऱ्या ग्राहकांचे देय मुद्रांक शुल्क भरतील (म्हणजेच ग्राहकाचे मुद्रांक शुल्क शुन्यावर आणतील) अशाच विकासकांना सदर योजनेचा लाभ मिळेल व तशा प्रकारचे जाहीर प्रकटीकरण व खालीलप्रमाणे कार्यवाही अशा विकासकांनी करणे जरुरीचे राहील.

I. या योजनेमध्ये सहभागी होवू इच्छिणाऱ्या प्रकल्पांकरिता संबंधित विकासकाने ग्राहकांचे पूर्ण मुद्रांक शुल्क भरण्यात येणार असल्याचे हमीपत्र नियोजन प्राधिकरणाला सादर करावे लागेल.

II. अशा प्रकल्पामधील मुद्रांकांचा संपूर्ण खर्च विकासकामार्फत करण्यात आला असल्याचे लाभार्थी ग्राहकाचे प्रमाणपत्र विकासकास नियोजन प्राधिकरणाला सादर करावे लागेल.

III. विकासकाने ज्या ग्राहकांचा अशा प्रकारे मुद्रांकांचा संपूर्ण खर्च केला आहे, त्यांची यादी त्यांच्या संकेतस्थळावर प्रसिध्द करावी लागेल.

IV. जे प्रकल्प या योजनेत सहभागी होतील त्या प्रकल्पांची अथवा प्रकल्पांच्या ज्या भागासाठी सवलत घेतली आहे त्याची यादी, महानगरपालिका आयुक्त / नगरपरिषद अथवा नगरपंचायत

मुख्याधिकारी / जिल्हाधिकारी / नियोजन प्राधिकरण यांच्यामार्फत माहितीकरिता मुद्रांक नोंदणी कार्यालयास कळवावी लागेल. तसेच संबंधित प्राधिकरणाच्या संकेतस्थळावरही प्रसिध्द करावी लागेल.

V. या सवलतींचा लाभ घेणाऱ्या प्रकल्पांना, लाभ घेतलेल्या बांधकाम क्षेत्राची विक्री होईपर्यंत मुद्रांक शुल्क सवलतीचा लाभ चालू ठेवावा लागेल.

क) नव्याने अधिमूल्य आकारणी करावयाच्या नवीन प्रकल्पांच्या अथवा प्रकल्पाच्या नवीन भागाच्या बाबतीत अधिमूल्य आकारणीकरीता जो वार्षिक बाजारमूल्य दर तक्ता (Annual Statement of Rates-ASR) आधारभूत धरण्यात येईल तो -

i) दि.०१/०४/२०२० रोजी लागु असणारा,

किंवा

ii) अधिमूल्य भरणा करताना प्रचलित असणारा,

यापैकी जो अधिकतम (जास्त) असेल, तो तक्ता (Annual Statement of Rates-ASR) गृहीत धरून आकारणी करण्यात यावी.

सदर योजनेची प्रभावी अंमलबजावणी करण्याकरिता महारेराशी समन्वय साधून आवश्यकतेनुसार त्यांची मदत व मार्गदर्शन घेण्यात येईल.

सदर निदेश लगोलग अंमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(नो. र. शेन्डे)
सह सचिव, महाराष्ट्र शासन

प्रति :-

१) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
२) सर्व विभागीय सहसंचालक, नगर रचना.
३) सर्व विभागीय आयुक्त.
४) सर्व जिल्हाधिकारी.
५) आयुक्त, सर्व महानगरपालिका.
६) महानगर आयुक्त, सर्व महानगर प्रदेश विकास प्राधिकरणे.
७) सर्व विशेष नियोजन प्राधिकरणे.
८) मुख्य कार्यकारी अधिकारी, कोल्हापूर नागरी क्षेत्र विकास प्राधिकरण, कोल्हापूर.
९) सर्व नवनगर विकास प्राधिकरणे.

१०) सहायक संचालक, नगर रचना / नगर रचनाकार, नगर रचना व मूल्यनिर्धारण विभाग, सर्व शाखा कार्यालये.

११) मुख्य कार्यकारी अधिकारी, सर्व जिल्हापरिषद.

१२) अवर सचिव, नवि-११/नवि-३०, कक्ष अधिकारी, नवि-९/नवि-१२, नगर विकास विभाग, मंत्रालय, मुंबई.

१३) मुख्याधिकारी (सर्व नगरपरिषदा / नगरपंचायती)

१४) कक्ष अधिकारी (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई.
/- सोबतचे **निदेश** या विभागाच्या संकेतस्थळावर प्रसिध्द करावेत.

१५) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग, मंत्रालय, मुंबई.
/- सदरचे **निदेश** शासनाच्या संकेतस्थळावर प्रसिध्द करावेत.

१६) निवडनस्ती, कार्यासन (नवि-१३).

प्रत :-

१. मा.मुख्यमंत्री महोदय यांचे प्रधान सचिव, मंत्रालय, मुंबई.
२. मा.उप मुख्यमंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई.
३. मा.मंत्री, नगर विकास यांचे खाजगी सचिव, मंत्रालय, मुंबई.
४. मा.राज्यमंत्री, नगर विकास यांचे खाजगी सचिव, मंत्रालय, मुंबई.
५. मा.विरोधी पक्षनेता, विधानपरिषद / विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
६. मा.उपसभापती, महाराष्ट्र विधानपरिषद, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
७. मा.उपाध्यक्ष, महाराष्ट्र विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
८. प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.
९. संचालक (नगर रचना) तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.

****

महाराष्ट्र शासन
नगर विकास विभाग
४ था मजला, मुख्य इमारत, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई -४०० ०३२
दुरध्वनी क्र.०२२-२२७९४१९६ **Email ID : kishor.gokhale@gov.in**

क्र.टिपीएस-१८२०/प्र.क्र.८०/२०/नवि-१३ दि.१२/०२/२०२१

प्रति,
मा.आयुक्त,
बृहन्मुंबई महानगरपालिका, मुंबई.

विषय :- महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वयेचे निदेश.
विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ नुसार अतिरिक्त चटई क्षेत्र निर्देशांक तसेच फंजिबल चटई क्षेत्र निर्देशांकासाठी आकारण्यात येणाऱ्या अधिमूल्यामध्ये सवलत देणेबाबत...

संदर्भ :- १. शासनाकडील निदेश क्र.टिपीएस-१८२०/अनौ.२७/प्र.क्र.८०/२०/नवि-१३, दि.१४/०१/२०२१
२. आपल्याकडील पत्र क्र.MGC/A/५५३७, दि.२८/०२/२०२१

महोदय,

शासनाकडील दि.१४/०१/२०२१ च्या कलम १५४ खालील निदेशाच्या अनुषंगाने संदर्भिय पत्रान्वये शासनाचे मार्गदर्शन अपेक्षिलेल्या मुद्यांबाबत आपणास खालीलप्रमाणे कळविण्याच्या मला सूचना आहेत.

शासनाकडील दि.१४/०१/२०२१ रोजीचे निदेश स्वयंस्पष्ट आहेत. सदर निदेशांनुसार, चालु प्रकल्पांकरिता, मंजुरीवेळी लागु असणाऱ्या वार्षिक बाजारमूल्य दर तक्त्यातील दरानुसार अधिमूल्य गणना करुन येणाऱ्या अधिमूल्यामध्ये ५०% सवलत देणे अपेक्षित आहे. तर नवीन प्रकल्पांकरिता दि.०१/०४/२०२० रोजी लागु असणाऱ्या किंवा अधिमूल्य भरणा करताना प्रचलित असणाऱ्या, यांपैकी जो जास्त असेल त्या, वार्षिक बाजारमूल्य दर तक्त्यातील दरानुसार अधिमूल्य गणना करुन त्यामध्ये ५०% सवलत देणे अपेक्षित आहे. तसेच वरीलप्रमाणे दोन्ही प्रकारच्या प्रकल्पांबाबत दि.१४/०१/२०२१ ते दि.३१/१२/२०२१ या कालावधीत प्रत्यक्ष जमा करण्यात येणाऱ्या अधिमूल्याच्या रकमेवर ५०% सवलत देणे अपेक्षित आहे. यामध्ये थकबाकीदार थकलेले हप्ते अथवा अधिमूल्याची उर्वरित रक्कम या कालावधीमध्ये प्रत्यक्ष जमा करणार असतील तर त्यांनाही प्रत्यक्ष जमा होणाऱ्या रकमेकरिता ५०% सवलत देय राहील. वरीलप्रमाणे दोन्ही प्रकारच्या प्रकल्पांबाबत दि.३१/१२/२०२१ नंतर जमा होणाऱ्या अधिमूल्यामध्ये अशी सवलत देय राहणार नाही.

अधिमूल्याची रक्कम हप्त्यांमध्ये भरण्याची सुविधा देणे आणि त्यावर व्याज आकारणी करणे तसेच थकबाकीदारांच्या बाबतीत व्याज आकारणी/दंड आकारणी करणे, इत्यादी बाबी महानगरपालिकेच्या स्तरावर ठरविण्यात आलेल्या धोरणाशी संबंधित आहेत. त्यामुळे याबाबतचा निर्णय महानगरपालिकेच्या स्तरावरच घेणे अपेक्षित आहे. शासनाच्या निदेशामध्ये अशा प्रकारच्या व्याजामध्ये अथवा दंडनीय रकमेमध्ये सवलत देण्याबाबत कोणत्याही सूचना नाहीत.

आपला,

(किशोर गोखले)
अवर सचिव, महाराष्ट्र शासन

झोपडपट्टी पुनर्वसन प्राधिकरण

जा.क्र.झोपुप्रा/विनि/अधिमूल्य/2021/495
दिनांक : 18.02.2021

कार्यालयीन आदेश

विषय : प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार अतिरिक्त चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमूल्यामध्ये सवलत देण्याबाबत.

संदर्भ : 1) नगरविकास विभागाकडील शासन निर्णय क्र.टिपीएस-1820/अनौ.27/प्र.क्र.80/20/नवि-13 दि.14.01.2021.

उपरोक्त विषयांच्या अनुषंगाने नगरविकास विभाग, महाराष्ट्र शासनाचा महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, 1966 च्या कलम 154 अन्वये निर्देश जारी केला असून सदर निर्देशामधील क्र.1 खालीलप्रमाणे आहे.

"प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार, नियोजन प्राधिकरणाचे क्षेत्रात तसेच प्रादेशिक योजना क्षेत्रात अतिरिक्त चटई क्षेत्र निर्देशांकापोटी / फंजिबल चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमूल्याच्या बाबतीत 50% (पन्नास टक्के) सूट देण्यात यावी. यानुसार अंमलबजावणी करताना खालीलप्रमाणे (अ, ब व क) कार्यवाही करण्यात यावी."

सदर निर्देशाच्या अनुषंगाने झोपडपट्टी पुनर्वसन प्राधिकरणास विकासकांकडुन प्राप्त होणाऱ्या अर्जांबाबत खालीलप्रमाणे कार्यवाही विहीत करण्यात यावी.

(अ) सदर योजनेसाठी खालील प्रकल्प/प्रकल्पाचा भाग पात्र होतील.

(i) चालू प्रकल्प आणि नवे प्रकल्प: अशा प्रकल्पांना दि.31/12/2021 पर्यंत प्रत्यक्ष जमा करण्यात येणाऱ्या अधिमूल्याच्या रकमेवर 50% (पन्नास टक्के) एवढी सूट देय असेल.

(ii) सदर सवलत केवळ विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार आकारावयाचे सर्व प्रकारचे अधिमूल्य (Premium) यासाठी लागु असून, विकास शुल्क (Development Charges) अथवा इतर प्रशासकीय बाबींना लागु राहणार नाही.

(ब) जे विकासक वरीलप्रमाणे ज्या प्रकल्पांसाठी अथवा प्रकल्पातील ज्या भागासाठी अधिमूल्यात सुट घेतील अशा प्रकल्पांमधील EWS/LIG/MIG/HIG क्षेत्रातील घरे / सदनिका / वाणिज्यिक-औद्योगिक इ. गाळे घेणाऱ्या ग्राहकांचे देय मुद्रांक शुल्क भरतील (म्हणजेच ग्राहकाचे मुद्रांक शुल्क शुन्यावर आणतील) अशाच विकासकांना सदर योजनेचा लाभ मिळेल व तशा प्रकारचे जाहीर प्रकटीकरण व खालीलप्रमाणे कार्यवाही अशा विकासकांनी करणे जरूरीचे राहील.

प्रशासकीय इमारत, प्रो. अनंत काणेकर मार्ग, वांद्रे (पूर्व), मुंबई - ४०० ०५१.
दूरध्वनी : २६५६ ५८००, २६५९ ०४०५ / १८७९, फॅक्स : ०२२-२६५९ ०४५७, ई-मेल : info@sra.gov.in

i. या योजनेमध्ये सहभागी होवू इच्छिणाऱ्या प्रकल्पांकरिता संबंधित विकासकाने ग्राहकांचे पूर्ण मुद्रांक शुल्क भरण्यात येणार असल्याचे हमीपत्र झोपडपट्टी पुनर्वसन प्राधिकरणास सादर करावे लागेल.

ii. अशा प्रकल्पामधील मुद्रांकांचा संपूर्ण खर्च विकासकामार्फत करण्यात आला असल्याचे लाभार्थी ग्राहकाचे प्रमाणपत्र विकासकास झोपडपट्टी पुनर्वसन प्राधिकरणास सादर करावे लागेल.

iii. विकासकाने ज्या ग्राहकांचा अशा प्रकारे मुद्रांकांचा संपूर्ण खर्च केला आहे, त्यांची यादी त्यांच्या संकेतस्थळावर प्रसिध्द करावी लागेल.

iv. या सवलतींचा लाभ घेणाऱ्या प्रकल्पांना, लाभ घेतलेल्या बांधकाम क्षेत्राची विक्री होईपर्यंत मुद्रांक शुल्क सवलतीचा लाभ चालू ठेवावा लागेल.

v. जे प्रकल्प या योजनेत सहभागी होतील त्या प्रकल्पांची अथवा प्रकल्पांच्या ज्या भागासाठी सवलत घेतली आहे त्याची यादी, झोपडपट्टी पुनर्वसन प्राधिकरणांमार्फत माहितीकरिता मुद्रांक नोंदणी कार्यालयास कळवावी लागेल. तसेच संबंधित प्राधिकरणाच्या संकेतस्थळावरही प्रसिध्द करावी लागेल.

अशाप्रकारे प्राप्त होणाऱ्या अर्जांसोबत विकासकांनी सोबत जोडलेल्या हमीपत्राच्या प्रारूपामध्ये Registered हमीपत्र सादर करून घेण्यात यावे.

सदर निर्देशाच्या अनुषंगाने मंजूर आराखडयामध्ये खालीलप्रमाणे अटी व शर्तींचा समावेश करण्यात यावा.

सदर मंजूर आराखडयाची प्रत संबंधित मंजूर करून कार्यालयास माहितीकरीता त्वरीत पाठविण्यात यावी.

(क) नव्याने अधिमूल्य आकारणी करावयाच्या नवीन प्रकल्पांच्या अथवा प्रकल्पाच्या नवीन भागाच्या बाबतीत अधिमूल्य आकारणीकरीता जो वार्षिक बाजारमूल्य दर तक्ता (Annual Statement of Rates-ASR) आधारभूत धरण्यात येईल तो –

i. दि.01/04/2020 रोजी लागु असणारा.

किंवा

ii. अधिमूल्य भरणा करताना प्रचलित असणारा.

यापैकी जो अधिकतम (जास्त) असेल, तो तक्ता (Annual State of Rates-ASR) गृहीत धरून आकारणी करण्यात यावी.

मुख्य कार्यकारी अधिकारी
झोपडपट्टी पुनर्वसन प्राधिकरण

Format of Registered Undertaking

To,
Slum Rehabilitation Authority,
Administrative Building,
Prof Anant Kanekar Marg,
Bandra (E) Mumbai- 400 051.

Sub:- Proposal Development / Redevelopments of
_____
_____
_____

Ref.:
_____

Sir,
I, Shri _____
M/S. _____ having office at _____
_____
developer of the above referred property. I do hereby agree and undertaken a under:-

1. That I/we undertake to pay entire Stamp Duty of the Prospective buyers for the area for which 50% reduction in premium is availed.
2. That I /we undertake to submit the certificate from the prospective buyers at that his Stamp Duty has been paid by the Developer. The copy of said certificate and list will be submitted to SRA.
3. That the list of all the beneficiaries of Stamp Duty shall be displayed on the website of the Developer. Also the list of the beneficiaries will be informed to RERA Authority and SRA.
4. That this notification of paying the Stamp Duty of prospective buyer shall be applicable for the sale of the area on which the benefit has been availed.
5. That I/we are not defaulters of any installment/ dues at this stage which and payable to SRA or state Government.
6. That I /we shall incorporate a condition in the Sale Agreement to the effect that 50% reduction in premium facility is available by me and the same is passed on to the prospective buyers in terms of payment of Stamp Duty of the respective residential/ commercial units.
7. I/ We undertake to comply all the conditions mentioned in the Govt. Notification issued under No: TPS 1820 / AN-27/ P.K 80 / UD 13 dated 14.01.2021.
8. 8. I / We undertake to abide by the policy that may come in future or be issued by SRA / Govt. of Maharashtra and the same shall be binding on me and my legal heirs / executors.

9. 9. I / we undertake to indemnify SRA and its officers against any litigation that may arise due to the non- payment or any recovery that may arise in future with reference to audit.

10. 10. I / We say that in the event of noncompliance of any of the terms and conditions in notification dated 14.01.2021 or breach of any of the terms and conditions laid down by Slum Rehabilitation Authority, the Slum Rehabilitation Authority shall be at liberty to disqualify us for the benefit or concession granted by Government through said notification dated 14.01.2021. Apart from it the Slum Rehabilitation Authority shall be at liberty to initiate appropriate Civil and Criminal proceedings against us.

This Undertaking is binding on me, my legal heirs, legal representative, Administrator, Successors, assigns and whosoever claims the title through me.

Solemnly Affirmed at Mumbai

This Day of

Shri ……

M/s. ……

N/3

Cir No: CHE/DP/155/Gen
2020-21

MUNICIPAL CORPORATION OF GREATER MUMBAI
Ch.E./D.P./ 20234/DP/Gen dtd. 17/02/2021
Ch.E/DP/21546/Gen, dt: 22/02/2024

Sub: Directions u/sec 154 of MR&TP Act 1966:
To provide concessions in charging premium towards additional FSI and Fungible Compensatory Area as per Development Control & Promotion Regulations 2034.

Ref: 1) TPS-1820/अ.नौ./CR 80/20/UD-13 dtd. 14.01.2021. (Pg. C/ 29-33)

2) MC's letter to PS (UD-1) u/no. MGC/A/5537 dtd.08.02.2021 (Pg. C/11-13)

3) Clarification issued u/no. TPS – 1820 / CS-80/20/UD-13 Dtd. 12.02.2021

I) Directives u/s 154

Recently, GOM had issued directives U/S 154 of M.R.& T. P. Act 1966 (hereinafter referred as *the said directives*), as referred above, allowing reduction in various premiums. (at Pg. C /29-33).

As per the sr. no. 1 of the said directives, concession is granted to an extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area.

Sr. no. 2 of the said directives, *interalia,* provides that the Planning Authority may take necessary decision regarding the premiums, excluding the premium for additional FSI. These payments include premium for Staircase / lift area claimed free of FSI, deficiency in open space, conversion of zone etc. The above concessions are subject to certain conditions as mentioned therein.

A clarification regarding the said directives was requested from UDD regarding the following.

1. *Vide sr. no. 2 (a) (i) of the said directives, the project proponents are granted concession to the extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area.*

In many ongoing proposals, installment facility was availed by the developers prior to 14.01.2021. In the said instalments facility, instalments were sought for payment of premiums payable to MCGM, as well as, other authorities. In some of the cases, the developers have failed to pay the instalment on the due dates. The instalment policy provides for action to be taken for such defaulters.

It may be stated that, pursuant to the directions of GoI and GoM, a policy decision was taken by MCGM, inter-alia regarding shifting of due date of installments of various payments by 9 months (i.e. from 25.03.2020 to 24.12.2020) and waiver of interest in this period.

Now, NAREDCO, MCHI, PEATA have requested that, in the event of defaulters agreeing to make the payment of the defaulted installment during the period ending

31.12.2021, the concessional rate as provided under serial no. 2 (a) (i) of the said directives be made available to such defaulters also. i.e. applying the said directives retrospectively to the premiums which were based on the rates applicable at the time of approval. This would imply that the defaulters would be entitled to pay 50% of the defaulted amount only. This concession will however not apply to the interest payable as per the instalment facility.

2. *In consonance with the foregoing in the case of those developers who had been making regular instalment payments till 22.03.2020 (commencement of lockdown period), there is a demand for rebate in the payments/premiums (in respect of fungible compensatory area and additional FSI only) payable to MCGM and other authorities. This concession will however not apply to the interest payable as per the instalment facility.*

3. *In the cases where the 50% concession is availed as per the said directives and there is a request to permit the instalment facility for such 50% concession for the period ending 31.12.2021.*

Now, UDD vide reference mentioned at sr. no. 3 has issued further clarification (hereinafter referred as 'the said Clarification') in response to the above representations. The relevant portion of the said clarification is reproduced verbatim as follows

शासनाकडील दि.१४.०१.२०२१ रोजीचे निदेश स्वयंस्पष्ट आहेत. सदर निदेशांनुसार, चालु प्रकल्पांकरिता, मंजुरीवेळी लागु असणा-या वार्षिक बाजारमूल्य दर तक्त्यातील दरानुसार अधिमूल्य गणना करुन येणा-या अधिमूल्यामध्ये ५०% सवलत देणे अपेक्षित आहे. तर नवीन प्रकल्पांकरिता दि.०१.०४.२०२० रोजी लागु असणा-या किंवा अधिमूल्य भरणा करताना प्रचलित असणा-या, यांपैकी जो जास्त असेल त्या, वार्षिक बाजारमूल्य दर तक्त्यातील दरानुसार अधिमूल्य गणना करुन त्यामध्ये ५०% सवलत देणे अपेक्षित आहे. तसेच वरीलप्रमाणे दोन्ही प्रकारच्या प्रकल्पांबाबत दि.१४.०१.२०२१ ते दि.३१.१२.२०२१ या कालावधीत प्रत्यक्ष जमा करण्यात येणा-या अधिमूल्याच्या रकमेवर ५०% सवलत देणे अपेक्षित आहे. यामध्ये थकबाकीदार थकलेले हप्ते अथवा अधिमूल्याची उर्वरित रक्कम या कालावधीमध्ये प्रत्यक्ष जमा करणार असतील तर त्यांनाही प्रत्यक्ष जमा होणा-या रकमेकरिता ५०% सवलत देय राहील. वरीलप्रमाणे दोन्ही प्रकारच्या प्रकल्पांबाबत दि.३१.१२.२०२१ नंतर जमा होणा-या अधिमूल्यांमध्ये अशी सवलत देय राहणार नाही.

अधिमूल्याची रक्कम हप्त्यांमध्ये भरण्याची सुविधा देणे आणि त्यावर व्याज आकारणी करणे तसेच थकबाकीदारांच्या बाबतीत व्याज आकारणी/दंड आकारणी करणे, इत्यादी बाबी महानगरपालिकेच्या स्तरावर ठरविण्यात आलेल्या धोरणाशी संबंधित आहेत. त्यामुळे याबाबतचा निर्णय महानगरपालिकेच्या स्तरावरच घेणे अपेक्षित आहे. शासनाच्या निदेशामध्ये अशा प्रकारच्या व्याजामध्ये अथवा दंडनीय रकमेमध्ये सवलत देण्याबाबत कोणत्याही सूचना नाहीत.

From the above it is apparent that 50% concession is applicable to all such premiums which are actually paid in the period between 14/01/2021 and 31/12/2021. Thus, the rebate in the premium as regards Sr no 1 of the said directives are also applicable to those proposals, wherein installment facility has been availed, by considering the RR rate prevailing on the date of approval of plans / issue of CC. Further, the said directives are applicable to those proposals wherein there is default in the

payment of the installment(s). As and when the project proponent intends to make payment of the said installment before 31/12/2021, the project proponent will be entitled for 50% rebate in the due payment as per the provisions of the installment policy. This is subject to the following conditions

1) The present circular limits its applicability to ONLY the premium for additional FSI (as per Reg. 30(A) Table 12) / premium for additional FSI as per Reg. 33) and the Fungible Compensatory Area (FCA) as per Reg. 31(3) of DCPR 2034 and to the premium for additional FSI/FC FSI as per the analogous regulations of DCR 1991.
   The said directives will also be applicable for the payment to be made to Authorities other than MCGM (i.e. State Govt. / MSRDC / Dharavi Redevelopment Authority).
2) The dues of ongoing proposals are inclusive of Principal premium amount + interest + penal interest (if any, in case of defaulters). The rebate of 50% as provided in the said directives will be applicable for the Principal premium amount only. The said directives will be applicable to proposals wherein installment facility is availed / not availed and to those projects which may avail installment facility in future as per the installment policy circular dtd. 17/09/2019.
3) The development charges and all other premiums/charges, other than the premiums mentioned in Sr. No. 1 of the said directives, shall be recovered as per prevailing policy/ circular in force.
4) The premium for new projects and for fresh part of ongoing project (i.e. additional BUA) shall be computed considering Ready Reckoner rate as on 01.04.2020 or Ready Reckoner rate as on date of payment, whichever is higher.
5) The balance payment, if any, after 31/12/2021 shall be recovered at non concessional rate as per the earlier applicable instalment policy circular(s).
6) The said directions stipulate that reduction in premium is applicable to those projects which will bear the applicable stamp duty for residential / commercial / industrial etc. premises. However, there would be projects which do not have end user sale of the premises at this moment. For illustration purpose, such projects will include, but will not be limited to Schools, Colleges, Hospitals, shopping malls, IT/ Commercial parks, self-occupied premises, premises given on lease, hotels, Cinema etc. The benefit of the said directives will be applicable to such projects. However, registered undertaking from the project proponents of such projects, that, whenever sale will happen in future, they will bear the stamp duty for the same.
7) Zonal Dy.Ch.E (Building Proposal) shall submit to Ch.E. (D.P.), weekly report of revenue generated for assessment and upkeep of Centralized data base as per the format Annexure IV-B.
8) The format of a) Registered Undertaking to be submitted by Developer, b) the Certificate by the Customer, c) the list of customer published by Developer and d) the list of proposals to be published on MCGM's portal is attached as Annexure I, II, III, IV-A & IV-B (Pg. C / 51-59). The Annexures to be published on MCGM portal will be kept in a folder on portal specifically created on page of D.P. Dept. All zonal

AO (BP) to send the soft copies to AO (DP) – II by 15th of every month and AO (DP) – II will arrange to upload this on portal.

It is to be stated that, BUA of premises / shops for which the Stamp duty will be paid by the Developer cannot be anticipated by MCGM at any given time. Hence, the self-declaration from Developers will be accepted. It is the responsibility of the EE (BP) concerned to ensure that the project proponents adhere to the format without any addition / alteration while availing this facility. The required Annexures I, II, III, IV-A shall be submitted by the project proponent at the time of payment to concerned EE (BP), who will approve the demand note accordingly.

9) Regarding the issues mentioned at Sr No 2 of the said directives, policy circular will be circulated after seeking sanction of the Competent Authority i.e. Corporation.

II) Extension of time period for payment of premium provided as per circular u/no MGC/F/2574 dtd 31.07. 2020

MC's approval u/no.MGC/F/2574 dtd.31.07.2020 regarding waiver of interest for the period 25.03.2020 to 24.12.2020 i.e. for the period of 9 months was issued as a circular.

Subsequent to this there was a request from CREDAI-MCHI/ PEATA for further extension of 6 months ie upto 30.06.2021. As there were no specific directions from Govt. of Maharashtra and Govt. of India, the request to grant extension in relief of payments was not considered and accordingly letter was issued to CREDAI-MCHI/ PEATA.

As per M.C.'s approval "9 months interest waiver on installments will not be applicable to proposals who have failed to make up to date due instalments payment on or before 10.01.2021 and regular interest as well as penal interest will be charged to such proposals as per prevailing policy circular".

CREDAI-MCHI vide letter dtd. 21.01.2021 (Pg. C /49) have informed that many developers have not paid their due instalments due to severe financial constraint. It is further pleaded that, the industry has seen improved sales in last quarter due to stamp duty rebate and are hence expecting more revenue to come into their coffers within next 30-45 days. Hence, it is requested not to charge interest for the payment due for the period 24.03.2020 to 10.01.2021 and defer the payment of instalment of all the charges until 31 03.2021 with a nominal interest charge (Rate of interest is not quoted).

This issue was discussed with M.C. and as per the discussion it is suggested to extend the interest waiver date from 10.01.2021 to 31.03.2021 for payment of all dues as requested by the stakeholders which is submitted for consideration and approval.

C.A.(F) is equested to scrutinize the above request and offer remarks for the consideration and orders of AMC(P)/ M.C. and if this is approved by AMC (P)/ M.C., the date will be extended from 10.01.2021 to 31.03.2021 and there will not be any ther change in the policy approved u/no. CHE/DP/129/Gen of 2020-21 (CHE/DP/3274/Gen dtd. 31.07.2020) vide pg. C/ 39-41 except that the interest of 8.5% will be charged for the period extended i.e. from 10.01.2021 to 31.03.2021 and entire due amount will have to be cleared on or before 31/3/2021 failing which the action as per the policy will be initiated on all defaulters.

In view of the above, CA (Finance) is requested to offer remarks regarding Sr. No. I & II and submit the same to A.M.C (P) / M.C for consideration and approval.

Under the circumstances, M.C.'s consideration and approval is requested to above policy and the formats at pg C /51-59 which will be circulated for implementation.

On receipt of approval, the above report will be circulated as a policy.

Submitted for approval please.

16/2/21
(K.G.Patgaonkar)
Dy.Ch.E.(D.P.)-II

16/02/2021
(Y.S.Dalvi)
Dy.Ch.E.(D.P.)-I i/c

(V.P.Chithore)
Ch.E.(D.P.) & Dir.(E.S. & P.)

R.K. Avhad
(R.R.Padwal)
C.A.(F)

With remarks at P/9 to 10.

CA (F) to please scrutinise & submit the proposal for Amc (P) / Hon'ble M.C's approval as recommended please.

16/02/2021
Ch. Engineer (D.P.)
& Dir. (E.S. & P.)

(P. Velrasu)
A.M.C.(P)

(I.S.Chahal)
Hon'ble M.C.
Sir,

17 FEB 2021

क्रमांक :...

DyCA (Exp)/28

N-9

BRIHANMUMBAI MAHANAGARPALIKA

No. DyCA/Rev III/262
22.02.2021

Sub : Directions under Section 154 of MR&TP Act, 1966 –
To provide concessions in charging premium towards additional FSI and Fungible Compensatory Area as per Development Control and Promotion Regulations 2034.

Ref : 1. No.TPS-1820/अ.नो./CR 80/20/UD-13 dated 14.01.2021 (P.C-29/33).
2. M.C's letter to PS(UD-1) under No.MGC/A/5537 dated 08.02.2021 (P.C-11/13).
3. Clarification issued under No.TPS-1820/CS-80/20/UD-13 dated 12.02.2021
4. No.ChE/DP/20234/DP/Gen dated 17.02.2021.

With reference to Dy.Ch.Eng.(D.P.) I and II's note at pages N-3/7 and Ch.Eng.(D.P.)/ Dir.(E.S.&P.)'s recommendations thereon, this office remarks in this matter are as follows :

Directions under section 154 of MR&TP Act, 1966

Pursuant to the directives given by Govt. of India and Govt. of Maharashtra the project proponents are granted concessions to the extent of 50% of the premium to be recovered for additional FSI/fungible compensatory area in current projects as well as new projects upto 31.12.2021. Accordingly, Ch.Eng.(D.P.) has proposed a SOP at page N-5 wherein in item Nos.1 to 9, it is clearly mentioned about the procedure to be adopted while granting 50% concessions. In these remarks, it is specifically mentioned that the rebate of 50% will be provided on the principal premium amount only. In Urban Development Department's clarification No.TPS-1820/CS-80/20/UD-13 dated 12.02.2021, the amount actually deposited in a period from 14.01.2021 to 31.12.2021, 50% concession is payable on actually paid amount. In the clarification note received from GoM, it is mentioned that in the premium amount recovered in instalments the interest on it and penal interest are related to MCGM and MCGM should take decision at their level.

In this context, it is to be stated here that –

1. In this revised policy, it is mentioned that the amount payable during the period from 14.01.2021 to 31.12.2021 the rebate of 50% will be applicable for the principal premium amount only.

CA(F)\Old PC Backup\D:2020-21\DyCA(Exp)\Directions under Sec.154 of MRTP Act,1966\1

2. As per new policy if defaulter has not paid the dues earlier of ongoing proposals including principal premium amount + interest + penal interest, the rebate of 50% will be given to those developers if they pay upto 31.12.2021. Previously the circular has been published under No.CHE/DP/3274/Gen dated 31.07.2020 wherein the period of covid-19 pandemic was treated as zero and accordingly the benefit of interest of that period has already been given. Now as per the revised directives, only 50% amount of the total outstanding will be recovered. Further, in 2017 the instalment facility has been given to developers to facilitate their premium as well as in respect of fungible compensatory area and additional FSI amounting to Rs.2031.71 crore approx. Out of these upto 4th instalment amount of Rs.886.81 crore has been received and due amount is Rs.1144.90 crore. If developer wants to pay the future instalments, 50% concession will be allowed to those developers also. In this scenario, the revenue in the financial year 2021-22 may increase but thereafter the revenue of D.P. department in subsequent years may be affected.

Submitted please.

(Ramdas Avhad)
Chief Accountant (Finance)

may be seen. The directions of the Govt., through the Govt's Circular and the 50% premium and the subsequent clarification may be implemented immediately.

A.M.C.(P)

HON MC Sir.

Municipal Commissioner

CA(F)\Old PC Backup\D:2020-21\DyCA(Exp)\Directions under Sec.154 of MMC Act,1966\2

C|51

Annexure I

"Registered Undertaking to be submitted by Developer as per B (I)"

To,
Ex. Eng. (BP)_____Ward
Building Proposal ____,
M.C.G.M.

Sub: Proposed Residential/Commercial building on land bearing CTS No ------ of village ------ in _____ ward.

Ref.: BP file no. CHE/ /BP(____)/A .

Sir,

Myself, _____ Owner / Proprietor / Partners of M/s _____ as a project proponent of the above subject project states that, I/we wish to avail the facility of concession in premium to the extent of 50% as per Govt directives u/s 154 of MR&TP Act 1966 issued u/no. TPS-1820/SR-27/CR-80/20/UD-13 is dtd 14.01.2021.

I / we hereby undertake that, I / we will abide by the above said directives and the clarification thereof dated 12.02.2021, in letter & spirit and will be liable for action on the failure to do so.

This undertaking is not only binding on me but also on my legal heirs, legal representatives, executors, administrators, successors and lessees, if any.

I / we also indemnify MCGM and its officers from any litigation arising out of this policy.

Date:

Yours faithfully,

Shri. _____

Project Proponent,
M/s. _____

c153

Annexure II

Certificate to be Given by Unit Purchaser/Customer as per B(II)

Shri/Smt. ----------
Address;

E mail: ------- -------
Mobile No: ----------

TO WHOMSOEVER IT MAY CONCERN

I/We the undersigned, Shri/Smt _____ states that, I have purchased the unit viz. Flat/Shop/Commercial Premises, the details of the same are as under;

Sr No.	Descriptions	Details
1	Building Proposal File No	
2	CS No/CTS No	
3	Village	
4	Name of the Developer	
5	Name of L S/Architect	
6	Flat No	
7	Floor No	
8	Wing No	
9	Building No	
10	Sale Agreement Registration Under No	
11	Date of Registration	
12	Amount of Stamp duty paid	

I/we hereby certify that, the stamp duty payable for the registration of this agreement no._____on the sale proceeds of the above unit is paid by the project proponent
The above information is true and correct.

Yours faithfully,

Unit Purchaser/Customer

Shri/Smt. _____

Annexure III
Declaration
"List of Unit Purchasers to be published by Developer as per B (III)"

Sub: Proposed Residential/Commercial building on land bearing CTS No --- of village ----in _____ ward.

Ref.: BP file no. CHE/ /BP(___)/A

To,
EE (BP) _____

Sir,

I, Shri _____ as an Owner / Proprietor / Partners of M/s _____ as a project proponent of the above subject project states that, I/We have availed the facility of concession in payment of premium to the extent of 50% as per Govt directives u/s 154 of MR&TP Act 1966 issued u/no. TPS-1820/SR-27/CR-80/20/UD-13 dtd 14.01.2021.

As per Clause B (III) of the said directives, I hereby declare that, I/We have sold the Flat/Shop/ Commercial units to the following persons and the applicable stamp duty payable by unit purchaser/Customers on the sale proceeds approved under the scheme of payment of 50% premium is paid by me/us from our account. The RERA registration of this project is_____.

Sr No	Name of the Unit Purchaser	Details of Flat/Shop/Commercial Unit				Stamp Duty Amount Paid by Developer	Date of Payment	Document Registered U/No	Date of Registration
		Flat/ Shop No	Floor	Wing	Building No.				
1									
2									
3									

The above information is true and correct.

Yours faithfully,

Shri _____
Project Proponent,
M/s. _____

c/55

Original Notifications shall be referred for perspicuity

Annexure IV-A

List of Proposals to be published On MCGM Portal and to be submitted to The Collector of Stamps as per B (IV) (Period _____ to _____)

Sub: List of Proposal approved during the month of _____ in which 50% Premium payment facility is availed by the Developer.

To,
EE (BP) _____

Sir/ Madam,

We have availed the facility of payment of 50% premium as per Govt. directives u/s 154 of MR&TP Act. 1966 issued u/no. TPS-1820/SR-27/CR-80/20/UD-13 dtd. 14.01.2021.

As per clause B (IV) of the said directives, the details of the Flat/Shop/ Commercial units approved under the facility of payment of 50% premium is furnished as under;

Sr No	Ward	Building Proposal File No.	Name of the Developer	CS/ CTS No. & Village	RERA registration no.	Details of Flat/Shop/Commercial Unit			
						Flat/ Shop No	Floor	Wing	Bldg. No.
1						To be submitted by the Developer.			

Yours faithfully,

Shri. _____

Project Proponent

M/s. _____

c/57

Original Notifications shall be referred for perspicuity

To,
The Collector of Stamp,
Mumbai Suburban District,
Old Custom House,
Fort, Mumbai-400 001.

As per the Govt directives Stamp Duty payable by unit purchaser on the sale proceeds of the above listed units is to be borne by the Developers. You are therefore requested to recover the Stamp Duty from the account of Developer and not from the unit purchaser. Action for non-compliance of the same may be taken at your end as per Govt directives.

EE(BP)_____Ward

c.c. to : -

A.O. (DP) – II

Forwarded for uploading on the MCGM portal.

EE(BP)_____Ward

D:\YSD\154 Directives\Annexure IV-A modified.docx

Original Notifications shall be referred for perspicuity

Annexure IV-B

Weekly report of revenue generated for assessment and upkeep of Centralized data base

(Period _____ to _____)

Sub: List of Proposals approved during the month of _____ in which 50% Premium payment facility is availed by the Developer.

To,
Chief Engineer (D.P.),

Sir,

The Developer has availed the facility of payment of 50% premium as per Govt directives u/s 154 of MR&TP Act 1966 issued u/no. TPS-1820/SR-27/CR-80/20/UD-13 dtd 14.01.2021.

As per clause B (IV) of the said directives, the details of the Flat/Shop/ Commercial units approved under the facility of payment of 50% premium is furnished as under;

Sr No	Ward	Building Proposal File No.	Name of the Developer	Name of the LS/Architect	CS/ CTS No. & village	Details of Flat/Shop/Commercial Unit				Amount deposited as per policy.
						Flat/ Shop No	Floor	Wing	Bldg. No.	
1						To be obtained from the Developer.				

Dy.Ch.E.(B.P.)_____

c/s9

Original Notifications shall be referred for perspicuity

परिपत्रक

म्हाडा नियोजन प्राधिकरणाअंतर्गत प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावली नुसार फंजिबल चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणा-या अधिमूल्यामध्ये सवलत देण्याबाबत.

महाराष्ट्र गृहनिर्माण व क्षेत्रविकास प्राधिकरण

गृहनिर्माण भवन, वांदे (पूर्व), मुंबई-५१

जा.क्र.एम.एच./मु.अ.-२/उप.मुख्य अ./इ.प.क./बृ.क्षे./प्रा./Cr-454 /२०२१
दिनांक :- 23 FEB 2021

संदर्भ :- १) महाराष्ट्र शासन नगर विकास विभाग मंत्रालय, मुंबई-४०००३२. चा शासन निर्णय क्र.टिपीएस-१८२०/अनौ.२७/प्र.क्र.८०/२०/नवि-१३, दिनांक : १४/०१/२०२१.
२) नगर विकास विभाग महाराष्ट्र शासन शासन निर्णय क्र.टीपीबी-४३१९ /१८९ /प्र.क्र.१२३ २०१९/नवि-११ दि.२०/०८/२०१९
३) कार्यकारी अभियंता यांची कार्यालयीन टिप्पणी क्र.का.अ/इ.प्र./बृ.मुं.कक्ष/ म्हाडा/IT-१२१ /२०२१ दिनांक :-०४/०२/२०२१

१) प्रचलित विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार, नियोजन प्राधिकरणाचे क्षेत्रात तसेच प्रादेशिक योजना क्षेत्रात फंजीबल चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणा-या अधिमूल्याच्या बाबतीत ५०% (पन्नास टक्के) सूट देण्यात यावी. यानुसार अंमलबजावणी करताना खालीलप्रमाणे **(अ,ब व क)** कार्यवाही करण्यात यावी.

i) शासन निर्णय क्र.टीपीबी-४३१९/१८९/प्र.क्र.१२३/२०१९/नवि-११ दि.२०/०८/२०१९ नुसार फंजिबल चटई निर्देशांकापोटी आकारण्यात येणारे अधिमूल्यांक प्रचलित अधिमूल्यांकाच्या दराच्या (म्हणजेच ३५% शिग्रगणकाच्या रक्कमेच्या निवासी वापराकरीता व ४०% शिग्रगणकाच्या रक्कमेच्या अनिवासी वापराकरीता) ५०% सुट दराने आकारण्यात येणा-या अधिमूल्यास फंजिबल चटई निर्देशांकापोटी लागु राहिल. (सदर सवलत ही दि.१९/०८/२०२१ पर्यंत प्रत्यक्षात जमा होणा-या रकमेस लागू राहील)

ii) संदर्भीय शासन निर्णय क्र.१ अन्वये फंजिबल चटई निर्देशांकापोटी आकारण्यात येणारे अधिमूल्य विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ मधील नमूद अधिमूल्याच्या ५०% दराने आकारण्यात यावे. (म्हणजेच

निवासी वापराकरीता ५०% शिग्रगणकाच्या दराने व अनिवासी वापराकरीता ६०% शिग्रगणकाच्या दराच्या) ५०% दराने सुट देण्यात यावी. (सदर सवलत हि दि.२०/८/२०२१ ते३१/१२/२०२१ या कालावधीत जी प्रत्यक्षात रक्कम भरली जाईल त्या करीता लागू राहील)

२) स्टेअर केस,पॅसेजेस, खुले क्षेत्र कमतरता सवलती देण्यासाठी, विभाग बदल इ.करीता सद्स्थितीत अंमलात असलेल्या अधिमूल्यांच्या प्रचलित दराप्रमाणे आकारणी करण्यात यावी.

अ) या योजनेसाठी खालील प्रकल्प/प्रकल्पाचा भाग पात्र होतील.

(i) चालु प्रकल्प आणि नवे प्रकल्प : अशा प्रकल्पांना दि.३१/१२/२०२१ पर्यंत प्रत्यक्ष जमा करण्यात येणा-या अधिमूल्याच्या रकमेवर ५०% (पन्नास टक्के) एवढी सूट देय असेल.

ब) जे विकासक वरीलप्रमाणे ज्या प्रकल्पांसाठी अथवा प्रकल्पातील ज्या भागासाठी अधिमूल्यात सुट घेतील अशा प्रकल्पांमधील EWS/LIG/MIG/HIG क्षेत्रातील घरे/सदानिका/वाणिज्यिक-औद्योगिक इ. गाळे घेणा-या ग्राहकांचे देय मुद्रांक शुल्क भरतील (म्हणजेच ग्राहकाचे मुद्रांक शुल्क शुन्यावर आणतील) अशाच विकासकांना सदर योजनेचा लाभ मिळेल व तशा प्रकारचे जाहीर प्रकटीकरण व खालीलप्रमाणे कार्यवाही अशा विकासकांनी करणे जरुरीचे राहील.

i. या योजनेमध्ये सहभागी होवू इच्छिणा-या प्रकल्पांकरीता संबंधित विकासकाने ग्राहकांचे पूर्ण मुद्रांक शुल्क भरण्यात येणार असल्याचे हमीपत्र नियोजन प्राधिकरणाला सादर करावे लागेल.

ii. अशा प्रकल्पामधील मुद्रांकांचा संपूर्ण खर्च विकासकामार्फत करण्यात आला असल्याने लाभार्थी ग्राहकाचे प्रमाणपत्र विकासकास नियोजन प्राधिकरणाला सादर करावे लागेल.

iii.विकासकाने ज्या ग्राहकांच्या अशा प्रकारे मुद्रांकांचा संपूर्ण खर्च केला आहे, त्यांची यादी त्यांच्या संकेतस्थळावर प्रसिद्ध करावी लागेल.

iv.जे प्रकल्प या योजनेत सहभागी होतील त्या प्रकल्पांची अथवा प्रकल्पांच्या ज्या भागासाठी सवलत घेतली आहे त्याची यादी, महानगरपालिका आयुक्त/नगरपरिषद अथवा नगरपंचायत मुख्याधिकारी/जिल्हाधिकारी/ नियोजन प्राधिकरण यांच्यामार्फत माहितीकरिता मुद्रांक नोंदणी कार्यालयास कळवावी लागेल. तसेच संबंधित प्राधिकरणाच्या संकेतस्थळावरही प्रसिद्ध करावी लागेल.

v. या सवलतींचा लाभ घेणा-या प्रक्ल्पांना, लाभ घेतलेल्या बांधकाम क्षेत्राची विक्री होईपर्यंत मुद्रांक शुल्क

सवलतीचा लाभ चालु ठेवावा लागेल.

क) नव्याने अधिमूल्य आकारणी करावयाच्या नवीन प्रकल्पांच्या अथवा प्रकल्पांच्या नवीन भागाच्या बाबतीत अधिमूल्य आकारणीकरीता जो वार्षिक बाजारमूल्य दर तक्ता (Annual Statement of Rates-ASR) आधारभूत धरण्यात येईल तो-

i.) दि.०१/०१/२०२० रोजी लागु असणारा,

किंवा

ii) अधिमूल्य भरणा करताना प्रचलित असणारा,

यापैकी जो अधिकतम (जास्त) असेल, तो तक्ता (Annual Statement of Rates-ASR) गृहीत धरुन आकारणी करण्यात यावी.

सदर योजनेची प्रभावी अंमलबजावणी करण्याकरिता महारेराशी समन्वय साधून आवश्यकतेनुसार त्यांची मदत व मार्गदर्शन घेण्यात येईल.

सदर परिपत्रक जारी केल्याच्या दिनांकापासुन अमलात येईल.

उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी
म्हाडा

प्रत माहितीकरिता

१) मुख्य अभियंता १ व २/प्राधिकरण.
२) वित्त नियंत्रक/प्राधिकरण.
३) सचिव/प्राधिकरण.
४) उपमुख्य अभियंता /इ.प.क./प्राधिकरण .
५) कार्यकारी अभियंता /इ.प.क./(बृ.क्षे.)/प्राधिकरण.

जा.क्र. नि.का.अ/मु.मं/परिपत्रक/424 /२०२१
दिनांक : 25/02/2021

परिपत्रक :

विषय : महाराष्ट्र शासन, गृहनिर्माण विभागाच्या दि.१४.०१.२०२१ रोजीच्या शासन निर्णयानुसार अधिमुल्यामध्ये सवलत देणेबाबत.

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये विकास नियंत्रण व प्रोत्साहन नियमावलीनुसार अतिरिक्त चटई क्षेत्र निर्देशांकापोटी आकारण्यात येणाऱ्या अधिमुल्यामध्ये सवलत देण्याबाबत महाराष्ट्र शासन, नगर विकास विभागाने दि.१४.०१.२०२१ रोजी शासन निर्णय जारी केलेला आहे. त्याअनुषंगाने म्हाडा अभिन्यासामधील चालु प्रकल्प व नवीन पुनर्विकासाच्या प्रकल्पांस अधिमुल्याची आकारणी करताना "शासन निर्णय दि.१४.०१.२०२१ नुसार अधिमुल्यामध्ये सवलत देणेबाबत खालील प्रमाणे परिपत्रक जारी करण्यात येत आहे.

१. नगर विकास विभाग, महाराष्ट्र शासनाच्या दि.२०.०८.२०१९ रोजीची अधिसूचना ही पुढील दोन वर्षांकरीता म्हणजेच दि.१९.०८.२०२१ पर्यंत लागू असल्याने, सदर कालावधीपर्यंत दि.२०.०८.२०१९ रोजीच्या अधिसूचनेतील तक्ता सी-१ नुसार अधिमुल्याची आकारणी करण्यात येईल.

२. तद्नंतर दि.२०.०८.२०२१ पासून ते दि.३१.१२.२०२१ पर्यंत वि.नि. व प्रो.नि. २०३४ मधील वि. नि. नि. ३३ (५) मधील तक्ता सी-१ नुसार अधिमुल्याची आकारणी करण्यात येईल.

३. उपरोक्त मुद्दा क्र.१ व २ मधील कालावधीनिहाय संस्थांना देकारपत्र जारी करण्यात येतील. सहकारी गृहनिर्माण संस्थांना दि.३१.१२.२०२१ पर्यंत प्रत्यक्ष जमा करण्यात येणाऱ्या केवळ अधिमुल्य रकमेवर ५०% सुट ही शासन निर्णय दि.१४.०१.२०२१ अन्वये देण्यात येईल असे देकारपत्रामध्ये नमुद करण्यात येईल. प्राधिकरण ठराव ६७४९ दिनांक ११/०७/२०१७ व मा.उपाध्यक्ष/प्राधिकरण यांचे परिपत्रक क्र.ईटी - ७१३ दिनांक १५/०७/२०२० नुसार व्याजाची व विलंब कालावधी करीता दंडनिय व्याजाची आकारणी करण्यात येईल.

४. ज्या सहकारी गृहनिर्माण संस्था दि.३१.१२.२०२१ पर्यंत जेवढे अधिमुल्य रकमेचा भरणा करतील त्या प्रमाणात बांधकाम क्षेत्रफळाकरिता संस्थांना ना हरकत प्रमाणपत्र जारी करण्यात येईल. संस्थांना दि.०१.०१.२०२२ नंतर अधिमुल्याचा भरणा वि.नि. व प्रो.नि.-२०३४ दि १२/११/२०१८ मधील तक्ता-सी-१ नुसार / प्रचलित धोरणानुसार करावा लागेल, अशा आशयाची अट देकारपत्रात नमुद करून संस्थांना तसे हमीपत्र देणे बंधनकारक राहील.

५. चालू प्रकल्प :

i. संस्थांना अधिमूल्याचा भरणा दि.१४.०१.२०२१ रोजीच्या शासन निर्णयानुसार दि.३१.१२.२०२१ पर्यंत प्रत्यक्ष जमा करण्यात येणाऱ्या अधिमूल्याच्या रकमेवर ५०% (पन्नास टक्के) एवढी सूट देताना संस्थांनी केलेल्या विनंतीच्या अनुषंगाने - जेवढे अधिमुल्य रक्कम भरणा करण्याची तयारी दर्शवितील किंवा भरतील, त्या प्रमाणात बांधकाम क्षेत्रफळाकरिता मुख्य अधिकारी / मुंबई मंडळ यांचे मान्यतेने निवासी कार्यकारी अभियंता / मुंबई मंडळ यांचेमार्फत संस्थांना मागणी पत्र (Demand Letter) किंवा ना हरकत प्रमाणपत्र जारी करण्यात येईल.

ii. तसेच संस्थांना / विकासकांना दि.२०.०८.२०१९ रोजीच्या अधिसूचनेत विकास उपकर शुल्क (Development Cess) मध्ये देण्यात आलेली सूट दि.१९.०८.२०२१ रोजी व्यपगत होणार आहे. त्यामुळे दि.२०.०८.२०२१ नंतर चालू (Live) देकारपत्रातील उर्वरित बांधकाम क्षेत्रफळाच्या हप्त्यातील अधिमुल्याच्या प्रमाणात विकास उपकर शुल्काची (Development Cess) आकारणी दि.२०.०८.२०२१ पासून करण्यात येईल.

६. सदर गृहनिर्माण विभाग, महाराष्ट्र शासनाचा शासन निर्णय दि.१४.०१.२०२१ मधील ब) नुसार ज्या सहकारी गृहनिर्माण संस्था / विकासकाने अधिमुल्यातील सुटीचा लाभ घेतील अशा प्रकल्पातील गाळेधारकांची / ग्राहकांचे देय मुद्रांक शुल्क भरतील या संबंधीचे हमीपत्र मुंबई मंडळाकडे सादर केल्यानंतर व अधिमुल्याचा भरणा केल्यानंतर ना हरकत प्रमाणपत्र जारी करण्यात येईल.

७. नव्याने अधिमूल्य आकारणी करावयाच्या नवीन प्रकल्पांच्या अथवा प्रकल्पाच्या नवीन भागाच्या बाबतीत अधिमुल्य आकारणीकरीता जो वार्षिक बाजारमूल्य दर तक्ता (Annual Statement of Rates-ASR) आधारभूत धरण्यात येईल तो-

i. दि.०१.०४.२०२० रोजी लागु असणारा,

किंवा

ii. अधिमूल्य भरणा करताना प्रचलित असणारा,

यापैकी जो अधिकतम (जास्त) असेल, तो तक्ता (Annual Statement of Rates-ASR) गृहीत धरून आकारणी करण्यात येईल.

सदर परिपत्रकाची तात्काळ अंमलबजावणी करण्यात येईल.

उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी / प्रा.

प्रत माहिती करीता
मुख्य अधिकारी, मुंबई मंडळ,
वित्त नियंत्रक/प्राधिकरण
सचिव/प्राधिकरण
उपमुख्य अभियंता, इमारत परवानगी कक्ष/प्रा.
मुख्य लेखाधिकारी मुंबई मंडळ
मुख्य कार्यालयातील अधिकारी/ सर्व

महाराष्ट्र शासन

नगर विकास विभाग, मंत्रालय,
४ था मजला, मादाम कामा रोड,
हुतात्मा राजगुरु चौक, मुंबई ४०० ०३२.
nirmal.chaudhari@gov.in

क्रमांक : टिपीबी-४३२० /प्र.क्र. १३८/२०२०/नवि-११ दिनांक : ०9 /०३/२०२१.

प्रति,
मुख्य कार्यकारी अधिकारी,
झोपडपट्टी पुनर्वसन प्राधिकरण,
अनंत काणेकर मार्ग, वांद्रे (पूर्व),
मुंबई-५१.

विषय :- Government directives issued by UD Dept. vide letter u/n. TPB-4312/CR156/2019/UD-11, Dated 19/09/2019.

संदर्भ :- १) शासन नगर विकास विभागाकडील पत्र क्र. टिपीबी-४३१२/प्र.क्र.१५६/२०१९/ नवि-११, दिनांक- १९/०९/२०१९.
२) श्री. मिहिर कोटेचा, आमदार यांचे दिनांक १५/१०/२०२० रोजीचे वरील विषयाचे शासनास पत्र.

महोदय,

श्री. मिहिर कोटेचा, आमदार यांचे संदर्भित पत्राचे अनुषंगाने गृहनिर्माण विभागाकडून या विभागास संदर्भ प्राप्त झाला आहे.

(i) विकास नियंत्रण नियमावलीनुसार नियोजन प्राधिकरण म्हणून बृहन्मुंबई महानगरपालिकेस देय असणारे अधिमूल्य व्याजासकट हप्त्याने भरणा करण्याची सवलत महापालिकेने दि.१७/०९/२०१९ रोजीचे परिपत्रकान्वये लागू केली. महानगरपालिकेचे परिपत्रकाचे धर्तीवर शासनास तसेच शासनाचे अधिपत्याखालील मंडळ, प्राधिकरणे यांना देय अधिमूल्याची रक्कम हप्त्याने व्याजासकट वसूली करण्याबाबत शासन नगर विकास विभागाने दि.१९/०९/२०१९ रोजीचे पत्राद्वारे कळविले असून सदर सवलत दोन वर्षाचे कालावधीकरीता देण्यात आली आहे.

(ii) झोपडपट्टी पुनर्वसन प्राधिकरण हे झोपडपट्टी पुनर्वसन योजनांकरीता नियोजन प्राधिकरण आहेत. विनियम ३३(१०) अन्वये झोपडपट्टी पुनर्वसन योजनेस परवानगी देणे, योजनेचे सनियंत्रण इत्यादी झोपडपट्टी पुनर्वसन प्राधिकरणाकडून करण्यात येते. विकास नियंत्रण नियमावलीमधील तरतुदीनुसार झोपडपट्टी पुनर्वसन प्राधिकरणास देय अधिमूल्याची रक्कम हप्त्याने भरणा करण्याची मुभा झोपडपट्टी पुनर्वसन प्राधिकरणाने दि.३/०४/२०१८ रोजीचे

परिपत्रकान्वये दिली असल्याचे दिसून येते. झोपडपट्टी पुनर्वसन प्राधिकरणाचे परिपत्रक क्र. १८६ मध्ये फंजिबल क्षेत्राचे अधिमूल्याचा समावेश आहे. विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ चे विनियम ३१(३) अन्वये फंजिबल क्षेत्र अनुज्ञेय करण्यासाठी अधिमूल्याचा भरणा करणेची तरतूद असून देय अधिमूल्याची नियोजन प्राधिकरण, महाराष्ट्र शासन तसेच एमएसआरडीसी (सी-लिंक प्रकल्पाकरीता) यांचेमध्ये विभागणी होते.

(iii) झोपडपट्टी पुनर्वसन प्राधिकरणास देय अधिमूल्य हप्त्याने भरणा अनुज्ञेय करणेबाबत झोपडपट्टी पुनर्वसन प्राधिकरणाने परिपत्रके निर्गमित केली असून त्यामध्ये बदल करुन बृहन्मुंबई महानगरपालिकेचे दि. १७/०९/२०१९ रोजीचे परिपत्रकाचे धर्तीवर सुधारणा करण्यास झोपडपट्टी पुनर्वसन प्राधिकरण निर्णय घेण्यास सक्षम आहे. तरीही याबाबतीत प्राधिकरणाने शासन गृहनिर्माण विभागाला संदर्भ केला असल्याने त्याअनुषंगाने—

"झोपडपट्टी पुनर्वसन प्राधिकरणाकडील **विकास प्रस्तावाकरीता** विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील तरतुदीनुसार फंजिबल क्षेत्रापोटी तसेच शासनास व इतर नियोजन प्राधिकरणास देय अधिमूल्य वसूली करता शासन नगर विकास विभागाकडील दि.१९/०९/२०१९ रोजीचे पत्रातील तरतूदी लागू करण्यास हरकत नाही" असे आपणास कळविण्याबाबत मला आदेश आहेत.

आपला,

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत :- १) प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई.
२)आयुक्त, बृहन्मुंबई महानगरपालिका.
३) निवडनस्ती- नवि-११

प्रत माहितीस्तव :- मा.श्री. मिहिर कोटेचा, आमदार, मुलुंड विधानसभा, शॉप नं. ६, पटेल बिल्डींग, एम.जी. रोड, मुलुंड पश्चिम, मुंबई-८०.

N/13-

MUNICIPAL CORPORATION OF GREATER MUMBAI
Chief Engineer (Development Plan) Department

Chel DP/156/Gen
2020-21

Ch.E./D.P./ 21546 /Gen dtd. 05 MAR 2021

Sub: Directions u/sec 154 of MR&TP Act 1966:To provide concessions in premium towards additional FSI / FCA as per Development Control & Promotion Regulations 2034 and to take decision regarding granting concession for premiums other than Additional FSI / FCA, as per Development Control & Promotion Regulations 2034, by Planning Authority (MCGM).

Ref: 1) TPS-1820/अ.नौ./CR 80/20/UD-13 dtd. 14.01.2021 (C/29-35)
2) Standing Committee Resolution no.1510 dtd.26.02.2021
3) Corporation Resolution no.424 dtd. 04.03.2021 (C/73)

Recently, GOM had issued directives u/s 154 of M.R.& T. P. Act 1966 (hereinafter referred as *the said directives*), as referred above, allowing reduction in various premiums.(at Pg. C /29-33).

As per the sr. no. 1 of the said directives, concession is granted to an extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area.

Sr. no. 2 of the said directives, *interalia,* provides that the Planning Authority may take necessary decision regarding the premiums, excluding the premium for additional FSI/Fungible Compensatory Area. These payments include premium for Staircase / lift area claimed free of FSI, deficiency in open space, conversion of zone etc. The above concessions are subject to certain conditions as mentioned therein.

N/3-7 In view of the said directives a detailed note alongwith the policy guidelines with requisite formats was submitted to Hon.M.C. for approval to allow concession to an extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area. N/10 Hon.M.C. vide No. MGC/A/5537 dtd.22.02.2021 has approved the said proposal. Accordingly, the policy circular has been issued u/no. CHE/DP/21546/Gen. dtd.22.02.2021 (Circular No. CHE/DP/155/Gen of 2020-21).

In view of the said directives in order to allow the rebate of 50% as mentioned at sr. no. 2 of the above said directives to other premiums being charged for staircase, open space C/65-69 deficiency, change of user etc., DL to MS was submitted through C.A. (F) / AMC (P) after the approval of Hon. M.C. to Standing Committee/ Corporation for their approval. Standing C/73 Committee vide Resolution no.1510 dtd. 26.02.2021 and Corporation vide its Resolution u/no. 424 dtd. 04.03.2021 has approved the said proposal of granting rebate of 50% to other premiums being charged for staircase, open space deficiency, change of user etc.

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Accordingly, as per the approval of Standing Committee/ Corporation, it is proposed to grant 50% concession in the payment for the following premiums:

1. Premium for Open Space Deficiency
2. Premium for Staircase / Lift Area
3. Premium for conversion of Industrial Zone to Residential / Commercial Zone
4. Premium for not handing over of land component as necessary as per Regulation 17 of DCPR 2034
5. Premium towards condonation of parking
6. Premium for providing paved LOS
7. Premium towards condonation for width of staircase
8. Premium towards condonation in size of artificial ventilation shaft
9. Premium towards non provision of amenity as per Reg. 14(A)
10. Premium towards parking provided beyond permissible as per Note (ii) of Regulation 44(6)

The concession of 50% will not be applicable for any penalty / penal interest or any other premium / charges / scrutiny fee / Development Charges etc. to be recovered other than mentioned at sr.no. 1 to 10 above.

Regarding the modalities of implementation of above, the policy circular issued u/no. CHE/DP/021546 dtd.22.02.2021 (Circular No. CHE/DP/155/Gen of 2020-21) shall be followed.

Under the circumstances, M.C.'s consideration and approval is requested to above policy which will be circulated for implementation.

Submitted for approval please.

04/03/21
(R.G.Ratgaonkar)
Dy.Ch.E.(D.P.)-II

(V.P.Chithore)
Ch.E.(D.P.) & Dir.(E.S. & P.)

(I.S.Chahal)
Hon'ble M.C.
Sir,

In view of Govt directives, resolution passed by standing committee, corporation, the policy vide PN-13-14 is submitted for Hon-MC's approval. On receipt of approval, the same will be circulated for implementation please.

05/03/2021
Ch. Engineer (D.P.)
& Dir. (E.S. & P.)

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5/3-21.
Municipal Commissioner

Ch.E(DP)

E&CP)

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