विकास नियंत्रण नियमावली –अंबरनाथ, कुळगांव-
बदलापूर व परिसर अधिसूचित क्षेत्र
अंबरनाथ, कुळगांव- बदलापूर व परिसर अधिसूचित
क्षेत्राकरीता विशेष नगर वसाहत नियमावली
महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
चे कलम ३७ (२) व कलम ३७ (२अेअे) (सी)
अन्वये मंजूर करणेबाबत.

**महाराष्ट्र शासन**

नगर विकास विभाग

शासन निर्णय क्रंमाक-टिपीएस-१२१३/२६४२/अे.के.बी.एन.ए./प्र.क्र.२७८/१३/नवि-१२,
मंत्रालय, मुंबई- ४०० ०३२.
दिनांक :- १ जानेवारी, २०१४.

**शासन निर्णय** :- सोबत जोडलेली अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिध्द करावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(संजय कुवें)
संचालक तथा सह सचिव, महाराष्ट्र शासन

प्रति,

१) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी-मुंबई.
२) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, बांद्रा (पुर्व)
३) संचालक, नगर रचना,महाराष्ट्र राज्य-पुणे.
४) संचालक तथा सह सचिव (नगर रचना,) मंत्रालय,मुंबई -२१ यांचे स्विय सहाय्यक.
५ ) जिल्हाधिकारी, ठाणे.
६) सहसंचालक, नगर रचना,कोकण विभाग,कोकण भवन,नवी - मुंबई.
७) सहाय्यक संचालक नगर रचना, ठाणे शाखा, ठाणे.
८) मुख्याधिकारी, अंबरनाथ नगरपरिषद, अंबरनाथ.
९) मुख्याधिकारी, कुळगांव-बदलापूर नगरपरिषद, बदलापूर.
१०) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्र कोकण विभागीय पुरवणी भाग-१ मध्ये प्रसिध्द करुन त्याच्या प्रत्येकी ०५ प्रती या विभागास, महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, संचालक नगर रचना, महाराष्ट्र राज्य, पुणे, जिल्हाधिकारी,ठाणे, सहसंचालक नगर रचना,कोकण विभाग, कोकण भवन, नवी मुंबई, सहाय्यक संचालक नगर रचना, ठाणे शाखा, जि.ठाणे, मुख्याधिकारी, अंबरनाथ नगरपरिषद, अंबरनाथ व मुख्याधिकारी, कुळगांव-बदलापूर नगरपरिषद, बदलापूर यांना पाठवाव्यात)

११) कक्ष अधिकारी,कार्यासन नवि-२९, यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करावी.

१२) निवडनस्ती ( कार्यासन-नवि-१२)

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya Mumbai 400032
Dated:- 1st January, 2014
NOTIFICATION

**Maharashtra Regional and Town Panning Act, 1966**

No. TPS 1213/2642/A.K.B.N.A/CR-278/13/UD-12

Whereas, the Government has appointed the Mumbai Metropolitan Region Development Authority (MMRDA) as a Special Planning Authority under the provisions of section 40 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra XXXVII of 1966 ) (hereinafter referred to as 'the said Act") vide Notification No. TPB 1275/1199/UD-5 dated 15th March, 1976 (hereinafter referred to as "the said Special Planning Authority") *for the Ambernath Kulgaon-Badlapur and Surrounding Notified Area;*

And whereas, the Development Control Regulations for the Ambernath, Kulgaon-Badlapur and Surroundings Notified Area (hereinafter referred to as "the said Development Control Regulations") have been sanctioned by the Government in the Urban Development Department under Section 31(1) of the said Act vide Notification No. TPS-1204/941/CR-163/04/UD-12 dated 25th July, 2005;

And whereas, the said Development Control Regulations do not contain the provisions for the Special Township Projects;

And whereas, the Government, vide order No. TPS 1208/Ambernath-Kulgoan-Badlapur D.P. DCR/UD-12 dated 4th February 2008, under section 37(1) read with section 154 of the said Act, issued a directive to the said Special Planning Authority (hereinafter referred to as "the said directive") to initiate necessary modification to the said Development Control Regulations so as to incorporate the Regulation pertaining to development of the Special Township Projects (hereinafter referred to as "the said Regulation") in the Ambernath, Kulgaon-Badlapur And

Surrounding Notified Area, as specified in the Schedule appended to the said directive (hereinafter referred to as "the proposed modification" );

And whereas, as per the said directive of the Government, the said Special Planning Authority, after following the legal procedure under sub-section (1) of section 37 of the said Act, submitted a proposal to the Government vide letter dated 13/5/2009 to accord sanction to the proposed modification ;

And whereas, considering the need for rationalizing the Scheme for Special Township Projects and the Mega City Scheme, the Government constituted a Committee vide Government Resolution No. Misc-2009/ 1301/CR.271/09/UD-12, dated 17th May, 2012 to study and make recommendations on certain issues ;

And whereas, the said Committee recommended that the Mega City Scheme should be subsumed in the Scheme for Special Township Projects and further suggested some modifications in the provisions regarding Special Township Projects so as to promote and facilitate such Projects by providing higher incentives to bigger Special Township Projects on a graded scale and at the same time recommended grant of premium free additional FSI for creation of the EWS/LIG Housing as per the State Housing Policy 2007;

And whereas, after considering the Committee's recommendations, the Government was of the opinion that, it was necessary that the Mega City Scheme should be subsumed in the Scheme for Special Township Projects and the provisions regarding Special Township Projects be suitably modified . to make the Special Township Projects more effective ;

And whereas, pending sanction to the proposed modification, the Government, in accordance with the provisions contained in Sub-section (1AA) of Section 37 of the said Act, published a Notice bearing no. TPS 1212/78/ A.K.B.N.A/ CR-60/12/UD-12, dated 12/2/2013 which appeared in Maharashtra Government Official Gazette, Part-I Konkan Division, Supplement dated the 14/3/2013 on Pages No. 11 to 15 (hereinafter referred to as 'the said Notice'), in further modification of the draft

provisions published vide the earlier Notice issued by the said Special Planning Authority on 24/11/2008, and invited suggestions and / or objections in respect of the further modifications proposed in the Annexure-A to the said Notice (hereinafter referred to as "the further proposed modification" ) from the general public within one month from the date of publication of the notice in the Official Gazette and the Deputy Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai, was appointed as the officer(hereinafter referred to as "the said officer" ) and authorized to hear the suggestions and / or objections which may be received within the aforesaid prescribed period and the say of the said Special Planning Authority and submit his report to the Government;

And whereas, after considering the report submitted by the said officer and after consulting the Director of Town Planning, Maharashtra State, Pune and also after making necessary enquiries, the Government is of the opinion than the proposed modification and the further proposed modification need to be sanctioned with certain changes;

Now therefore, in exercise of the powers conferred under section 37(2) and Section 37(1AA)(c) of the said Act, the Government hereby,

1) Sanctions the Regulation for the Development of Special Township Projects in the Ambernath, Kulgaon-Badlapur and Surrounding Notified area.
2) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of the aforesaid sanctioned Regulation.
3) Directs the said Special Planning Authority that in the Schedule of modifications appended to the said Notification sanctioning the said Development Control Regulations, after the last entry, the following new entry shall be added viz. :-

**ENTRY**

"The Development of the Special Township Projects shall be permissible as per the provisions contained in the Schedule-A to the Notification No. TPS 1213/2612/ A.K.B.N.A/CR-278/13/UD-12, dated 1/1/2014"

The aforesaid sanctioned modification shall be available for the general public during office hours on all working days at following offices for the period of one month:

1) The Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra-Kurla Complex, Bandra (E), Mumbai.
2) The Jt. Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai.
3) The Asst. Director of Town Planning, Thane branch, Thane.
4) The Chief Officer, Ambernath Municipal Council, Ambernath Dist. Thane.
5) The Chief Officer, Kulgaon-Badlapur Municipal Council, Badlapur, Dist. Thane.

This notification shall also be published on the Government website at www. maharashtra.gov.in

**By order and in the name of Governor of Maharashtra.**

1-1-2014

(Sanjay V. Pawar)
**Section Officer**

## SCHEDULE 'A'

## (ACCOMPANIMENT TO THE GOVERNMENT NOTIFICATION NO. TPS-1213/2612/A.K.B.N.A./C.R. 278/13/UD-12, DATED THE 1ST JANAURY,2014)

## REGULATION FOR DEVELOPMENT OF SPECIAL TOWNSHIP PROJECTS IN AREA UNDER THE SANCTIONED DEVELOPMENT PLAN OF AMBERNATH, KULGAON-BADLAPUR AND SORROUNDING NOTIFIED AREA

A. GENERAL REQUIREMENTS:

1. APPLICABILITY: This Regulation would be applicable to the area under the sanctioned Development Plan of Ambernath, Kulgaon-Badlapur and Surrounding Notified Area, excluding the area under the Mahrashtra Industrial Development Corporation and any Special Planning Authority where land has been or is proposed to be acquired.

*Provided that, in case of a newly constituted Municipal Council or Municipal Corporation or Special Planning Authority, this Regulation shall be applicable till such authority makes or adopts suitable Regulation in this regard, with the approval of the Government.*

1.1 AREA REQUIREMENT: Any suitable area, free from all encumbrances, having access *by means of an existing or a proposed Development Plan road* having a minimum width of 18 mt., can be identified for the purpose of development as "Special Township Project". The area under the Special Township Project shall not be less than 40Ha. (100 acres) at one place, contiguous, unbroken and uninterrupted which shall not include the area under No Development Zone around BARC, Eco Sensitive Zone, forests, hill-tops, hill -slopes, water bodies like rivers, creeks, canals, reservoirs, lands falling within the belt of 100 mt. from the High Flood Line (HFL) of major lakes, dams and its surrounding restricted area, lands in the command area of irrigation projects, lands falling within the belt of 200 mt. from the historical monuments and places of archaeological importance, archaeological monuments, heritage precincts and places, any restricted areas, notified national parks, existing and

proposed Industrial Zone, gaothan areas and congested areas, truck terminus specially earmarked on the Development Plan, wildlife corridors and biosphere reserves, Eco-sensitive Zone/area, quarry zone and Recreational and Tourism Development Zone, catchment areas of water bodies, defence areas, cantonment areas, notified area of SEZ and designated Port/Harbour areas.

1.2 MANNER OF DECLARATION: Any area identified above and found suitable can be Notified by the Government in the Urban Development Department for the purpose of development as "Special Township Project" by following the procedure prescribed under section 37 of the Maharashtra Regional and Town Planning Act, 1966 and also in such other manner as may be determined by it.

However, in cases where the proposal of Special Township Project is submitted by the land owners themselves or by the Developer who holds rights to develop the whole land under the proposed Special Township Project, *the area shall be notified by the Government following procedure under section 44(2) of the said Act.* In such cases, procedure under section 37 shall not be necessary.

1.3 INFRASTRUCTURE FACILITIES: The entire Special Township Project should be an integrated one, having all the facilities within the boundaries of the declared Special Township Project. All the onsite infrastructures i.e. roads, including D.P. roads and approach roads, street lights, water supply, sewerage system and drainage system shall be provided and maintained in future by the Developer till an urban local body is constituted for such area. The Developer shall also carry out development of the amenities or proposals, if any, *designated in the Development plan, in accordance with the prevailing Development Control Regulations.*

(a) **Water Supply:** The Developer shall be required to develop a source for drinking water (excluding the groundwater source) or secure firm commitment from any water supply authority for meeting the daily water requirement of the expected population, at the rate of minimum 140 litres per capita per day, exclusive of requirement of water for fire fighting and gardening. The storage capacity of the same shall be at least 1.5 times of the actual required quantity, as determined on the basis of expected population both resident and floating

and other uses. The Developer shall be required to develop proper internal distribution and maintenance systems and shall specially undertake rain water harvesting, groundwater recharging and waste water recycling projects within the Township.

(b) **Drainage and Garbage Disposal:** The developer shall make suitable and environment friendly arrangements for the disposal and treatment of sewage and solid waste as per requirements of the Maharashtra Pollution Control Board. Recycling of sewage and waste water for gardening and other non-potable purposes shall be undertaken by the Developer.

The Developer shall develop eco-friendly garbage disposal system by adopting recycling and bio-degradation system, in consultation with the Maharashtra Pollution Control Board.

[c] **Power:** The Developer shall ensure continuous and good quality power supply to the township area. The Developer may draw power from an existing power supply system or may go in for arrangement of captive power generation with the approval of the concerned authority. If power is drawn from an existing power supply system, the Developer shall, before commencement of development, procure a firm commitment of power supply for the entire township from the power supply company.

1.4. **ENVIRONMENT:** The development contemplated in a Special Township Project shall not cause damage to ecology. ***In no case shall it involve topographical changes or changes in alignment or cross section of existing water course, if any, in the project area or adjacent to the project area.*** Environmental clearance shall be obtained from the Ministry of Environment and Forest, Government of India as per *the* directions issued by the MoEF's Notification dated 7th July 2004 ***as amended from time to time***. The Special Township Project shall provide at least 10% of the total project area as park/ garden /playground as mentioned in sub-regulation No.4(f) below, with proper landscaping, and open uses designated in the Special Township Project shall be duly developed by the Developer and shall be open to the general public, without any restriction or discrimination.

2. SPECIAL CONCESSIONS:

(a) **N.A. Permission:** Permission for Non-agricultural use shall be automatic. As soon as the Special Township Project is notified as per sub- regulation No. 1.2, lands notified under the Special Township Project shall be deemed to have been converted to non-agricultural use and no separate permission shall be required thereafter. *However* non-agricultural assessment shall commence from the date of sanction of the Project as per sub-regulation No.7(C).

(b) **Stamp Duty:** The stamp duty rates applicable in the area of Notified Special Township Project shall be 50% of the prevailing rates of the *Maharashtra* Stamp Act,*1958*.

(c) **Development Charge :** A Special Township Project shall be exempted from payment of Development charge to the extent of 50% .

*(d)* **Grant of Government Land:** Any Government land falling under the area of Special Township Project shall be leased out to the Developer at the prevailing market rate on usual terms and conditions, without any subsidy.

(e) **Relaxation from *The Mumbai Tenancy and Agricultural Land Act,1948*:** The condition that only an agriculturist shall be eligible to buy agricultural land shall not be applicable in the area of the Special Township Project.

(f) **Ceiling on Agricultural Land:** There shall be no ceiling limit for holding agricultural land to be purchased by the Developer for such Special Township Project.

(g) **Scrutiny Fee:** A Special Township Project shall be partially exempted from payment of scrutiny fee being levied by the Special Planning Authority for processing the development proposal on certain terms and conditions as may be decided by the Special Planning Authority.

(h) **Floating FSI :** The FSI admissible to a Special Township Project shall be floating in the sense that the unused FSI of a plot in the area of the Project can be used anywhere in the area of the Special Township Project.

(i) Special benefits/concessions in respect of Star Category Hotels, Hospitals *and* Multiplexes/Property Tax shall be admissible in the area of the Special Township Project.

**3. PLANNING CONSIDERATIONS:** The Special Township Project shall be an integrated township project and *shall* necessarily provide land for the following users:-

(a) Residential
(b) Commercial
(c) Educational
(d) Amenity Spaces
(e) Health Facilities
(f) Parks, Gardens & Play Grounds
(g) Public Utilities.
(h) Transport and Communication
(i) Service Industries
(j) *Economic Activities*.

**4. GENERAL NORMS FOR DIFFERENT LAND USES :** The overall planning of the Special Townships Project shall be such that the Project fairly meets the specifications spelt out in the prevailing planning standards approved by the Government. Further, the planning of Special Township Project shall take care of the following land uses in particular:-

(a) **Residential :** The residential area should be well defined in clusters or neighborhoods or in plotted development with proper road grid. Out of the total built-up area proposed to be utilised, which is permissible as proportionate to the zoning of the area under such Township, at least 60% of the *floor* area *generated by utilising the basic Floor Space Index (FSI)*, may be used for purely residential development *( hereinafter referred to as "Residential Component" of the Special Township ).*

*The area earmarked for social housing for the Economically Weaker Sections (E.W.S.) and the Lower Income Group (L.I.G.) shall be governed by sub-regulation No. 5.1(i) and 5.1(ii)_in such a way that the building permission for the residential component of the Special Township Project shall be given pro rata in accordance with the development of Social Housing for the E.W.S. /L.I.G.*

(b) **Commercial :** The Commercial area shall be properly distributed in hierarchical manner such as convenience shopping , community centers, etc.

**(c) Educational:** Comprehensive educational system providing education from primary to secondary level should be provided as per requirement. Minimum area required for educational purpose shall be as per the prevailing planning standards. The area allocation for educational use should be on the basis of projected population and as far as possible, the educational facilities should not be concentrated at one place. All such educational facilities should also have adequate allocation of area for playground.

**(d) Amenity Spaces** : The allocation of area in a Special Township Project towards amenity space, for providing amenities like markets, essential shopping area, recreation centers, town hall, libraries, etc., shall not be less than 5% of the gross area of the Project and should be evenly distributed.

**(e) Health Facilities** : Adequate area should be allocated for health care facilities for primary health care *as well as secondary health care.* Minimum area required for health care facilities shall be as per the prevailing planning standards.

**(f) Parks, Gardens and Play Grounds** : The Special Township Project shall also provide at least *10%* of the gross area of the project as parks/ gardens/play grounds which ***shall*** be developed by the developer as such and kept open to all the general public without any restriction on discrimination. This ***shall*** be exclusive of the statutory open spaces to be kept in smaller layouts and should be distributed in all residential clusters.

(g) **Public Utilities** : Appropriate allocation of area under Special Township Project should be done for (a) power receiving station/ sub- station, (b) water supply system, (c)

sewage and garbage disposal system, (d) police station, (e) public parking, (f) cemetery/cremation ground, (g) bus station, (h) fire brigade station, and other public utilities as per requirements.

(h) **Transport and Communication** : The entire area of Special Township Project shall be well-knit with proper road pattern, taking into consideration the linkages with existing roads within the Township as well as the outside area. All such roads shall be developed by the Developer as per the prescribed standards and road widths shall be as given bellow:-

- Classified Road – As prescribed.
- Main Road/Ring Road - 18 to 24 meter wide.
- Internal Roads - As per prevailing bye laws applicable to the Development Plan, subject to minimum road width of 9 mt.

(i) **Service Industries** : In the area of the Special Township Project, lands required for commercial and industrial uses, permissible in residential user, may also be earmarked. *However*, the predominant land use in the Special Township Project shall be residential use.

(j) **Economic Activities: In order to make the Special Townships self-sustainable and ensure their development as new self-contained micro-centers of urban growth, the Special Township Project shall ideally be centered around one or more key economic activities like Trade/Commerce, Education, Health Care, Non polluting Industries, Service Industries, Entertainment, Tourism, etc.** ***Special Township Project shall compulsorily provide minimum 20% Built-up Area for such economic activities and development of the.Residential Component of the Special Township Project shall be permissible pro rata, in accordance with the development of economic activity.***

*Explanation:-*

i) *Educational activity and Health Care activity mentioned above shall not include Primary / Secondary Schools and Primary / Secondary Health Care facilities respectively.*

*ii) The total built-up area for Commercial activities under sub-regulation No. 4(b) and the total commercial built-up area under sub-regulation No. 4(d) shall be counted towards the built-up area for the aforesaid Economic Activity.*

**Provided that :-**

I. All the amenities referred to above shall be inclusive of the designated amenities and the Amenity space required as per the Development Control Regulations of the Development Plan.

II. Location of any Reservation shown in the Development Plan can be shifted anywhere in the area of the Special Township Project with the approval of the Special Planning Authority.

III. Development Plan Reservations in the area of the Special Township Project, shall not be handed over to the Special Planning Authority but the same shall be developed by the Developer for the designated amenity.

IV. Development Plan Roads in the area of the Special Township Project shall be developed and maintained by the Developer, and the same shall be always open to the general public without any restrictions there upon.

V Minimum parking shall be provided as per the Development Control Regulations prescribed under the Development Plan for *the area under the Special Planning Authority and the Standardised Development and Promotion Regulations of A, B and C Class Municipal Councils.*

**5. DEVELOPMENT CONTROL REGULATIONS** :- Prevailing Development Control Regulations of the sanctioned Development Plan for *the area under the Special Planning Authority and the Standardised Development and Promotion Regulations of A, B and C Class Municipal Councils for the area under the Urban Local Bodies,* as well as provisions of MoEF CRZ Notification **issued from time to time** shall be applicable mutatis mutandis **to the Special Township Project,** except for those expressly provided in this Regulation for Special Township Projects.

5.1 Special Township Projects in Residential Zone *and Urbanisable Zone.*

i) The admissible FSI in respect of Special Township Project in the Residential *and*

*Urbanisable* Zone within the Development Plan area shall be as given below.

| Sr. No. | Area of Township (in Ha.) | Basic FSI | Additional FSI For Social Housing (@ 20% of the Basic FSI) for EWS/LIG (Compulsory) | Additional FSI on Payment of Premium (Optional) | Maximum Total Permissible FSI on Gross Plot Area. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 40 to 100 | 1.00 | 0.2 | 0.3 | 1.5 |
| 2 | Above 100 to 200 | 1.00 | 0.2 | 0.4 | 1.6 |
| 3 | Above 200 | 1.00 | 0.2 | 0.5 | 1.7 |

5.1 (ii) For the Special Township Projects in Agricultural Zone / Green Zone /No Development Zone, the following provisions shall be applicable.

Development of a Special Township Project in Agricultural Zone / Green Zone /No Development Zone contained in the Development Plan shall be permissible subject to the condition that 50 percent of gross area of the project shall be kept open while the Special Township Project shall be executed on the remaining 50 percent land with the Basic F.S.I. of 0.50 worked out on the entire gross area of the project. Further, while developing such project, it shall be obligatory on the part of the Developer to provide and develop all the infrastructure facilities, including the sites required for public purposes as per the prescribed planning norms. As regards 50 percent of land which is required to be kept open, the same shall be made free of encumbrances and no development except town level open amenities, shall be permissible thereon.

Provided that, over and above the built-up area corresponding to the basic FSI of 0.50, the Developer shall have to compulsorily provide the built-up area, for the EWS and the LIG equal to 20% of the basic FSI (i.e. 0.10 FSI on gross plot area) which shall not be counted towards the total FSI of the Project.

5.1 (iii) Subject to the limits imposed by the overall FSI admissible under these

Regulations to the Special Township Project, there shall be no limit on the total built up area / FSI utilisation for the development of any individual plot in the Special Township Project. Maximum height of any building shall be as per *Development Control Regulations prescribed under the Development Plan for the area under the Special Planning Authority and the Standardised Development and Promotion Regulations of A, B and C Class Municipal Councils for the area under Urban Local Bodies, as may be applicable.*

However, the height *of a building* may be increased *further,* subject to provision of fire fighting arrangements, with prior approval of the Director of Fire Services, Government of Maharashtra. *For height of a building above 36 mtr. the norms and guidelines for marginal distances as specified in National Building Code as amended from time to time, shall be followed.*

5.1 (iv) The Planning and Design of Social Housing Component for the EWS/LIG shall not be amenable to combining one or more flats to make larger flats.

5.1 (v) *a) The Landowner / Developer shall construct the stock of the EWS/LIG tenements in the same Special Township Project and the Special Planning Authority, shall ensure that the Occupation Certificate for the rest of the development under the Special Township Project is not issued till the Occupation Certificate is issued for the EWS/LIG tenements under said Special Township Project.*

*b) The Completion of EWS/LIG tenements under the Special Township Project, alongwith necessary particulars including a copy of the Occupation Certificate granted by the Special Planning Authority in respect thereof, shall be immediately intimated by the Landowner / Developer to MHADA. Upon such intimation MHADA, within a period of six months from the date of receipt of such intimation, shall either purchase such EWS/LIG tenements or allot such tenements to the allottees selected by MHADA through a system of lottery, drawn after such EWS/LIG tenements have been granted Occupation Certificate and thereafter, the Landowner / Developer shall dispose of such tenements to MHADA or such allottees, as the case may be, at the construction rates in the Annual Statement of Rates (ASR) prepared by the Inspector General of Registration and Controller of Stamp, applicable to the land under the project, on the date of grant of Occupation Certificate to such EWS/LIG tenements.*

*c) The Landowner / Developer may also be permitted to utilize 1/4$^{th}$ of the total 20%*

*F.S.I. earmarked for EWS/LIG to construct EWS/LIG Tenements in the form of service quarters in the same Special Township Project but in a separate block which shall have to be sold as service quarters only to the purchasers of the free sale flats constructed under the Residential Component of the Special Township Project.*

5.1(vi) The optional Additional FSI as per *sub-regulation* No. 5.1 (i) to be granted against premium shall be sold in the Ambernath, Kulgaon-Badlapur and Surrounding Notified Area by the Special Planning Authority at 100% of the ***land rate as prescribed*** *in* ASR. No premium shall be charged for the grant of FSI for the social housing for the EWS/ LIG.

5.1 (vi) The amount of premium collected by the Special Planning Authority shall be deposited in a separate Account and shall be exclusively used for creating off-site infrastructure and implementation of Development Plan of Ambernath, Kulgaon-Badlapur and Surrounding Notified Area .

5.2

(i) In the event the Special Township Project contains sites reserved for public purposes in the Development Plan for which an Appropriate Authority (eg. any department of the State Government/ Central Government or any Government undertaking) has been notified, the Developer shall construct the amenity as per *the* requirement of the concerned Appropriate Authority and handover the constructed amenity free of cost to such Appropriate Authority. Upon such handing over of the constructed amenities, the Developer shall be entitled to utilize additional floor space, equivalent to the built-up area of the constructed amenity, over and above the FSI permissible, anywhere within the area of the Special Township Project.

(ii) In every proposal of a Special Township Project, the structural designer of the Developer shall submit a declaration, along with a detailed Project Report, to the Special Planning Authority about the construction of buildings under the project as below:

*'I have confirmed that the proposed constructions in the Special Township Project are as per the norms specified by the Indian Standards Institute, as regards the resistance to earth quake, fire safety and the natural calamities'.*

(iii) Upper and lower ground floor type of construction shall not be allowed under the Project.

(iv) In any Special Township Project in (a) Residential Zone / Urbanisable Zone and (b) Agricultural Zone / Green Zone /No Development Zone, trees at the rate of minimum 150 trees per Ha. and 400 trees per Ha., respectively, shall be planted and maintained by the Developer.

(v) Once the proposal for Special Township Project is ***submitted to*** the Government under sub-regulation No. 7(A), no change of zone proposal in the area such of Project shall be considered by the Government.

6. **SALE PERMISSION** : It shall be obligatory on the part of the Developer to first provide for basic infrastructure and, no permission for sale of plot/ flat shall be given unless the basic infrastructure as per sub-regulation No.1.3 is provided by the Developer to the satisfaction of the Special Planning Authority. In case the development is proposed in Phases and sale permission is expected after completion of Phase-wise basic infrastructure, such permission may be granted by the Special Planning Authority. Before granting such sale permission, the Developer shall have to submit an undertaking regarding the basic infrastructure to be provided and completed, phase-wise, by the Developer. The plots earmarked for amenities, facilities and utilities shall also be simultaneously developed phase wise, along with residential and allied development.

7. **PROCEDURE FOR APPROVAL:-**

(A) **Locational Clearance** : The proposal for development of Special Township, alongwith details of ownership of land or Development Rights in respect of lands in the proposed Special Township Project, site plan and part plan of the sanctioned Development Plan, shall be submitted to the Government in the Urban Development Department , *alongwith* a copy to the Director of Town Planning Maharashtra State, Pune and the Environment Department of the State Government, for grant of Locational Clearance. Upon receipt of such proposal, depending upon the merits of the case, Locational Clearance may be granted by the Government u/s *44(2)* of the Maharashtra Regional and Town Planning Act, 1966, in consultation with the Director of Town Planning and the Environment Department and *other concerned departments of the State Government whose no objection certificates/letter of approval, signed by an authority not below the rank of Regional Head of the*

*Department ( HOD),* are not submitted by the Developer along with the proposal, within a period of 90 days from the date of receipt of the proposal, in accordance with the procedure prescribed in sub-regulation No.1.2 above and upon such compliance as may be required by the Government. This Location Clearance shall be valid for one year from the date of issue and if within the said period, the letter of intent and final approval are not obtained or not applied for, then such Locational Clearance shall stand lapsed, unless renewed by the Government for sufficient reasons. Application for renewal of Locational Clearance has to be made to the Government before expiry of the said period of one year. This special Regulation shall be applicable to the area where such Locational Clearance has lapsed.

(B) **Letter of intent** : Upon receipt of Locational Clearance from the Government, the Developer shall submit the proposal in respect of the Special Township Project to the Special Planning Authority, alongwith the environmental clearance, as mentioned in sub-regulation No.1.4, for issue of Letter of Intent. The proposal shall contain documents showing ownership rights/development rights in respect of at least 50 % of the area under the Project and such other particulars as may be decided and directed by the Special Planning Authority, including details of qualified technical staff and the consultants in relevant technical fields. Letter of Intent shall be issued within a period of 45 days from the date of receipt of the final proposal, complete in all respect. The Letter of Intent shall be valid for six months from the date of issue, unless renewed.

(C) **Final Approval** : (i) The Developer shall submit the layout plan of the entire area under the proposed Special Township Project, along with sector-wise detailed building plans and details of phasing, for final sanction to the Special Planning Authority. The Developer shall also submit an Undertaking and execute an Agreement about development and maintenance of basic infrastructural amenities in future, along with a Bank Guarantee of 15% of the development cost of the Special Township Project. The Special Planning Authority shall conduct proper enquiry and veify correctness of title and ownership etc. Only after such verification, shall the Special Planning Authority grant approval to the layout plan and sector-wise detailed building plan, in consultation with the Joint Director of Town Planning , Konkan Division, Konkan Bhavan, Navi Mumbai, within the stipulated period, on terms and

conditions as may be determined by the Special Planning Authority. The period required for technical consultation with the Joint Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai shall not be taken into account while computing the period prescribed for such permission.

Any one aggrieved by an order passed by the Special Planning Authority in this regard may within forty days of the date of communication of the order, prefer, an appeal to the State Government .

(ii) Every application shall be accompanied by :

(a) Ownership Documents : V. F. No. 7/12 Extract/ Property Card/ Ownership rights Documents in original, along with a list of such documents.

(b) Extent of Area of the Project : Village maps showing the extent of area and authenticated measurement plan/ gut book of the land in original, along with a list of such documents.

(c) Authenticated Copies of Locational Clearance and Letter of Intent, Environmental Clearance, as applicable.

(d) Layout and Building Plans:

i) Layout plan showing all details of area utilized under roads, open spaces for parks/ gardens/ playgrounds and amenities, prepared and signed by experts in respective fields, with a Town Planner or an Architect having specialisation in Town Planning as the Head of the Team.

ii) Detailed layout plan, building plans of all proposed development, with areas of all sectors and individual plots along with built-up area/FSI proposed on each sector and plot.

iii) Detailed report comprising expected population, requirement of amenities and proposed amenities with reference to prevailing planning standards approved by the Government, sources of all basic

amenities, details of implementation and maintenance, taxation etc.

iv) Details of zones and area under respective zones.

v) Details of FSI /total built-up area proposed to be utilized in the Project.

vi) Details of eco-friendly amenities provided.

vii) Plan showing road hierarchy and road widths, pedestrian facilities , street furniture, plantation, side walkways, sub-ways with details.

viii) Details of solid waste management plan.

ix) Plan showing High Flood Line (HFL) of major lakes/ river, if any, certified by the Water Resources Department

x) Plan showing details of distribution of total built-up area / space

xi) Plan showing water supply distribution system, including reservoirs, waste water recycling system , details of rainwater harvesting system, etc.

xii) Details of storm water drainage system.

Xiii) Details of fire fighting mechanism and fire brigade station.

xiv) All other documents as determined and directed by the Special Planning Authority.

Explanation : *The above prescribed periods shall be computed after compliance of all the requirements listed above and submission of any other additional information called for from the Developer by the Government / Special Planning Authority /Collector.*

**(d) Transition Policy :** Any Special Township Project in respect of which Locational Clearance has previously been granted and any ***Megacity Project which is previously Notified under section 37(2) of Maharashtra Regional and Town Planning Act, 1966 and any Megacity Project which is previously approved by MMRDA,*** prior to the date of coming into force of this Regulation, may be allowed to be converted into a Special Township Project under the provisions of this Regulation ( hereinafter referred to as the Modified Scheme), with the prior approval of the Government, subject to the following conditions.

i) FSI as per the Modified Scheme shall be permissible only on the balance un-built, unencumbered and buildable land- parcel, having a minimum area of 8 Ha. If such balance un-built, unencumbered and buildable area is 8 Ha. or more but less than 40 Ha. then, admissible FSI on such land parcel, upon conversion shall be admissible as per the minimum given in sub-regulation 5.1(i) above for the respective zones. If such land parcel is more than 40 Ha. then, the admissible FSI shall be calculated as per the areawise entitlement given in sub-regulation 5.1(i) .

ii) Development on the balance area as above shall be strictly in conformity with the Planning standards and the Standardised Development Control and Promotion Regulations etc. No relaxation shall be granted in marginal spaces, road width etc.

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| 8 | Implementation and Completion | i) Development of basic infrastructure and amenities in the area of the Special Township shall be completed by the Developer to the satisfaction of the Special Planning Authority as per the phase of the Project. Development of the Project shall be completed within 10 years from the date of final sanction of the layout plan of the Project.<br>ii) No building in the Project shall be permitted to be occupied in any manner unless Occupation Certificate in respect thereof is issued by the Special Planning Authority. |

iii) Final Completion Certificate for the Project is to be issued by the Special Planning Authority in consultation with the Maharashtra Pollution Control Board, the Tree Authority as far as tree plantation is concerned and the ***Director of Fire Services, Government of Maharashtra.***

iv) Application for Occupation Certificate or final Occupation Certificate shall be submitted alongwith a declaration and undertaking by the Developer as well as his Structural Consultant, Architect, Town Planner, as follows:-

*"a) We confirm that all buildings constructed in the project area are as per the norms specified by the Indian Standards Institute, as regards resistance to earthquakes, fire safety and natural calamities .*

*b) Work is done as per the sanctioned plan.*

*c) Built-up area as well as FSI consumed in the project is as per the sanctioned plan of the project.*

*d) if it is found that built-up area /FSI consumed in the project at any time, is more than what has been sanctioned, then it shall be demolished by the Developer at his own cost, as directed by the Special Planning Authority within one month from the date of the order passed by the Special Planning Authority in this regard.*

**9. Interpretation :** If any question or dispute arises with regard to the interpretation of any part of this Regulation, the matter shall be referred to the State Government. The Government, after considering the matter, and if necessary , after giving hearing to the parties, shall give a decision on the interpretation of the provisions. The decision of the Government on the interpretation of this Regulation shall be final and binding on all the concerned.

1-1-2014

(Sanjay Pawar )
Section Officer