

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. CHE/32545/DP/400, Date 24.02.15

Sub: To stop issuing IOD/CC in cases of plots that are affected by reservation in the Draft Development Plan 2014-2034.

The Draft Development Plan 2014-2034 has been placed before the Corporation on 23.2.2015 and the Corporation have by their Resolution No. 1195 dt. 23.2.2015 accorded approval to publish the same as per the provisions of Sec. 26 (1) of M.R.T.P. Act, 1966.

In the aforesaid circumstances, the Draft Development Plan is likely to be published within a period of seven days. The Draft Development Plan along with Draft D.C.R. 2014-2034 will therefore be published shortly and the transitional provisions of the draft D.C.R. would also become operative u/s 46 of the M.R.T.P. Act, 1966.

In view of the above, it is necessary to ensure that the building proposals received during transitional period is scrutinized considering transitional provisions and having regard to the Draft D.P. being published u/s 46 of the MRTP Act. The transitional provisions in the Draft D.C.R. reads as below.

**Transitional Arrangement**

Section 46 of the MRTP Act, 1966 provides that "The Planning authority in considering application for permission shall have due regard to the provisions of any draft or final plan or proposal published by means of notice submitted or sanctioned under this Act".

Notwithstanding such provision, it is clarified that from the date of publication of Greater Mumbai Draft Development Plan 2034 u/s 26 of the said Act till its sanction under Section 31 of the said Act, following transitional provisions shall apply.

1. **Land Use Zones:** The stringent of Land Use Zones of D.P. 1991 and Draft D.P. 2034 shall prevail.
2. **Development of Land Reserved for Public purposes :** The reservations from D.P. 1991 will continue to be in force, including those proposed to be deleted in the Draft D.P. 2034.
3. **Control of other Development :** All other aspects of development shall continue to be governed by the DCR 1991 including payments

for premium as amended upto date till the Draft D.P. 2034 is sanctioned.

It is therefore seen that from the above transitional provisions the stringent of the Draft Development Plan and the sanctioned Revised D.P. of 1991 would be applicable so far as the lands under reservation/zoning is concerned. Further, so far as the control of other development is concerned, the transitional arrangement provides that development shall continue to be governed by D.C.R. 1991 including payment of premium as amended upto date till the Draft Development Plan is sanctioned.

In view of the specific provision made in the transitional arrangement under the Draft DCR it will be necessary to issue suitable instructions to the staff of the building proposal and the D.P. Dept. to have due regard to the provisions made therein. For this purpose, the following line of action is proposed:

- All ongoing building proposals where IOD or CC has not been issued will have to be reviewed based on the provisions of transitional arrangement and thereafter processed further accordingly.
- In case the plot under reference is not reserved for any purpose in the draft D.P. then the proposal may be processed further for concession/ IOD/CC as may be applicable.
- In case the plot under reference is found to be reserved in the draft D.P., then such proposals shall not be processed further for concession/ IOD/ CC. In cases where IOD is already issued then the same shall not be processed further and no CC shall be given. The action in respect of Section 51 of M.R.T.P. Act, shall be initiated with competent sanction.
- In cases where CC has already been granted and work has not yet started or substantially progressed on the plot which are reserved in the draft D.P., the matter may have to be separately examined, on case to case basis with the sanction of competent authority. The action in respect of Section 51 of the M.R.T.P. Act, 1966 can be thereafter initiated.

- However, in case where C.C. has already been granted and work has also substantially progressed, it ~~can~~<sup>may</sup> not be possible to impose the transitional arrangement and there may not be any alternative but to allow further process/permission for such cases.
- All the building proposal cases which are ongoing and at various stages of approval shall be returned to the concerned B.P. office for verifying the provisions of draft D.P.
- All the B.P. and D.P. staff shall verify the Draft Development Plan provisions and provisions of transitional arrangement in the draft D.C.R. in all the ongoing cases where IOD/ CC has not been issued and take further action on the basis of above
- While submitting concession reports etc, the concerned B.P. staff shall specifically mention in the report whether the plot is reserved/ not reserved in the draft DP and also whether the transitional provisions are applicable or otherwise and accordingly put up proposal to Ch.Eng. (DP)/Hon. M.C. for competent sanction.
- Two sets of D.P. sheets and FSI plans along with two CDs will be furnished to all Dy.Ch.Eng. (BP), one set shall be retained by Survey Dept. while one set will be retained by zonal Dy.Ch.Eng. (BP) for verification of records.
- The set of plans and C.D. will be made available to the zonal B.P. office by 24.2.2015 so that they are able to verify the applicability of transitional provisions and accordingly process the ongoing building proposals.

Hon. M.C.'s approval is requested to the line of action as mentioned above. On receipt of approval, zonal B.P. Depts. will be informed to take further action accordingly.

Submitted please.

*Chandray*  
23/2/15  
Ch.Eng. (DP) I/c

Hon. M.C.  
Sir,

*Approved as proposed.*

*Gennet*  
24/2/15  
MUNICIPAL COMMISSIONER  
ChEng (DP)

वृहन्मुंबई महानगरपालिका आयुक्तांचे कार्यालय	
24 FEB 2015	
समय	११, १२, १३, १४ १५, १६, १७, १८
क्रमांक	MCP/2595

*24-2-15*