

Maharashtra Regional & Town Planning Act, 1966
Directive under Section 154(1) Regarding Development
Control Regulation for Greater Mumbai, 1991

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai-400032
Date 10th February, 2014

No. TPB 4313/571/CR-133/2013/UD-11

Read: Order of the Hon'ble Supreme Court of India dated 17th December 2013 in Civil Appeal No. 11150/2013 in Special Leave Petition (Civil) No. 33402/2012

ORDER

In its Judgment dated 17th December 2013, in Civil Appeal No. 11150/2013 in Special Leave Petition Civil No.33402/2012 the Hon'ble Supreme Court of India has passed the following orders regarding Regulations 23, 33(7), 38 (34), 43(1)(A) of the Development Control Regulations for Greater Mumbai.

- (1) The minimum recreational space laid down under Development Control (DCR) 23 cannot be reduced on the basis of DCR 38(34). The recreational space, if any, provided on the podium as per DCR 38(34) shall be in addition to that provided as per DCR 23.
- (2) The second proviso to DCR 43(1)(A) concerning fire protection requirements, is held to be bad in law. Even for the reconstruction proposals of plot up to the size of 600 sq.mts. 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 will have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters on two sides, or another access of 6 meters to the building is available apart from the road abutting the building.

In view of the above, the State Government finds it expedient to issue necessary directives under section 154 (1) of the Maharashtra Regional and Town planning Act, 1966, to the Municipal Corporation of Greater Mumbai, Mumbai Metropolitan Region Development Authority and Slum Rehabilitation Authority as under:-

DIRECTION

- 1) In clause 34 of Regulation 38, for the words " The recreational space prescribed in D. C. Regulation 23 may be provided either at ground level or an open to sky podium", the following shall be substituted.

“ The minimum recreational space as laid down under Regulation 23, shall be provided at ground level only. The recreational space, if any, provided on the podium under this regulation shall be in addition to that provided as per regulation 23”

2) For the second proviso of clause (1)(A) of Regulation 43, the following shall be substituted:-

“Provided further that even for the proposals of plots up to the size of 600 sq. mts. 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 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”.

The above directives shall apply to those developments where building plans were not approved, or where the Commencement Certificate (CC) had not been issued on 17th December 2013 i.e. the date of the aforesaid order passed by Hon,ble Supreme Court. All the authorities concerned shall ensure strict compliance of the aforesaid directives.

By order and in the name of the Governor of Maharashtra

(Sanjay Banait)

Under Secretary to Government

To,

The Municipal Commissioner, Municipal Corporation of Greater Mumbai.