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2015

Maharashtra Regional and Town Planning
Act, 1966 (MRTPA Act, 1966)

Modification to the existing Regulation
46(3) with Appendix-VI in the Development
Control Regulations for Navi-Mumbai
Municipal Corporation, 1994 under Section
37(2) of the Act.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Dated 4th February, 2015.

NOTIFICATION

No. TPB-4312/643/CR-9/1/2014/UD-11:-

Whereas the Government of Maharashtra, in Urban Development Department, vide its Notification No. TPB-4306/564/CR-55/06/UD-11, dated 12th December 2007, under sub-section (2) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") sanctioned the proposal of modification to the Development Control Regulations 1994, (hereinafter referred to as "the said Regulations") as submitted under sub-section (1) of the Section 37 of the said Act by Navi Mumbai Municipal Corporation (hereinafter referred to as "the said Corporation") for its area by keeping some of the Regulations in abeyance and whereas the said Regulations have become applicable with effect from 27th December 2007;

And whereas, the Government in Urban Development Department, vide its Notification No. TPB/4306/564/CR-55/06/UD-11, dated 21st July 2008, has sanctioned the Regulations which were kept in abeyance vide its earlier Notification dated 12th December 2007, under sub-section (2) of Section 37 of the said Act, and the same have come into force with effect from 23rd July 2008;

And whereas, the said Corporation vide its Resolution No.1267 dated the 11th May 2012, has decided to modify the existing Regulation 46(3) along with Appendix-VI in the Development Control Regulations of the said Corporation regarding reconstruction /redevelopment of building or buildings previously constructed by CIDCO within the limits of the said Corporation and accordingly, in exercise of the powers conferred by sub-section (1) of Section 37 of the said Act, the said Corporation, vide its Notice No. NMMC/TP/SSNR/2400/2012, dated 25th May, 2012 has proposed to modify the existing Regulation 46(3) alongwith Appendix-VI in the Development Control Regulations of the said Corporation (hereinafter referred to as "proposed modification") and invited objections / suggestions in respect thereof from the general public;

And whereas, the said Corporation, vide its letter No. NMMC/TPD/ADTP/5010/2012, dated the 7th September 2012 has submitted the proposed modification in the said Regulations to the State Government for final sanction, after following the procedure as contemplated under Section 37(1) of the said Act.;

14. For the purpose of deciding the authenticity of the age of the structures, if the approved plans of such existing structures are not available, the Municipal Commissioner shall consider other evidence such as Assessment Record, or city survey record or map.

In any Redevelopment project where the existing or proposed Co-operative Housing Society/Apartment Owners' Association/Developer appointed by the concerned Society/Associations has obtained No Objection Certificate from the CIDCO, thereby securing additional balance FSI with the consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), 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. However, in case of Apartment Owners' Association, the Consent as per the concerned Act will be required.

For redevelopment of any dangerous / dilapidated buildings in any Housing Scheme of CIDCO under clause 2.1 hereinabove, by CIDCO, 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. Similarly in case of Apartment Owners' Association, the consent as per the concerned Act will be required.

For providing the requisite infrastructure for the increased population, an infrastructure charge at the rate of 10% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be levied and charged by the NMMC for the extra FSI granted for the redevelopment project, over and above the Basic Zonal SI.

corpus fund, as may be decided by Municipal Commissioner, shall be created by the developer which shall remain with the concerned Co-operative Housing Society / Apartment Owners' Association for the maintenance of the new buildings under the habilitation Component.

For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government in the Housing Department from time to time.

In any redevelopment proposal where NMMC has already issued Commencement Certificate (C.C.) prior to the date of coming into force of this Modification (hereinafter referred to as "the appointed date") and which is valid as on the appointed date, it shall be allowed to convert to redevelopment projects under this Regulation, provided it satisfies all the requirements specified in this Regulation.

By order and the name of the Governor of Maharashtra.

(Sanjay Banait)
Under Secretary to Government.

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