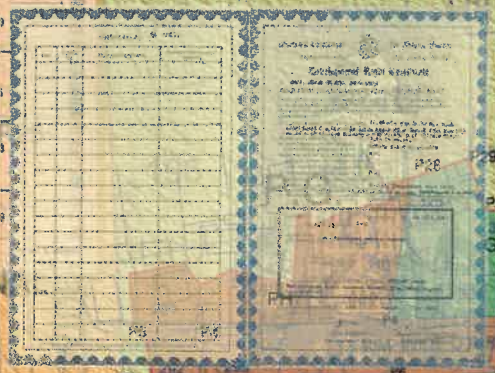
Handbook on procedure & guidelines of development plan dept. of M.C.G.M.

Brihan Mumbai Mahanagar Palika



Printed by

Practising Engineers Architects and Town Planners Association (India)

FOUNDED IN 1965

4 & 5, Nagree Terraces, Sonawala Aglary Marg, Mahim (W) Mumbai - 400 016, INDIA

Tel.: 2444 5998 • 2444 2897 • Fax : 2444 2983 • E-mail : peataindia@rediffmail.com

Website:www.peataindia.org

With

Best Compliments

From

Sunshine Housing & Infrastructure Pvt. Ltd.

SUNSHINE™
HORIZONS. AND BEYOND...

Sunshine Housing & Infrastructure Pvt. Ltd.
Sunshine Plaza, Sixth Floor, Naigaum Cross Road, Dadar East, Mumbai - 400 014, India.
T: +91-22-4340 4900 F: +91-22-4340 4959 W: www.sunshinegroup.co.in

Handbook on procedure & guidelines of development plan dept. of M.C.G.M.

Brihan Mumbai Mahanagar Palika

Printed by

Practising Engineers Architects and Town Planners Association (India)

FOUNDED IN 1985

4 & 5, Nagree Terraces, Sonawala Agiary Marg, Mahim (W) Mumbai - 400 016, INDIA
Tel.: 2444 5998 • 2444 2897 • Fax : 2444 2983 • E-mail : peataindia@rediffmail.com
Website:www.peataindia.org

DR. J. M. PHATAK
MUNICIPAL COMMISSIONER

OFFICE OF THE
MUNICIPAL COMMISSIONER
MAHAPALIKA MARG,
MUMBAI - 400 001.
Tel. No. : 2262 05 25 (P)
2262 0251 Ext. 3109 (O)
Fax No. : 2265 5927
D. O. No. :
Date :

FOREWORD

There was a long felt need to have a booklet, which could provide ready information and clear doubts of practicing Architects and Licensed Surveyors regarding the working procedures and policies of the Development Plan Department of Municipal Corporation of Greater Mumbai.

Practicing Engineers Architect & Town Planners Association popularly known as PEATA, took up the responsibility and are now publishing the Handbook on the procedures of Development Plan Department.

It is heartening to know the representatives of Practicing Engineers Architect & Town Planners Association, as well as the Officers of the Municipal Corporation of Greater Mumbai have jointly worked on the Development Plan Handbook, This indicates the role of Authority as facilitator and friend rather than impediment.

I am sure that this Handbook will compliment requirement of Practicing Architects, Licensed Surveyors, especially new entrants in this field, as well as concerned staff of Development plan Depatment of Municipal Corporation of Greater Mumbai and developers.

I thank the office bearers of PEATA and congratulate my Engineers for timely producing the Devleopment Plan Handbook by incorporating appropriate information in a simple lucid manner, which will go in a long way to serve the purpose.

Mumbai
23rd September, 2009.

(Dr. J. M. Phatak)
Muncipal Commissioner)

M. L. Tambe
DIRECTOR
(Engineering Services & Projects)

Municipal Head Office, Annexe Building,
3rd Floor, Mahapalika Marg,
Fort, Mumbai - 400 001.
Tel. No. : 2262 1387 (P.).
Office : 2262 0251 (Extn. : 2300).
Fax No. : 2262 0736
D. O. No. :
Date : 19/09/2009

FOREWORD

I am pleased that Development Plan Handbook is being published for the first time.

The need for such a book was imperative as there has been no book which provides ready information regarding the procedure of D.P. Department, grant of approvals of accommodation reservation, T.D.R. Acquisition, C.R.Z. and Heritage permissions.

I congratulate PEATA (I), our staff and Ex-Municipal Officers for their commendable efforts in preparing this important document. I am sure this handbook would serve as a reference book to practicing Architect and Municipal Engineers.

I wish PEATA (I) success in all their future endeavors.

Date: September, 2009.

(M.L. Tambe)
Dir. (E.S. & P.)

अ. तु. शिंत्रे
प्रमुख अभियंता
(विकास नियोजन)

महानगरपालिका मुख्यालय,
विस्तारित इमारत, ४ था मजला,
महापालिका मार्ग, फोर्ट,
मुंबई – ४०० ००१.
दूरध्वनी कार्यालय : २२६२ ००७५
: २२६२ ०२५१
विस्तारित क्र. : २४२४
फॅक्स क्र. : २२६१ ५२१७
भ्रमणध्वनी क्र. : ९८२०७०२५०९
क्रमांक :
दिनांक : १९/०९/२००९

FOREWORD

There was a necessity for preparing Booklet containing upto date compilation regarding procedures of Development Plan Department while granting development permission of reservations, grant of T.D.R., as well as procedure of land acquisition, provision of C.R.Z. and heritage followed by Municipal Corporation. The publishing of D.P. handbook has fulfilled this need for first time.

Practicising Engineers, Architect & Town Planning Association (PEATA), a Premier Organization in this field with the co-operation and assistance of our staff has ably fulfilled the responsibilities in this regard.

The contents of D.P. handbook will be very useful to everyone including Practicising Architects and Engineers as well as Municipal staff and public in general.

I congratulate the office bearers of PEATA, Municipal staff as well as Ex. Municipal staff for this very useful and informative publication.

I wish that PEATA will continue the good work by publishing such useful publications in future as well.

(A.T. Shintre)
Chief Engineer
(Development Plan)

Regn. No. Bom. 32 / 196, GBBSD
(The Society Regn.Act. 1860)
Regn. No. F-1388 (Bom.)
(Bombay Public Trust Act, 1950)

Practising Engineers Architects and Town Planners Association (India)

4 Nagree Terrace, Sonawala Agiary Road, Mahim (West), Mumbai - 400 016.
Tel. : 24445998, 24442897 Fax : 2444 2983 • E-mail : peataindia@rediffmail.com • www.peataindia.org

FOREWORD

A marathon exercise is at last completed. PEATA along with Municipal Corporation of Greater Mumbai have completed the Hand book on procedures and guidelines of Development Plan Department of M.C.G.M.

The exercise was taken up during the tenure of Mr. J.S.Sane who was Chief Engineer, (Development Plan) in the year 2002. Mr.J.S.Sane always inspired PEATA to formulate guidelines, manuals for the working in Building Proposal / Development Plan Dept., so that transparency can be brought in the working of M.C.G.M. PEATA has already published Building Proposal Manual and Building Proposal Handbook on D.C.Regulation, Handbook on Fire Safety Regulation etc.

PEATA's earlier publications and efforts taken by our Past Presidents, Shri.L.D.Babladi, Shri.Satish Dhupelia, Shri.Nathubai Badheka, Shri.Rambhau Deole, Shri.Sudhakar Dokhane, Shri.Jayant Vaidya further inspired us to do this exercise. When Mr.Vijay Phulkar was President of PEATA, the intention to publish the Hand book on Development Plan procedures & Guidelines was initiated and the committee was formed.

The Joint Committee has put in valiant efforts in preparing text of this Hand Book based on various policy decisions, clarifications and circulars issued by the Municipal Corporation from time to time.

I am sure that this Hand-Book will prove a best guide, specifically to new entrants in profession, practicing architects, municipal staff, public and all concerned connected to building industry.

We are thankful to Dr.Jairaj Phatak, Municipal Commissioner for having given consent for the release of Hand-Book on Procedures and guidelines on working of D.P.Department. We are also thankful to Shri.M.L.Tambe, Director (E.S.& P.) and Shri.A.T.Shintre, Chief Engineer (Development Plan) for their support and giving lot of inputs for the Hand book.

My appreciation goes to all the Municipal officers and PEATA officials of the Joint Committee and especially to my colleagues Shri.Vijay Phulkar, Shri.Sudhakar Dokhane and Shri.Jayant Vaidya, Shri.Tarun Motta and others for their untiring efforts and specific mention of Shri.Sunil Deole, who co-coordinated the entire publication of Hand Book, with whose marathon efforts, the Hand Book has been completed.

With immense pleasure, I on behalf of PEATA present this Hand Book to all concern with assurance for more useful publications in future.

For **PEATA (INDIA)**

Date : 18/09/2009

Manoj V.Daisaria
President

COMMITTEE FOR PREPARATION OF HANDBOOK FOR DEVELOPMENT PLAN DEPARTMENT (2009)

From M.C.G.M.	From PEATA (I)
Mr. Mangesh L. Tambe Director (Engg. Services & Project)	Mr. Manoj V. Daisaria Co-Chairman
Mr. Ashok T. Shintre Chief Engineer, Development Plan.	Mr. Sunil R. Deole - Co-ordinator.
Mr. P. P. Joshi, Dy. Ch. Engineer (D.P.)	Mr. Tarun Motta
Mr. C. D. Chaudhari Asstt. Engineer (D.P.)	
Mr. P. S. Godse Sub-Engineer (D.P.)	
Mrs. A. D. Naik Asstt. Engineer (D.P.)	

COMMITTEE FOR "PREPARATION OF HANDBOOK FOR DEVELOPMENT PLAN DEPARTMENT"

(2003 - 2007)

From M.C.G.M.	From PEATA (I)
Mr. Jayant M. Sane – Chairman, Chief Engineer, D.P.	Mr. Vijay V. Phulkar - Co-Chairman
Mr. A.J. Nabar – Dy.Ch. Engineer, Development Plan.	Mr. Sunil R. Deole – Co-ordinator.
Mr. S.G. Joshi.E.E.P to Ch. Engineer, Development Plan.	Mr. Sudhakar M. Dokhane.
Mr. Anil Katdare.E.E.P. to Ch. Engineer, Director (E.S&P)	Mr. Jayant M. Vaidya.
Mr. Y.M. Wadekar.E.E.D.P.	Mr. Rajni Shah
Mr. G.D. Chiplunkar.A.E.D.P.	Mr. Manoj V. Daisaria.
Mr. P.G. Deshpande A.E.D.P.	Mr. Pravin Kanekar
Mr. R.V. Nagre.Dy. M.A. (D.P)	Mr. Dilip Sanghavi
	Mr. Bharat Shah
Mr. Panchal.Sr.M.A. (D.P)	Mr. Shirish Sukhatme.
Mr. Dinesh Naik.S.E.D.P.	Mr. Parag Parekh.
	Mr. Tarun Motta.
	Mr. Rajan Athale.
	Mr. Ajit Khatri.
	Mr. A.S. Jain.

PREAMBLE

Development Plan is the footprint of city's future development. It is prepared for a period of 20 years and accordingly the amenities and facilities are proposed for the projected population.

The Development Plan is a physical land use plan and the land has been allocated with different zones such as Residential zone, Commercial zone, and Industrial zone and No Development zone. It is necessary to prepare a set of regulation i.e. Development Control Regulations, along with preparation of Development Plan and both these documents are sanctioned by the State Government and thereafter it is obligatory on the planning authority to implement the contents of the said Development Plan.

The content of Development Plan, apart from zones prescribed above, are amenities and facilities along with network of D.P. Roads and other transportation modes like railways, airports, bus station etc. Further, utilities like water purification plant, sewage treatment plant, receiving station, sub-station, transformer etc. are also earmarked. Amenities and facilities are generally categorized as Educational (primary school, secondary school, college) Health (like dispensary, maternity home, hospital) Shopping Centre and Market and various recreational open spaces like garden, play ground, park etc. There are certain miscellaneous amenities provided like fire station, welfare centre, cemetery etc.

The D.C. Regulations prepared under the M.R.T.P. Act, control and regulate the development of individual plot / land. Similarly there are use provisions by allowing different zones. To take up any development on individual plot the first important step is to know status of land with reference to Development Plan provision i.e. zone in which land is situated, whether affected by reservations and whether the land is accessible or not. It is likely that the land which is proposed for development may fall in Residential / Commercial zone and is partially affected by one or more reservations of Development Plan. Thus while allowing development of unreserved land the owner / developer is supposed to hand over the land under reservation in lieu of TDR or as the case may be.

In the Development Control Regulations, new innovative provision of Transferable Development Right (TDR) and Accommodation Reservation are introduced. Because of this innovative provision now most of the reservations can be allowed to be developed by owner / developer subject to certain terms and conditions.

It is therefore felt necessary to prepare a detailed Handbook on working of Development Plan Department procedure for grant of development permissions. This Handbook will help practicing architects, engineers, Licensed surveyors, owners / developers to carry out development of their land in a systematic manner and thereby contributing for implementation of Development Plan.

PREAMBLE

Development Plan and Maharashtra Regional & Town Planning Act, 1966.

1) Development Plan – Earlier and Revised.

1.1) Before the Development Control Rules / Regulations came into force, development of Mumbai was governed as per the various provisions of the B.M.C. Act 1888 since its inception.

1.2) Looking to the urbanization boom which started with industrialization, Government enacted Bombay Town Planning Act, 1915, while made provision for preparation of Town Planning Scheme for orderly development of the vacant track of the land.

1.3) After independence and due to rapid industrialization, the process of migration from rural area to nearby cities got impetus. This was more visible in case of large cities as people migrated for jobs, better educational facilities for their kids and availability of other amenities.

1.4) The Government therefore amended Bombay Town Planning Act, 1915 in the year 1954 which came into force from 1/4/1957. It was called as "Bombay Town Planning Act, 1954". The said act made it mandatory for every local authority to prepare the Development Plan for the entire area under their jurisdiction within the stipulated period.

1.5) In view of the provisions contained in Bombay Town Planning Act, 1954, M.C.G.M. declared their intention to prepare the Development Plan for whole of Mumbai as suburbs and extended suburbs were also merged with Mumbai and brought within the jurisdiction of the B.M.C. Act. The Corporation declared their intention to prepare the Development Plan on 18/9/1958 and after following various procedures as laid down in the Act, the same was submitted to the Government for sanction in 1964. The Government sanctioned the Development Plan as also Development Control Rules in parts and last part along with the D.C. Rules was sanctioned on 7/1/1967 and came into force from 9/2/1967.

1.6) With the growth of various cities, it was felt necessary to have proper plan for the areas near to the cities, i.e. to prepare regional plan for every city. In order to enable Government to achieve this objective, Bombay Town Planning Act, 1954 was amended and nomenclated as Maharashtra Regional Town Planning Act, 1966 which came into force from 19/12/1966.

1.7) Thus now preparation of the Development Plan, Regional Plan, and Appointment of Special Town Planning Authority etc. is governed as per the various provisions contained under Maharashtra Regional & Town Planning Act, 1966, that is how the Government has appointed MMRDA, MIDC etc. as a Special Planning Authority under section 40 of the M.R.T.P. Act.

1.8) As per provision of section 38, Development Plan is required to be revised within 10 years. This provision was however subsequently amended in the year, 1994 and now it is mandatory to revise the Development Plan after every 20 years from the date on which the last part has come into operation.

1.9) The Municipal Corporation therefore declared their intention to revise the Development Plan on 13/1/1977 and after completing all the formalities as provided under M.R.T.P. Act, submitted the draft Development Plan along with draft D.C. Rules to the state government in 1985 for their sanction as provided under section 30 of the Act.

1.10) The State Government after consulting Director of Town Planning, etc. sanctioned the Development Control Regulations on 20/2/1991 which came into force from 25/2/1991. Government thereafter also sanctioned Development Plan of various wards in part and last part was sanctioned somewhere in the year, 1994 under section 31 of the M.R.T.P. Act.

1.11) Under section 158 of the M.R.T.P. Act, the State Government may by notification in the official Gazette and subject to the conditions make rules to carry out all or any of the purpose of the M.R.T.P. Act. Since the Government is making various rules for implementation of the M.R.T.P. Act. D.C. Rules was nomenclated as D.C. Regulation, 1991.

2) Various provisions of the M.R.T.P. Act relevant to Development Plan Dept.

2.1) Chapters III, IV, V and VI are the important chapters of the M.R.T.P. Act dealing with preparation of Development Plan, Control of development and use of land, preparation of Town Planning Scheme, Acquisition of land etc.

2.2) Chapter III deals with preparation, submission, sanction and contents of the Development Plan. It contains section 21 to section 42 dealing with the procedures. In fact section 22 is the important section, which specify contents of the Development Plan which also include D.C. Regulations.

2.3) Chapter IV which contains sections 43 to 58 deals with control of Development and use of land included in the Development Plan. In the said chapter section 52 to 58 deals with the procedure regarding unauthorized development, notices to be issued, penalty to be levied, etc.

2.4) Chapter V contains section 59 to 112 and deal with the procedure for making Town Planning Scheme , Arbitration proceedings, Appointment of Tribunal of Appeal, Enforcement of the T.P. Schemes, Finance of schemes etc.

2.5) Chapter VII contains section 125 to 129 and deals with the procedure for Land Acquisition Act and serving of the purchase notice for the land under reservation etc.

2.6) Government amended provision of M.R. & T.P. Act in 1992 and inserted Chapter VI-A, which contains section 124-A to 124-L, which deals about levy, assessment and recovery of the development charges while granting development permission on any land.

3) Contents of the Development Plan :-

3.1) Development Plan contain the provision for use of land, designation of land for public purposes, designation of areas of open spaces, playground, stadia, garden etc. It also contains proposal for transport and communication, water supply, drainage, sewerage, sewerage disposal, reservation of land for community facilities

and services. It also contains proposal for transport and communication, water supply, drainage, sewerage, sewerage disposal, reservation of land for community facilities and services. It also contains preservation, conservation and development of area of natural scenery and landscape, as also preservation of features, structures or places of historical, natural, architectural and scientific interest and educational buildings, proposal for flood control etc. and Development Control Regulations. Thus Development Plan should contain almost everything required by the citizens right from birth till death and also specify various provisions of manner and development of land as provided under sub-clause "M" of regulation 22, i.e. Development Control Regulations.

4) Important Provisions of M.R. & T.P. Act.

4.1) Section 45 :- Permission for development of a property is granted u/.s 45 of the M.R. t.P. Act and in case of draft T.P. Scheme it is granted under section 69 of the M.R.T.P. Act.

4.2) Section 47 :- An applicant aggrieved by an order granting permission on condition or refusing permission under section 45 can be appeal to the State Government under section 47 of the M.R.T.P. Act.

4.3a) Section 37 :- When provision of the Development Plan / D.C. Regulation need to be modified then a modification proposal has to be initiated by the Corporation under section 37 suo-moto or Government can issue notice inviting suggestions or objections from the members of the public under section 37 (1)(A).

4.3b) If the Planning Authority fails to issue the notice as directed by the State Government inviting suggestion / objection within 60 days, the State Governm ent can issue notice inviting suggestions or objections from the members of the public under section 37 (1)(A).

4.3c) Section 37 (1)(A)(A) :- The Statement Government can directly publish a notification inviting suggestions or objections from the members of public for affecting a modification to the Development Plan or D.C. Regulations. In such a case however the suggestion and objection are specifically invited from the Planning Authority.

4.3d) Under Section 37 (2) :- The Statement Government sanction modification to the Development Plan / D.C. Regulations and the same becomes operative from the date specified by the Government in this regard.

4.4a) Section 49 :- In case if the land is designated or reserved in the Development Plan and the land has become incapable of reasonably beneficial use in its existing state, the owner can serve a purchase notice to the Statement Government under section 49 of the M.R. & T.P. Act.

4.4b) The Statement Government after giving hearing to the concerned parties, may either confirm the Purchase Notice or refuse to confirm the Purchase Notice. This has to be done within a period of 6 months failing which notice shall be deemed to have been confirmed.

4.4.c) If within one year from the date of confirmation of the Notice, the Planning Authority / Appropriate Authority fails to make an application to acquire the land, then the reservation, designation or restriction on development of the land shall be deemed to have lapsed and the land shall be deemed to be released from the reservation.

4.5) Section 50 :- The Appropriate Authority, if satisfied that the land is not or no longer required for the public purpose for which it is designated or reserved in the Development Plan, approach Statement Government to sanction the deletion of such designated or reservation and the Statement Government after consulting various authorities may sanction the deletion of the reservation. However in case where the Municipal Corporation is the Appropriate Authority in respect of the various reservations, this section can not be operated by the Corporation and the Corporation has to follow the procedure laid down under section 30 of the M.R.T.P. Act, 1956.

4.6) Section 52 to 54 :- These are regarding unauthorized development. These sections lays down the procedure for penalty for unauthorized development or for use, power to require removal of unauthorized development and power to stop unauthorized development etc.

4.7) Section 126 deals about acquisition of land required for public purposes specified in the Development Plan. The acquisition proceeding are to be carried out after the land is notified by the Collector under section 126, by the Land Acquisition Officer under the various provisions of Land Acquisition Act, 1894.

In the Development Control Regulations a new concept of the TDR was incorporated vide D.C. Regulation No. 34. The Statement Government therefore amended provision of section 126 whereby land acquisition of the land by carrying out suitable amendment to this section in the year 1994.

4.8) Section 127 :- If any land is reserved, allotted or designated for any purpose in the plan is not acquired by the Planning Authority within 10 years, the owner or any person interested in the land may serve notice on the Planning Authority, Development Authority / Appropriate Authority and if within 6 months from the date of service of such notice if the land acquisition proceeding are not initiated, the land shall be deemed to be released from such reservation, allotment or designation and shall be available to the owner for the purpose of development.

4.9) Section 154 :- This section empower the State Government to issue directive To Regional Board, Planning Authority and Development Authority to carry out such directions or instructions as may be issued by the State Government from time to time for the efficient administration of the M.R. & T.P. Act. That is why in some cases where Government feel that a provision of D.C. Regulations need to be modified and made operative from minimum effect, the Government issue directive under section 154 also along with Section 37 (1) of the M.R. & T.P. Act.

INDEX

SECTION I

1. D.P. Remarks.
2. Demarcation of reservation.
3. Relocation of D.P. Reservations / Designations.
4. Realignment of D.P. Roads.
5. Change of User Permission (of Industrially zoned land)
6. Development Permissions for Housing Reservations.
7. Development Permissions for Accommodation Reservations.
8. Revalidation of the Development Permissions.

SECTION - 1

Development Plan

Development Plan is a "Land Use Plan" governed by "Development Control Regulations" as provided u/s. 22 of the M.R.T.P. Act, 1966.

Under Revenue Records of the State Government, Greater Mumbai is divided as follows:

CITY area is divided into "DIVISIONS" and DIVISION is a mosaic of Cadastral Survey Numbered holdings marked in the sheets to the Scale of 1:480 (1"=40').

Suburbs comprises of "VILLAGES" and VILLAGE is a mosaic of C.T.S.(Chain & Traingulation Survey) Numbered holdings in the Sheet, to the Scale of 1:500.

For Effective Working & Implementation of Development Plan it is divided in two several wards as follows:

CITY	EASTERN SUB.	WESTERN SUB.
A – Ward	L – Ward	H/East – Ward
B – Ward	M-East – Ward	H/West – Ward
	M-West Ward.	
C – Ward	N – Ward	K/East – Ward
D – Ward	S – Ward	K/West – Ward
E – Ward	T – Ward	P/South – Ward
F/South – Ward		P/North – Ward
F/North – Ward		R – Ward
G/South – Ward		
G/North – Ward		

From Land-use point of view, Brihan Mumbai is Divided into four specific zones:

1. Residential Zone (R1 & R2)
2. Commercial Zone (C1 & C2)
3. Industrial Zone (I-1, I-2 & I-3)
4. No-Development Zone (NDZ)
5. TDZ :- Note : TDZ is not shown in D.P. However as per D.C.R. No. 61 land situated in above four categories can be converted into TDZ with the prior approval of the State Government.

Details of D. P. Sheets:

City : (Scale 1 = 2500) (37 Sheets)

CITY WARDS	NO OF D.P. SHEETS	DIVISIONS
A – Ward	I to V Sheets	Coloba, Fort
B – Ward	1 Sheet	Mandvi
C – Ward	1 Sheet	Bhuleshwar
D – Ward	(I) to (IV) Sheets	Girgaum, Malabar Hill, Tardeo
E – Ward	(I) to (IV) Sheets	Mazagaon, Byculla
F/South –Ward	(I) to (V) Sheets	Parel-Sewri, Dadar-Naigaon
F/North – Ward	(I) to (VII) Sheets	Matunga, Salt-Pan, Sion, Dadar-Naigaon
G/South – Ward	(I) to (V) Sheets	Lower-Parel, Worli, Mahim
G/North – Ward	(I) to (V) Sheets	Mahim, Dharavi

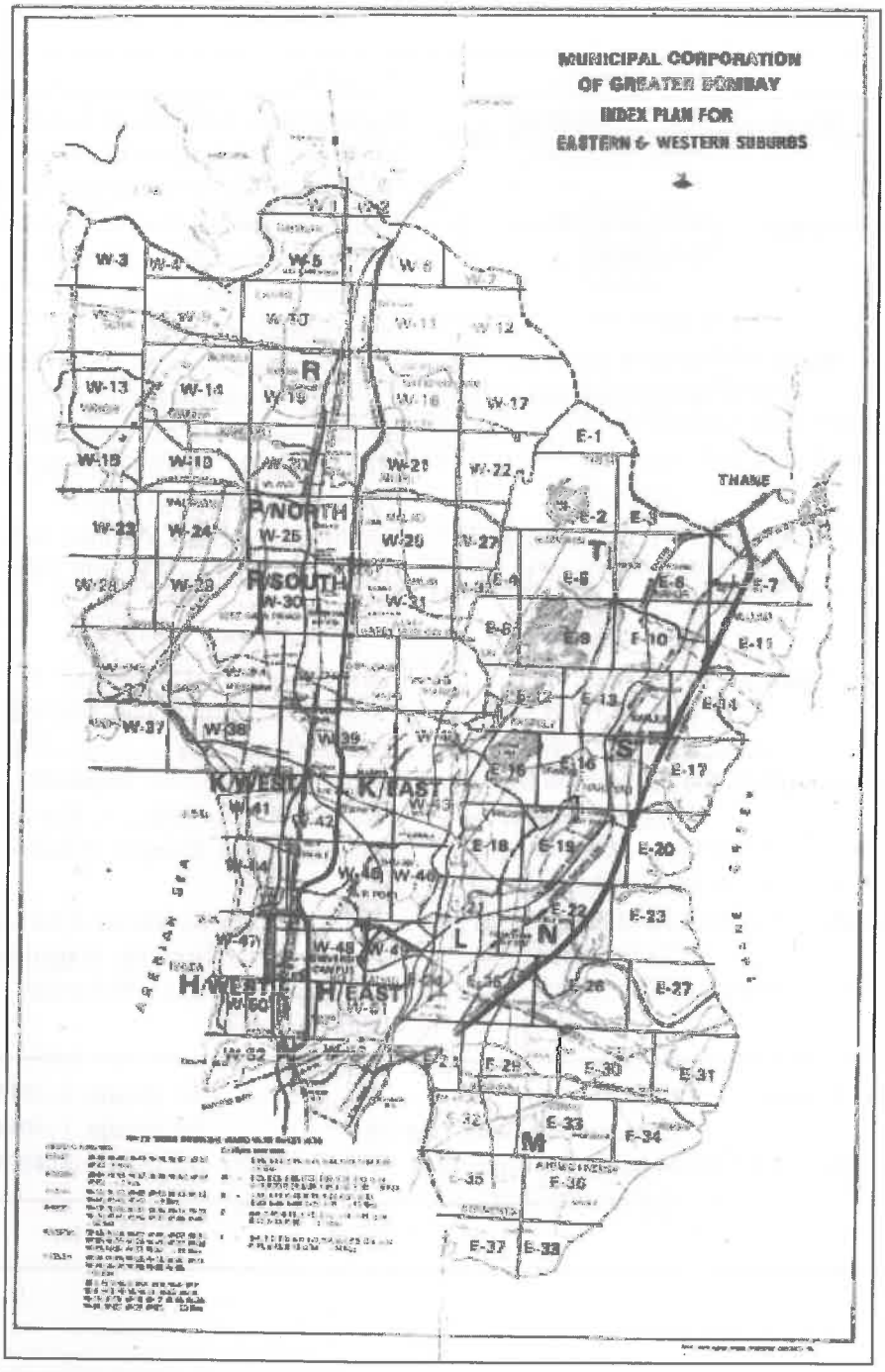
Eastern Suburbs : (Scale 1 : 4000)
(W-1 to W-38)

WARDS	D.P. SHEETS.	VILLAGES
L – Ward	E15, E18, E19, E21, E24, E25, E28	Asalpe, Kurla, Chandivali, Tungwe, Mohili, Saki.
M – Ward	E25 – E38	Anik, Chembur, Turbhe, Deonar, Borla, Maravli, Mahul, Mankhurd, Man-Budruk, Mandale, Vadhavli, Gundhgaon.
N – Ward	E19, E20, E21, E22, E23, E25, E26, E27	Ghatkopar-Kirol, Kanjur, Kirol, Ghatkopar,
S – Ward	E10 to E17, E19, E20	Tirandaz, Paspoli, Bhandup, Vikroli, Hariyali, Powai.
T – Ward	E1 to E14	Tulsi, Saai, Kopri, Nahur, Mulund, Klerabad.

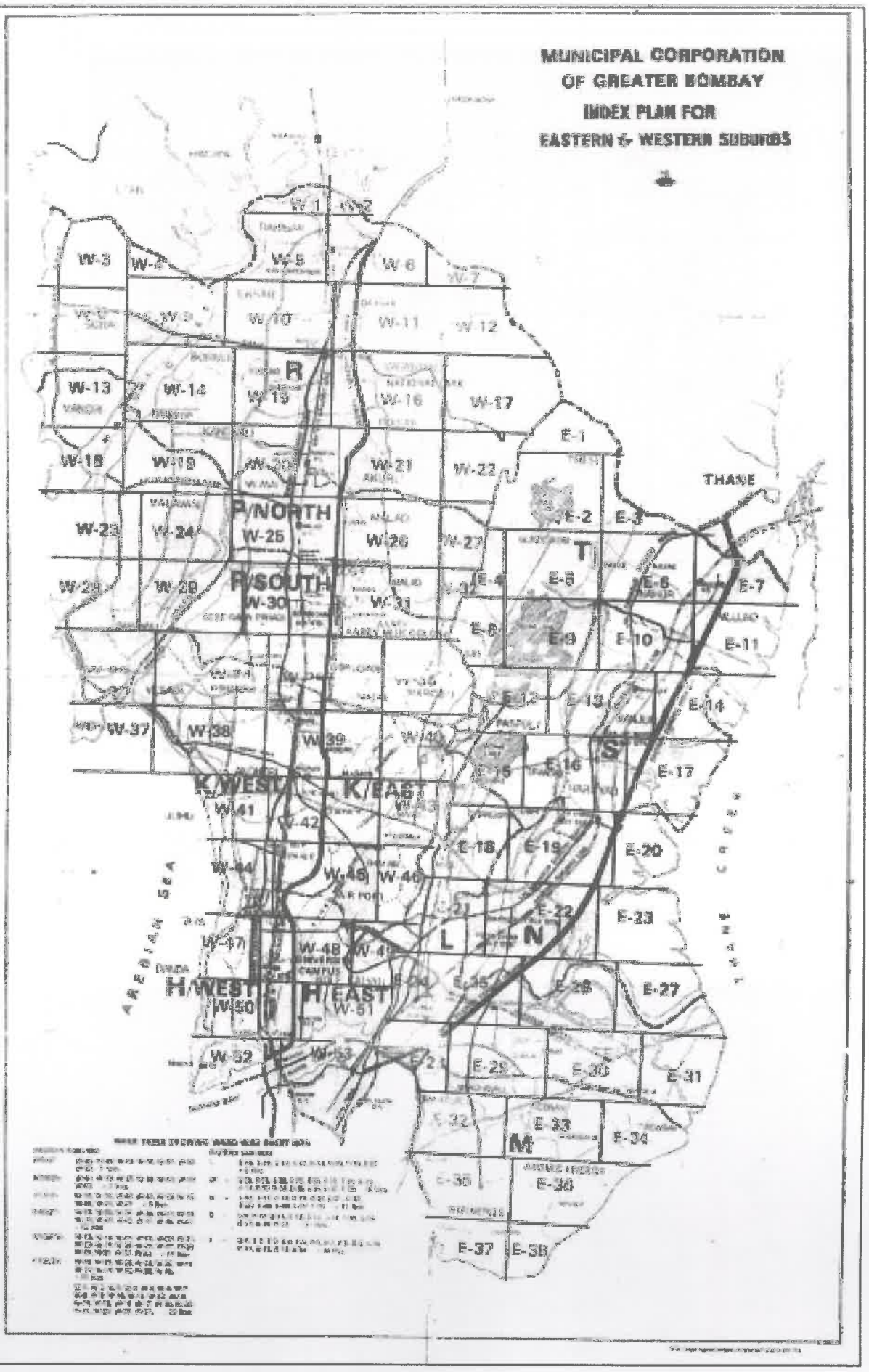
Western Suburb : (Scale 1 : 4000)
(W1 to W52)

WARDS	D.P. SHEETS.	VILLAGES
H/East – Ward	W45, W48, W49, W50, W51, W52	Bandra(East), Kolekalyan, Kolekalyan (Gaothan), Kolekalyan(Vimantal), Kolekalyan(University), Parighakhari,
H/West – Ward	W44,W47, W48, W50, W52	Bandra City, Khar Danda, Chuim, Sherly, Chimbai, Khari, Gazdar Scheme, Khatau Layout, Khar Suburban Scheme No.VII.
K/East – Ward	W35, W39, W40, W42, W43, W45, W46	Majas, Mogra, Vayaravli, Kondivate, Chakala, Gundivali, Bramhanwada, Ismalia, Sahar, Marol, Bapnalla, Marol-Maroshi, Mulgaon, Prajapur, Vileparle, Bandivali, Andheri
K/West – Ward	W33, W34, W35, W37, W38, W39, W41, W42, W44, W45, W47, W48	Bandivali, Oshiwara, Andheri, Juhu, Ambivali, Versova, Vileparle, Mud, Majas, Mulgaon,
P/South – Ward	W25, W29, W30, W31, W32, W34, W35, W36, W40	Aare, Chinchavli, Goregaon, Pahadi-Goregaon, Malad, Maroshi, Pahadi-Eksar,
P/North –Ward	W13, W14, W18, W19, W20, W21, W23 –W29, W30, W31, W32, W33, W34	Aakse, Kurar, Daravli, Dindoshi, Pahadi-Goregaon, Manori, Marve, Malad, Malvani, Erangal, Valnai,
R – Ward	W1 – W17, W19, W20, W21, W22, W26, W27	Akurli, Kanheri, Kandivali, Charkop, Dahisar, Poisar, Borivali, Magathane, Mandpeshwar, Eksar, Wdhawan, Shimpoli, Gorai

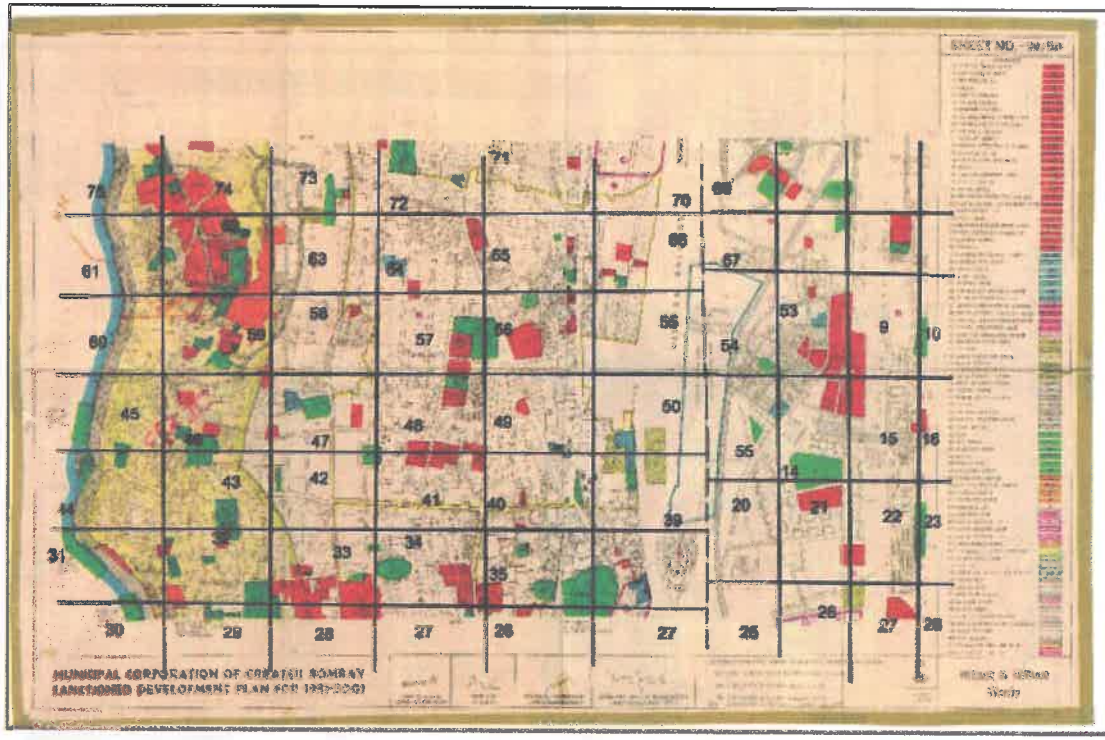
Total D. P. sheets	**City**	**:**	**37 (Scale 1:2500)**
	Eastern Suburbs (1to 38)	**:**	**38 (Scale 1:4000)**
	Western Suburb (1to 52)	**:**	**52 (Scale 1:4000)**
	Total	**:**	**127 Sheets.**



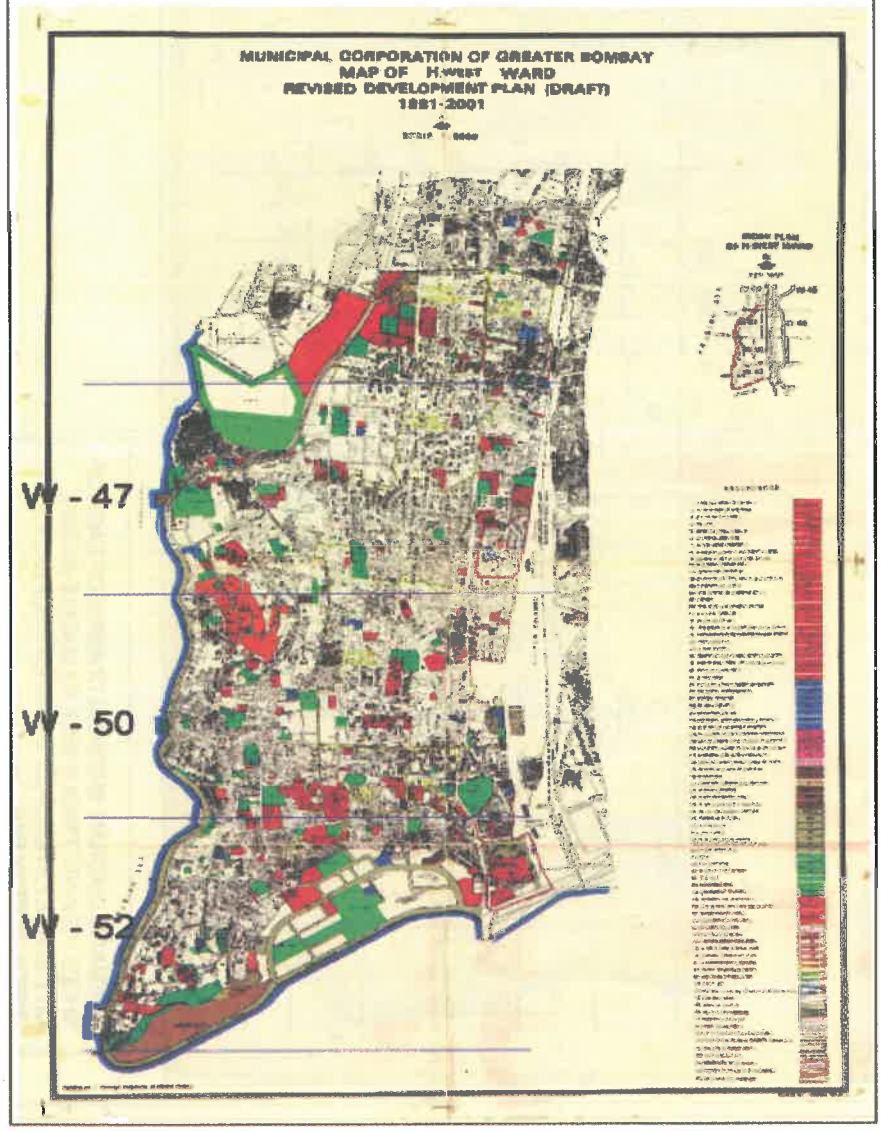
MUMBAI CITY AND EXTENDED SUBURBAN AREA IS SUB DIVIDED INTO 52 DP SHEET OF WEST SUBURB AND38 DP SHEETS OF EASTERN SUBURB .
THIS MAP IS AN INDEX MAP SHOWING POSITION OF EACH DP SHEET IN EASTERN AND WESTERN SUBURBS AREAS OF MUMBAI



MUMBAI CITY AND EXTENDED SUBURBAN AREA IS SUB DIVIDED INTO 52 DP SHEET OF WEST SUBURB AND38 DP SHEETS OF EASTERN SUBURB .
THIS MAP IS AN INDEX MAP SHOWING POSITION OF EACH DP SHEET IN EASTERN AND WESTERN SUBURBS AREAS OF MUMBAI



SHEMATIC DIAGRAM SHOWING DIVISION OF EACH DP SHEET VIZ-A-VIZ TIKKA SHEET TO LOCATE ACTUAL CITY SURVEY BOUNDARY OF GIVEN PROPERTY TO OFFER DP REMARKS.



PLAN SHOWING SUB DIVISION OF H-WEST WARD INTO SIMILER D.P. SHEET

Scope of D. P. Section of Development Plan Department

1. **D. P. Remarks**
2. **D. P. Demarcations of reservation.**
3. **Development Permissions for Housing Reservations.**
4. **Development Permissions for Accommodation Reservations.**
5. **Change of User Permissions of Industrially Zoned Lands.**
6. **Revalidation of Development Permissions.**
7. **Realignment of D. P. Roads.**
8. **Relocation of D. P. Reservations.**
9. **Initiating proposals of Modifications in Development Plan/D.C. Regulations.**
10. **Framing Policy Circulars.**
11. **T.D.R.**
12. **Acquisition of Land.**
13. **Heritage Structures & Precincts.**

1. D. P. Remarks:

1.1 Who can apply for D. P. Remarks:
Any individual, company, trust, organization

1.2 Application Format for D. P. Remarks:
As per Annexure – "A".

1.3 INFORMATION TO ACCOMPANY APPLICATION

1. Application preferably in format at ANNEXTURE –"A" to be purchased from office of Ch.E. (DP)
2. C.S. / C.T.S. Number / s of the property.
3. Division / Village of the property.
4. Copy of CS/CTS Plan issued by city survey Authority in case of any variation or Sub-division/Amangamation.
5. Fees as applicable.
   (Structures numbers are omitted for counting fees even though separately numbered)

1.4. D.P. Remarks will furnish following information (based on available data)

1. Reservation/s and/or Designation/s.
2. Existing and/or Proposed Roads or land locked.
3. Zone of Land.

4. Realignment and / or relocation of reservations if any.
5. Demarcating Authorities (DP/Traffic/Survey/TP) from whom demarcations are to be obtained. 1.6
6. Remarks about Coastal Regulation Zone.
7. Whether Additional Remarks required from:

i) E.E.B.P. for Sub-division/Amalgamation

ii) E.E.(SWD) regarding nalla alignment etc.

iii) E.E.(WW) regarding H. E's lands

iv) Town Planning Schemes

v) Airport Authority

vi) Highway Authority/PWD.

vii) Railways

viii) Power Transmission Line Company.

ix) Any Special planning Authority like MMRDA, MIDC, MHADA etc.

x) Defense Authority

xi) Special permission from Port Trust, BARC, Civil Defense etc.

xii) Heritage Provisions

xiii) Archeological Survey of India.

Note : D.P. Remarks are offered without authenticity and status of structures. 1.7

1.5 Submissions for offering D. P. Remarks

1. Application in Formal available in the Office of Ch.E(DP) for Sale duty Signed by Applicant.
2. C. S. / C.T.S. boundaries in block plan, if do not match with the records available with D. P. Department, then original extract of C.S. / C.T.S. nos. issued by City Survey Office shall be produced, or otherwise, tentative remarks shall be offered on location plan and fee as applicable shall be charged per remark irrespective of the Nos. of C.S. / C.T.S. numbers. However in such case, remark and demarcation shall be given only after the original extract of C.S. / C.T.S. nos. issued by City Survey Office is submitted.
3. Fees shall be paid.

1.6 Procedure:

1. Application addressed to Assistant Engineer (Development plan) of the respective ward shall be made in a format given at Annexure –A along with copy of CS/CTS plan in case of any variation & Sub-division/amalgamation.

2. Prior to accepting the application, applicant shall be directed to concerned Tracer/ Division who will work out fees and forward papers to dispatch section for accepting the application and fees.

3. Head Clerk of the section shall prepare necessary challan for recovery of fees.

4. Fees shall be accepted at SAP Counter of MCGM Head Office.

5. Papers shall then be forwarded to concerned Tracer who shall prepare drawing as per Development Plan at GIS section on computer & also prepare computerised Remarks.

6. Draftsman/Head Draftsman shall check the same and if found correct, other copies will be prepared & will be signed by them.

7. Sub Engineer shall check the computerised plans and remarks and then concerned Asst. Engineer shall finally check and sign the D.P. Remarks and plan.

8. D. P. remarks shall be issued by the Dispatch Section.

1.7 **Time Limit:** Ten Days.

1.8 MUNICIPAL CORPORATION OF GREATER MUMBAI

CIRCULAR
NO. CHE/2280/DP/GEN DT. 25/03/2008

Sub : Implementation of G.I.S. for Development plan department-Fixing D. P. remarks charges for computerized remarks.

Ref. : No. CHE/GEN-207/DPC dated 28.11.2003/No. MGC / F / 1852 dated 20.11.2007

Geographical Information System (GIS) of the Development plan Department covering the entire jurisdiction of Greater Mumbai is ready for its implementation. An automated module for generation of D.P. remarks using C.S. No./ C.T.S. No./F.P. No. and its related Division/Village/T.P. Scheme. Considering this and further considering the cost of building G.I.S. and costs of consumables, approval of the M.C. is obtained to revise the fee schedule of the D.P. remarks as detailed below :

Sr. No.	Size of Paper depending On paper size	Charges depending on CTS/FP No.	Charges	Taxes	Remarks
I	II	III	IV	V	VI
1.	A4-8.5" X 11"	Rs.200	Rs. 160/- per CTS	+ Applicable Vat	Charges maximum of Col. III and IV + Taxes
2	A3-11" x 17"	Rs. 400			
3	A2-17" x 22"	Rs. 750			
4	A1-22" x 34"	Rs. 1500			
5	A0-34" x 44"	Rs. 3000			

(For size A0 size, charges shall be in proportion to the rate of A0 size)

The above fee schedule shall be effective from 1st April, 2008.

Also following points shall be taken into account before accepting the application for D.P. Remarks:

1. D. P. remarks shall not be given in parts.

2. If the property is too large, even crossing the limitation of plotter width, then remarks shall be given in smaller scale for the block plan.

3. If the applicant insist remarks for Sub-divided plot then approved sub-division from Dy.Ch.E.(BP) / Collector shall be insisted alongwith CTS plan of the entire subdivisions and remarks for the sub-dividend plot shall be issued only after updating the respective records in the C.I.S. The applicant shall submit the scanned plan on CD.

4. If the sub-division submitted by the applicant does not match with provisions of D.P. reservation/designations or the alignment of D.P. roads as per S.R.D.P. and if there is no approved demarcation/ relocation.realignment/modification then the remarks shall be issued as per the records of M.C.G.M. available in the GIS.

5. The procedure for issuing D.P. remark is circulated under No. CHE/ 1670/DPES dt. 7.2.08 & the same is now amended to include the GIS application. The amended circular is annexed herewith for reference.

Sd-
25.3.08
Ch.E.D.P.

1.9 Specimen Sample D.P. Remark :-

MUNICIPAL CORPORATION OF GREATER MUMBAI

Office of the
Chief Engineer (Development Plan)
Municipal Head Office
4th Floor, Extn. Building
Mahapalika Marg, Fort
Mumbai - 400 001

To -
- -
- -

No :

Date :

Sub : Sanctioned Revised Development Plan Remarks for the land bearing C.T.S. No _____ Village .....

Ref : Your Application u/no. _____ and payment of certifying charges made under Receipt no. _____ dated _____

Sir/Madam,

Sanctioned Revised Development Plan Remarks for the land shown bounded blue on the accompanying plan are as under : -

Description of Land	:	C.T.S. No 11/20 of TIRANDAZ Village
Sanction Revised Development Plan referred to Ward	:	S
Reservations affecting the land [as shown on plan]	:	NIL
Reservation abutting the land [as shown on plan]	:	NIL
Designations affecting the land [as shown on plan]	:	NIL
Designations abutting the land [as shown on plan]	:	NIL
D. P. Roads affecting the land [as shown on plan]	:	DP ROAD (10.10 M)
Zone [as shown on plan]	:	RESIDENTIAL ZONE (R)
Remarks from other Departments/Offices	:	

Demarcation : The Alignment of the proposed road is subject to the actual demarcation on site by this office staff alongwith the representative of A.E.Survey.

Note :

If the land under reference is a part of amalgamation / sub - division / layout, then specific remarks shall be obtained from the concerned Building Proposal office and development thereof shall be as per the terms and conditions of the approved amalgamation / sub-division / layout.

Remarks are offered only from the zoning point of view without reference to ownership and without carrying out actual site inspection and without verification of the status of the structures if any on the land under reference. Status of the existing road, if any, shall be confirmed from the concerned Ward Office.

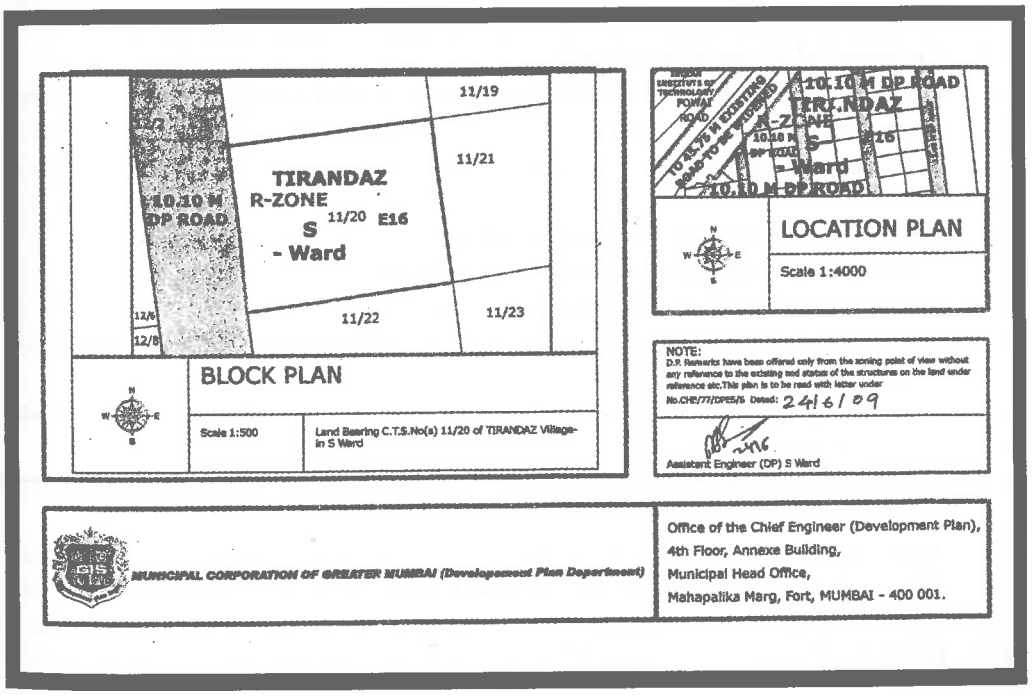
The boundaries shown in the accompanying plan are as per the available records with this office. However the boundaries shown in the records of City Survey Office shall supercede those shown in the D.P. Remarks Plan.

Your Faithfully

Assistant Engineer,
Development Plan
(S Ward)

Acc~1 plan

Specimen Plan



2 Demarcations of Reservations :-

2.1 As per D.P. Remarks if the land is affected by reservation, designation and/or proposed D.P. Road then it shall be necessary to obtain D. P. Demarcation prior to undertaking any development on the land.

2.2 Who can apply ?

Owner / Registered Licensed Surveyors / Architects.

2.3 Application Format for D. P. Demarcation:

Format shall be as per Annexure "B"

2.4 Pre-requisites for D. P. Demarcation:

1) Copy of D. P. Remarks
2) Copy of City Survey Plan.
3) Certified Plan issued with change of user permission in case of demarcation of Amenity Plot.

4a) Certified Approved Layout in case of plots more than two hectors for demarcation of Amenity Plot. (under D.C.R 27)

4b) Amenity space / reservation as per D.C.R. 56, 57.

5) One copy of plan showing Block Plan (Scale 1":40' in City & 1:500 in Suburbs) and Location Plan (Scale 1:2500 in City & 1:4000 in Suburbs i.e. corresponding D.P. Sheet's Scale), duly signed by the Applicant applying for demarcation
6) Fees as applicable per C.S./C.T.S. number/s.
(Sub numbers are omitted for counting fees)

2.5 Contents of Demarcation plan:

1. Dimensional Data of affected Reservation/s and/or Designation/s, and Road alignment if any, with respect to the C.T.S / boundary and/or existing landmarks.
2. Position of Zone Dividing line, if any, with respect to the C.S / C.T.S. boundary.

2.6 Documents Required for Demarcation

1. 2 Nos. of Plans signed by the Applicant / Architect.
2. 2 Nos. of plans shall be submitted.
3. Orientations of Block Plan & Location Plan shall be shown with identical North direction
4. Plans submitted with the copy of D. P. remarks, Location Plan as per D.P. Sheet.
5. Fees shall be paid.
6. Plan shall be legible and not contain unnecessary information like area calculations, proposed structures etc.
7. Applicant shall ensure that City Survey Boundaries are available on site.(When the existing site conditions do not match with the C.T.S. boundaries then the applicant shall submit the Land Survey plan superimposing the provisions of D. P. Remarks. In case of road, such Survey shall be from one junction to the nearest

next one. (Note :- The staff shall ensure that the alignment of the road is marked on the plan with due approval if necessary)

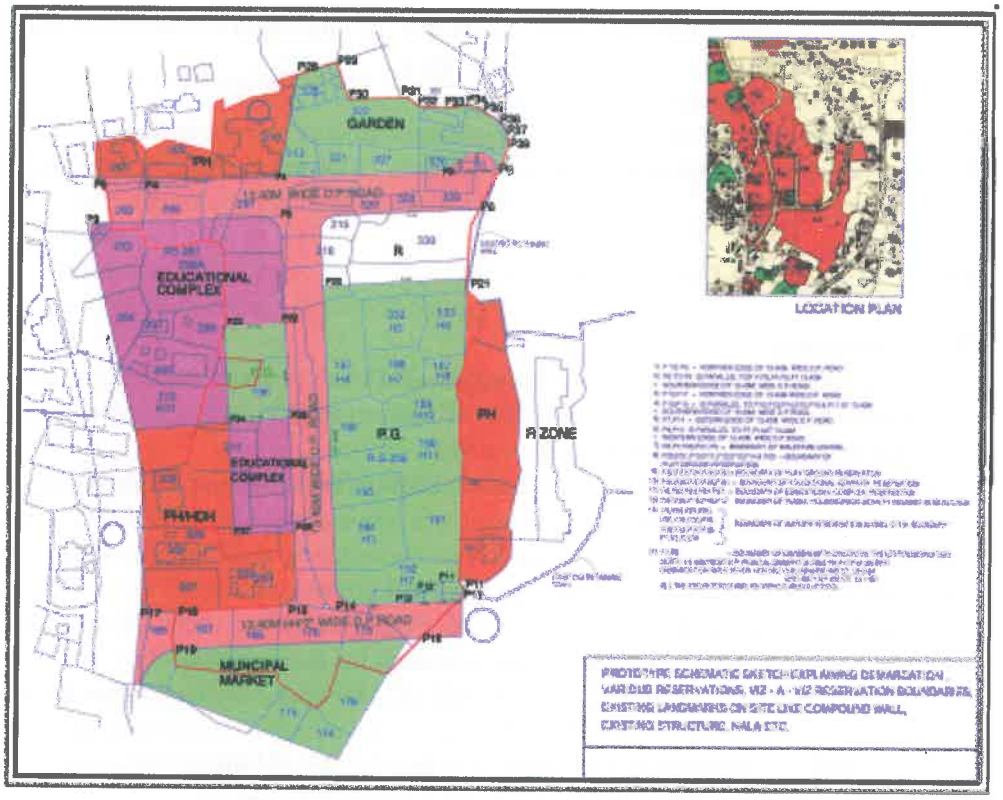
8. Plot shall be accessible for measurement.
9. Applicant shall take appointment of concerned Sub Engineer / who shall co-ordinate for joint demarcation with S. E. (Survey)/S. E. (T. & C.) or concerned department as necessary.

Exibit :- Demarcation Plan & Letter.

2.7 Procedure:

1. Application addressed to Executive Engineer (Development plan) of the respective wards shall be made in a format given at Annexure **"B"** along with two copies of plan showing Block Plan & Location Plan.
2. On submission of application, Dispatch Section shall forward the application to respective Executive Engineer and he in turn forward it to respective Sub-Engineer.
3. Sub-Engineer shall check the Plans for its correctness, work out the Demarcation Fees as per CS/CTS Number as per prevailing rates.
4. Applicant shall contact concerned Sub Engineer for payment of fees and on payment, S. E. shall give suitable appointment for demarcation.
5. Head Clerk of the respective section shall prepare necessary challan for payment of fee.
6. Fee shall be accepted at SAP Dept. Counter of MCGM Head Office.
7. Papers shall then be forwarded to Jr. Engineer/Sub Engineer.
8. On site applicant must be able to show City Survey Boundaries and other permanent references / Land marks.
9. Sub Engineer and S.E. (Survey) shall then carry out demarcation on site and shall show the reservation boundaries / D.P. Road alignment with respect to the City Survey Points on site in presence of applicant or his representatives.
10. Office Copy of the Demarcation Drawing shall be prepared by the Sub Engineer which, shall be checked by concerned S.E. (Survey) and the Applicant shall sign the office copy as confirmation/his approval of the demarcation.
11. Five additional copies shall be prepared by the Applicant and submitted to concerned Jr. Engineer for issue.
12. Sub Engineer shall prepare draft letter of D.P Demarcation Certificate.
13. Sub Engineer shall check the marked plans and typed Certificate of Demarcation and then forward it to Asst. Engineer for checking.
14. Demarcation Certificate shall be approved and signed by the Executive Engineer
15. Dispatch Section shall issue demarcation certificate with plan.

2.8 **Time Limit:** Within 15 days from payment of fees and compliance of 2.6 above.



3. Relocation of D. P. Reservations/Designations:
[under D.C.R. 11(4), 21 (2)]

3.1 Circumstances influencing Relocations:

1. Site conditions unsuitable for implementation.
2. Unreserved area of plot becoming land locked.
3. For better planning & implementation of entire development.
4. To provide access to the land locked reservations.
5. Any other reason to be specified.

3.2 **Who can apply** :- Owner or his power of attorney holder or his authorized signatory through Architect / L.S.

3.3 Pre-requisite.

1. Owner's / Architect's application as per Annexure **'c'.**
2. Certified True Copy of D. P. Remarks.
3. Certified True Copy of Remarks from Traffic Dept. if there is R.L.
4. If there is an existing road, which is not reflected on D.P. sheet, then remarks regarding its status from concerned Ward Office.

5. If the property is accessible from the internal Layout Road then copy of the Approved Layout along with Terms & Conditions of the Layout / Right of way Document.
6. Certified True Copy of Property Register Card.
7. Certified True Copy of C.S./C.T.S. Plan.
8. If the Owner is not applicant then Certified True Copy of ownership documents establishing legal link up to the present developer.
9. Plan showing reservations as per sanctioned Development Plan with its area calculation and details of proposed relocations with area calculations and structures proposed to be demolished (Two Ammonia Prints).
10. Appointment letter of Architect from Owner / Developer.
11. Scrutiny fee as per schedule.

3.4 Points to be noted while planning Relocation:

1. Proposed site for relocation of reservation/designation shall be free of any encumbrances.
2. Proposed site for relocation of reservation/designation shall be directly accessible from the D. P. Road/Existing Municipal Road / or through right of way.
3. That the area of relocated reservation/designation at its proposed location shall not be less than that at its original position.
4. To ensure that the purpose of reservation is not vitiated.

3.5 Procedure:

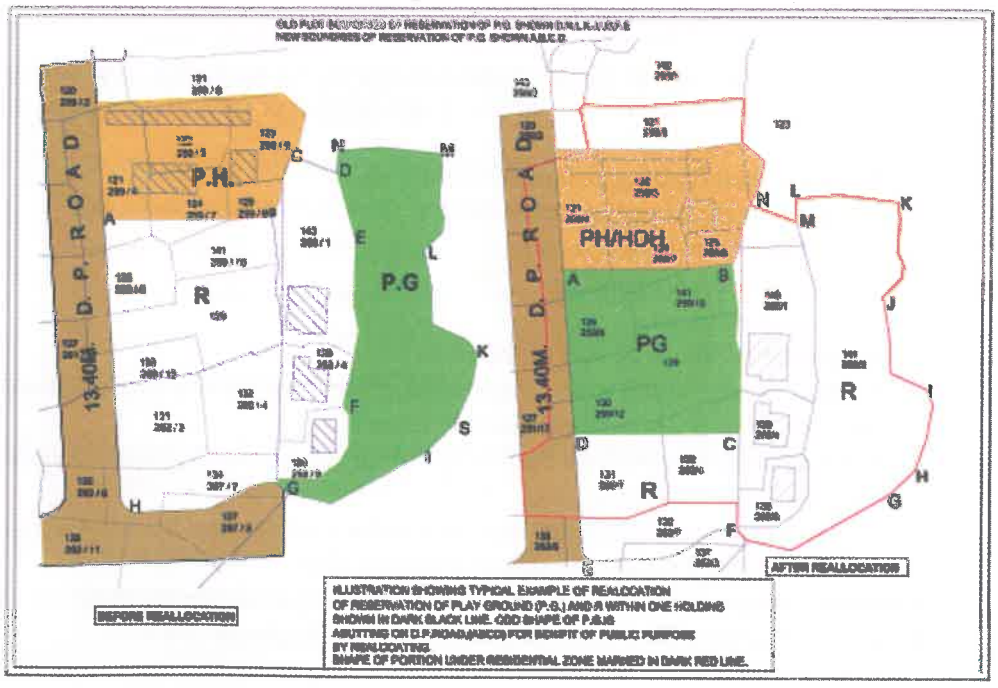
1. Application addressed to Executive Engineer (Development plan) shall be made in a format given at Annexure **'C'** along with necessary documents.
2. Sub Engineer shall check the prerequisites as per 3.3 above for any missing documents and shall inform the architect accordingly or clear the proposal for acceptance.
3. Sub-Engineer shall fix-up appointment for site visit.
4. Following points shall be observed on site:
   1. Accessibility from Road.
   2. Existing Development on Site.
   3. Encumbrances on site.
   4. Correctness of Shape & size of the plot.
   5. Existence of any natural watercourse, nalla, power transmission line, additional access etc. that is not reflected in D.P. remarks.
5. Sub engineer shall then put up a draft report of the proposal along with necessary terms & conditions for typing.
6. Draft report along with documents in Nasti Format shall be submitted to Assistant Engineer/Executive Engineer/Dy.Chief Engineer (DP).
7. Necessary changes if required shall be made in the report as per the observations of Assistant Engineer/Executive Engineer/Dy.Chief Engineer (DP).
8. Proposal thereafter shall then be submitted to Chief Engineer (DP)/Director (ES&P) for final approval.
9. On receipt of approval of Dir(ES&P), Architect shall submit 5 ammonia prints of proposed plans.

10. To demarcate the re-allocated reservation / designation at site.
11. Sub-Engineer shall prepare draft letter permission.
12. Assistant Engineer will check it and permission letter shall be sanctioned by Executive Engineers.
13. The Dispatch Section shall finally issue permission letter.

3.6 General Terms & conditions:

1. That the Proposed site for relocation of reservation/designation shall be free of any encumbrances and or the structures shown proposed to be demolished shall be demolished before carrying out development on reallocated non-reserved plot.
2. That the Proposed site for relocation of reservation/designation shall be accessible from the Existing Municipal Road/ Proposed D. P. Road.
3. That the area of relocated reservation/designation at its proposed location shall not be less than that at its original position.
4. That demarcation of the relocated reservation / designation shall be obtained from concerned E.E.D.P. before approval of plans.
5. Earlier sanctioned layout, if any, shall be got amended.

3.7 Time Limit: Within 1 Month.



4. Realignment of D. P. Roads : (Under DCR 11(4), 64(a)(ii))

4.1 Circumstances influencing Realignment:

1. Site conditions unsuitable for developing the D.P. road alignment.
2. Existing Road alignment is not in consonance with proposed D.P. Road alignment.
3. For better planning & implementation of entire development.
4. To provide access to the land locked reservations.

4.2 **Who can apply** :- Owner or his Power of Attorney holder or his authorized signatory through Architect /L.S.

4.3 Pre-requisites for permission

1. Application from owner as per Annexure 'C'.
2. Appointment Letter of the Architect from the owner/developer
3. Certified True Copy of D. P. Remarks.
4. Certified True Copy of Remarks from Traffic Dept. if there is R.L.
5. If there is an existing road, which is not reflected in D.P. remarks, then remarks regarding its status from concerned Ward Office.
6. Concent from the affected Land Owners.
7. Certified True Copy of Property Register Card.
8. Certified True Copy of C.S./C.T.S. Plan.
9. If the Owner is not applicant then Certified True Copy of ownership documents establishing legal link to the present applicant.
10. In case existing road alignment differs from the alignment of proposed D. P. Road, Plain Table Survey showing existing road between nearest two junctions, along with existing structures/landmarks etc. superimposing the alignment of proposed D. P. Road.
11. Plan in duplicate showing details of proposed realignment with area calculations and structures proposed to be demolished.
12. Reprints Scrutiny fees shall be charged.

4.4 Points to be noted while planning Realignment of D.P. Road

1. In case of realignment of proposed D.P. Road the site shall be free of any encumbrances.
2. Proposed realignment of D. P. Road shall be connected to the Existing Municipal Road/ Proposed D. P. Road on either end.
3. Continuity of the road in adjoining properties shall be maintained.
4. Entry and exist points shall be maintained.
5. Concent from the affects land owners shall be checked.

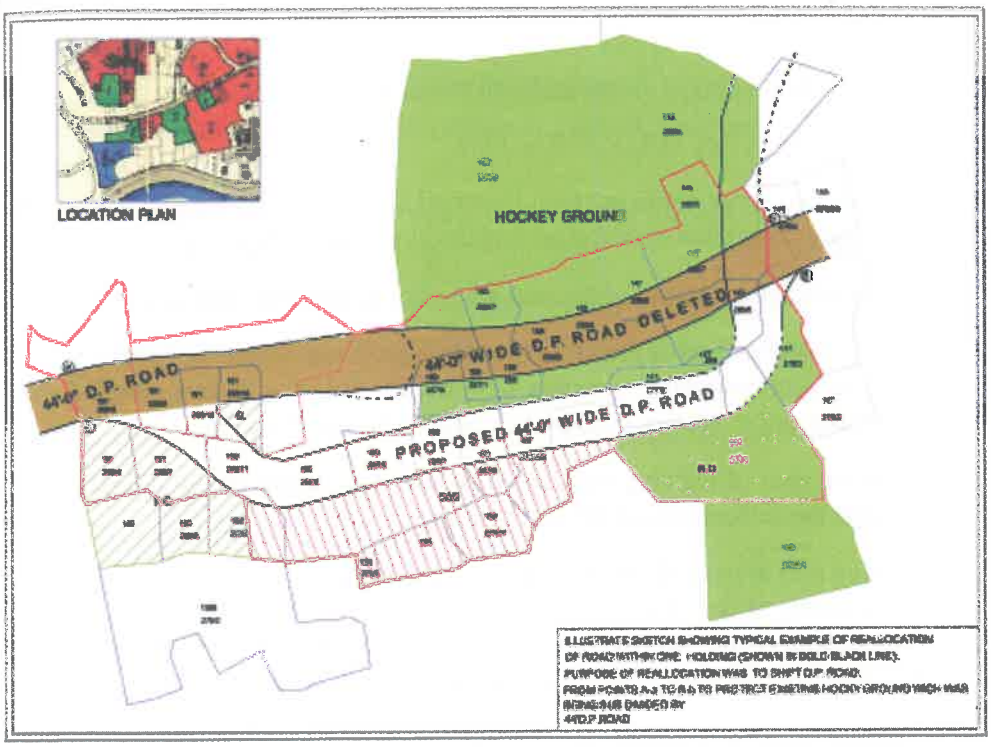
4.5 Procedure:

1. Application addressed to Executive Engineer (Development plan) shall be made in a format given at Annexure **'C'** along with necessary documents.
2. Sub Engineer shall check the pre-requisites as per 4.3 and shall inform the architect accordingly and clear the proposal for acceptance.
3. Sub-Engineer will fix-up an appointment for site visit with the Architect.
4. Following points will be observed on site:
   a. Accessibility from Public Road.
   b. Existing Development on Site.
   c. Encumbrances on site.
   d. Existence of any natural watercourse, nalla, power transmission line, additional access etc. that is not reflected in D.P. remarks.
   e. Existing topographical conditions.
   f. Feasibility of road demarcation.
5. Concerned Sub Engineer shall put up a draft report of the proposal along with necessary terms & Condition.
6. Final report & documents in Nasti Format shall be submitted to Assistant Engineer/ Executive Engineer/Dy.Chief Engineer (DP) for approval of Ch.Eng. D.P. / Director (E.S&P).
7. On receipt of approval of Dir(ES&P), Architect shall submit 5 copies of proposed plans.
   1. Sub. Engineer shall prepare draft of permission letter.
   2. Sub Engineer and Assistant Engineer will check it and Letter of permission shall be signed by concerned Executive Engineer.
   3. The Dispatch Section shall finally issue permission.

4.6 General Terms & conditions:

1. That the Proposed site for realignment of D. P. Road shall be free of any encumbrances and / or that the structures shown proposed to be demolished shall be demolished before applying for demarcation.
2. The demarcation of the realignment of D.P. Road shall be obtained from concerned E.E.D.P. before approval of plans.
3. That the owner/developer shall submit an undertaking before approval of plans that he/they shall not serve purchase notice for the D. P. Road and will hand over the same to the Municipal Corporation free of cost in lieu of T.D.R. and/or F.S.I. advantage.

4.7 Time Limit: Within One Month.



5. Change of User Permissions(Residential/Commercial):
(For Industrially Zoned Lands(I-2 or I-3 Zones)
Users permissible in Residential Zone & Local Commercial (C-1) Zones can be permitted on the Lands situated in General Industrial Zone (I-2) or Special Industrial Zone (I-3). [*Regulation No.* 56(3)(c) & 57(4)(c)]. However no such permissions can be given in (I2) service industrial zone.

5.1 **Who can apply :** Owner or his power of attorney holder or authorized signatory only can apply through Architect / L.S.

5.2 **Prerequisite for 0Permission**

1. Owner's application in format as per annexure **'D'**
2. Certified True Copy of D. P. Remarks with plan.
3. Certified True Copy of Remarks from Traffic Dept. regarding regular line.(R.L).

4. If there is an existing road, which is not reflected on Development Plan, then remarks regarding the status of the same shall be submitted from concerned Ward Office or alternatively if the property is accessible from the internal Layout Road then copy of the Approved Layout along with Terms & Conditions of the Layout or Right of way.

5. Certified True Copy of Property Register Card.

6. Certified True Copy of C.S./C.T.S. Plan.

7. If the Owner is not applicant then Certified True Copy of ownership documents establishing legal link up to the present developer/applicant.

8. Appointment Letter of the Architect from the owner/developer.

9. Plan showing out line of proposed development & necessary segregating distance from the plot boundary, Location of Amenity Space with area calculations as applicable and structures proposed to be demolished (Two Prints)

10. Wherever user of existing building is proposed to be changed to C1 user, proof showing the authenticity of the said building.

11. Scrutiny fees at prescribed rates of proposed change of user area to be paid prior to processing of documents.

12. If entire land is not affected by industrial zone then area calculation for area under industrial zone duly certified by the Architect.

5.3 Criteria while Proposing Amenity Space:

CATEGORY	Area of Plot under Conversion	Percentage of the land to be set aside for amenity space
1	For Net Plot Area Upto 20,000Sq.Mtrs.	5%
2	For Net Plot Area above 20, 000 Sq. Mtrs upto 50,000 Sq.Mtrs.	20%
3.	For Net Plot Area above 50,000 Sq.Mtrs.	25%

5.4 Application Format for Change of user Permission

May please be seen at Annexure 'D'.
Amenity Plot shall be preferably :-

1. On one corner of the plot.

2. Directly accessible from Municipal Road.
3. Preferably rectangle in shape with minimum dimension not less than 6.0Mtrs.
4. Entirely unencumbered.

5.5 Procedure:

1. Application addressed to Executive Engineer (Development plan) of the respective ward shall be made in a format given at Annexure **'D'** along with necessary documents.
2. Sub Engineer -shall check the prerequisites as per 5.2 and work out the scrutiny fees as applicable and shall accept the proposal.
3. Head Clerk shall prepare necessary challan for payment of fees.
4. Fees -shall be accepted at SAP Counter of Head Office between 11.00 a.m. to 3.00 p.m.
5. S.E. in consultation with the Architect shall fix-up the appointment for site visit.
6. Following points will be observed on site:
   a) Accessibility from Public Road.
   b) Existing Development on Site.
   c) Encumbrances on site.
   d) Correctness of Shape & size of the plot with respect to D.P. Remarks.
   e) Existence of any natural watercourse, nalla, power transmission line, additional access etc. which is not reflected in D.P. remarks.
   f) Feasibility of provision of necessary segregation distance.
7. Sub engineer will then put up a draft report of the proposal along with necessary terms & Condition for typing.
8. Final report & documents in Nasti Format shall be submitted to Assistant Engineer/ Executive Engineer/Dy.Chief Engineer(DP).
9. Necessary changes if required shall be made in the report as per the observations of Assistant Engineer/Executive Engineer/Dy.Chief Engineer (DP).
10. Papers will be then submitted to Chief Engineer (DP)/Director (ES&P)/MC for final approval.
11. On receipt of approval from Dir (ES&P)/MC, Architect will submit 5 additional sets of ammonia prints plans.
12. Sub Engineer shall prepare draft letter of intent and get it typed.
13. Assistant Engineer shall check it and Letter of Intent shall be approved by concerned Executive Engineers.
14. The Dispatched Section shall issue Letter of Intent.

5.6 General Terms & conditions:

1. That NOC from the Addl. Collector & C.A. (ULC &R) Act, 1976 shall be obtained for proposed commercial / residential development and conditions thereof shall be complied with; _____

2. That the development of the land shall be carried out as per the sanctioned D.C. Regulations, 1991;

3. That the required segregation distance from the plot boundary shall be maintained as per D.C.R. No.29 (5) Table 10(c) of the D.C.R., 1991.

4. That the open space within the segregation distance shall be planted with trees at the rate of 5 trees per 100sq.mt. as per the sanctioned D.C.R. 1991; *or* as shown on the plan.

5. That the Architect shall submit the plans in consonance with the Local Commercial user / Residential for proposed building to the E.E.B.P for approval;

6. That set-back area, if any, under R.L. of existing Road shall be got demarcated and handed over to the M.C.G.M.

7 That the sanctioned Industrial power should be surrendered to appropriate authority.

8 That the factory permit and industrial License issued by the ward office.

9 That the Amenity space equivalent to ___% (_____ sq.mts.) of net plot area, shall be provided as shown on the accompanying plan. Only TDR will be admissible for such amenity as per DCR No. 34 and no monetary compensation will be admissible and not to serve purchase notice for the deem reservations.

10 Wherever applicable necessary N.O.C. from the Director of Industries, Energy & Labour; shall be obtained for closure of industry, before C.C.

11 The amenity space shall be landed over in lieu of TDR only, before asking for CC beyond 50% in the holding as per Policy.

12 That the development permission is issued based on documents submitted by you. Subsequently, if any of the documents are found to be fake/false/fraudulent, this development permission shall stand revoked without any intimation.

5.7 Time Limit: Within 1 Month.

6. Development Permissions for Housing Reservations.

6.1 This includes following Reservations;

1. Public Housing (PH)
2. Public Housing/High Density Housing (PH/HDH)
3. Housing for Dishoused (HD)
4. Dhobi Housing (DH)
5. Fishermen (Koli) Housing
6. Telephone Housing
7. Government Housing / Fire Brigade Housing.

6.2 Who can apply for Development Permission:

Owner should apply through Registered practicing Surveyors/Architects

6.3 PRE-REQUISITES:

1. Application in format as per "ANNEXURE - 'E'
2. Certified True Copy of D. P. Remarks.
3. Certified True Copy of Remarks from Traffic Dept. if there is R.L.
4. If the plot is affected/abutting on existing Municipal road, which is not reflected on D.P. remarks, then remarks regarding its status shall be submitted from concerned Ward or documentary proof regarding private access shall be furnished if plot derives access through such road.
5. If the property is part of sanctioned layout, "its certified true copy of plan" and "terms and conditions" shall be submitted.
6. Certified True Copy of Property Register Card.(Issued within a period of 1 year prior to date of application)
7. Certified True Copy of C.S./C.T.S. Plan.
8. If the Owner is not applicant then Certified True Copy of ownership documents establishing legal link up to the present developer.
9. Appointment Letter of the Architect from the owner/developer.
10. Proposed Plan in duplicate showing building outline and structures proposed to be demolished
11. Requisite Scrutiny fees shall be paid prior to processing of documents.
12. If entire land is not affected by reservation then area calculation for area under reservation duly certified by the Architect.
13. Certified True Copy of ULC NOC U/s 20,21 or 22 if issued prior to D.C. Regulations, 1991 i.e. 25th March 1991.

6.4 Procedure:

1. Application addressed to Concerned Executive Engineer (Development plan) shall be made in a format given at Annexure "E" along with necessary documents.
2. Sub Engineer shall check pre-requisites as per 6.3 above, work out the requisite scrutiny fees.

3. Head Clerk shall prepare necessary challan for payment of fee.
4. Fee shall be accepted at SAP Counter of MCGM Head Office.
5. Sub Engineer shall give an appointment for site visit
6. Observations to be noted by the Sub Engineer on site:
   i) Accessibility from Public Road/Mun. Road.
   ii) Existing Development on Site and surrounding development in case the plot is part of larger reservation.
   iii) Encumbrances encroachment on site.
   iv) Correctness of Shape & size of the plot.
   v) Existence of any natural watercourse, nalla, power transmission line, additional access etc. that is not reflected in D.P. remarks.
7. Sub engineer shall check acquisition status and then prepare a draft report along with necessary terms & conditions.
8. Final report & documents in Nasti Format shall be submitted to Assistant Engineer/ Executive Engineer/ Dy. Chief Engineer (DP).
9. Changes, if found necessary shall be made in the report as per the observations of Assistant Engineer/Executive Engineer/ Dy. Chief Engineer
10. Papers shall then be submitted to Chief Engineer (DP)/DIR(ES&P) for final approval.
11. On receipt of approval of Ch. Eng/Dir (ES&P), Architect shall submit 5 copies of proposed plans.
12. Sub Engineer shall prepare draft letter of intent.
13. Assistant Engineer shall check and same shall be approved by Executive Engineer.
14. The Dispatch Section shall issue Letter of Intent.

6.5 <u>General Terms & conditions:</u>

1. That the NOC from the Addl. C.A. & U.L.(C&R) Act, 1976 shall be obtained and the conditions laid down in the aid orders shall be complied with;
2. That the owner / developer /society shall accommodate all the occupants of the existing structures, if any.
3. That the work of construction shall be completed within a period of two years from the date of issue of letter. However, Ch.E.D.P. may for valid reasons give extension from time to time;
4. That the plot forms a part of larger reservation of Public Housing/High Density Housing, the owner/developer /society shall agree for reconstitution of boundary so as to ensure proper layout for remaining reservation and make access available to the landlocked plots situated in the rear side of the plot as and when directed by the Ch.E.D.P.
5. That the owner / developer shall handover 40% of permissible builtup area in the form of tenements having carpet area of_____sq. mt. to the MCGM free of cost.
6. That the development permission is issued based on documents submitted by you. Subsequently, if any of the documents are found to be fake/false/fraudulent, this development permission shall stand revoked without any intimation.

Number of tenements to be handed over to MCGM shall be worked out as under :-

1) To work out total number of tenements on the basis of density as per policy.
2) To work out number of tenements comprising in 40% of permissible built-up area having ..... Sq.m. carpet area. These tenements shall be handed over to M.C.G.M.

3) That the owner/developer/society shall intimate prospective date of completion of work by at least 6 months in advance so as to enable MCGM to finalize the list of allotment of Municipal Nominees for such built – up accommodation;

4) That the requisite Bank Guarantees may be intimated by the EEBP of concern ward for faithful compliance of various conditions shall be deposited in the office of EEBP that the said Bank Guarantee will be released only after satisfactory compliance to the satisfaction of the Ch.E.D.P

5) That the development shall conform to the D. C. Reg. 1991.

6) That the owner will enter into an agreement with the MCGM before issue of C.C above plinth agreeing to above conditions as per the agreement prepared by the Law Officer of the Corporation and expenses thereof shall be borne by him. Draft agreement is enclosed herewith which shall be filled in by the applicant and submitted to Law Officer for approval.

7) Flats / Tenements to be handed over to M.C.G.M. should be indicated distinguished colour on the plans.

8) In case of release of reservation for Fishermen Housing, Dhobi Housing & Telephone Housing). The flats to be handed over to appropriate authority for _____ reservation shall be as per government clarification.

9) That the requisite bank Guarantee may be intimated by the E.E.B.P. of concern ward for faithful compliance of various condition shall be deposited in the office of E.E.B.P. The said bank Guarantee will be released only after satisfactory compliance to the satisfaction of C.H. Eng. D.P.

6.6 Reservation Land under Acquisition:
In such cases necessary supervision charges will be recovered as per the circular.

6.7 Time Limit: Within 1 Month.

7.0 Development Permissions for Accommodation Reservations.

Development of land designated allocated or reserved foraccommodation reservations listed below as per DCR 9, Table 4, shall be regulated as under :-

7.1 This includes following Reservations;

1. Library
2. Dispensary
3. Health/Welfare Center
4. Maternity Home
5. Municipal Chowki
6. Retail Market/Mun. Retail Market/Market
7. Parking Lot
8. Shopping Center
9. Municipal Road Depot.
10. Post Office.
11. MTNL.
12. Godown.
13. Police Station.
14. Mun. Loundry/Workshop/STore.
15. Mun. Printing Press
16. Mun. Transport Garage/Workshop.
17. Mun. Office
18. Fire Brigade Station.
19. Mun. Hospital/Ext. to Mun. Hsp.

7.2 <u>Who can apply ?</u>

Owner through Licensed Surveyor. / Architect.

7.3 <u>Pre Requisites :-</u>

1. Application as per Annexure 'E'
2. Architect's Appointment letter.
3. Certified True Copy of D. P. Remarks.
4. Certified True Copy of Remarks from Traffic Dept. if there is R.L.
5. If there is an existing road, which is not reflected on D.P. remarks, then remarks regarding the status of the same shall be submitted from concerned Ward Office.
6. If the property is accessible from the internal Layout Road then copy of the Layout
7. Certified True Copy of Property Register Card & C.S. / C.T.S. Plan.
8. If the Owner is not applicant then Certified True Copy of ownership documents establishing legal link up to the present developer.

9. Proposed Plan showing detailed planning of built-up amenity to be handed over to M.C.G.M. free of cost with area calculations (Two Ammonia Prints)
10. Scrutiny fee as applicable of reservation area to be paid prior to processing of documents.
11. If entire land is not affected by reservation then area calculation for area under reservation duly certified by the Architect.

7.4 Criteria for planning built-up Amenity:

1. Amenity shall be preferably in separate independent building / independent wing. Otherwise shall be on Ground/first floor with separate staircase.
2. Separate Parking spaces shall be distinctly shown on plan for exclusive use of M.C.G.M.
3. Preferably any two side open-spaces shall be made available for exclusive use of M.C.G.M.
4. Area of staircase, lift, Lift Lobby and passage shall not be counted in built-up area of amenity.
5. Percentage of amenity area in relation with plot area.

7.5 Procedure:

1. Application addressed to Executive Engineer (Development plan) of the respective zone shall be made in a format given at Annexure **'E'** along with necessary documents.
2. Sub-Engineer shall check the listed pre requisites as per 7.3 and work out the prescribed scrutiny fees.
3. Head Clerk will prepare necessary challan for payment of fees.
4. Fees will be accepted at SAP Counter of MCGM Head Office.
5. A suitable appointment for site visit will be fixed up.
6. Observations to be made on site :-
   a. Accessibility from Road.
   b. Existing Development on Site.
   c. Encumbrances on site.
   d. Correctness of Shape & size of the plot with reference to C.T.S. / CS boundary.
   e. Existence of any natural watercourse, nalla, power transmission line, additional access etc
7. Sub engineer shall then put up a draft report of the proposal along with necessary terms & condition and acquisition remarks.
8. Final report & documents in Nasti Format shall be submitted to Assistant Engineer/Executive Engineer / Dy. Chief Engineer (DP).
9. Changes, if any shall be made in the report as per the observations of Assistant Engineer/Executive Engineer/Dy.Chief Engineer (DP).
10. Papers shall then be submitted to Chief Engineer (DP)/Director(ES&P) for final approval.
11. On receipt of approval of Dir (ES&P), Architect shall submit 5 copies of plans of proposed plans.

12. Sub-Engineer will prepare draft letter of intent.
13. Assistant Engineer shall check the same and Letter of Intent with plan will be signed by Executive Engineer.
14. Dispatch Section shall finally issue Letter of Intent with plan.
(Note :- The Sub-Engineer before putting up draft report shall verify whether acquisition proceedings commenced. A) If commenced and not completed supervision charges. B) If compensation paid fully, permission shall not be granted.)

7.6 General Terms & conditions :

1. That the NOC from the Addl. Collector and the Competent Authority, ULC&R Act, 1976, shall be obtained and the conditions laid down in the said order shall be complied with.

2. That the owner shall hand over built-up area under reservation to the extent of _____ sq. mtrs. for _____ on ground floor / 1st floor in independent wing along with side open spaces at ground level separated by compound wall and the said open spaces shall be properly lighted, paved with concrete paving & drained, which are to be handed over for exclusive use of M.C.G.M.

3. That the development of the land under reference will be in accordance with the provisions of the sanctioned D.C.Regn. 1991. The owner will be entitled to have full permissible FSI of the plot without taking into account the area utilized for the _____ to be handed over to the Municipal Corporation, free of cost as per D.C.Reg. 1991.

4. That the IOD and CC and O.C.C. shall be given in phases. In the 1st phase, the IOD and CC and O.C.C. will be given for permissible FSI taking built-up area of _____ to be handed over to the Municipal Corporation of Gr.Mumbai in FSI computation. In the 2nd phase, after the built-up accommodation for _____ is completed and handed over to the Municipal Corporation after execution of the required agreement, subject to various terms and conditions as may be stipulated by the MCGM, remaining FSI equivalent to the built up area of such _____as permissible under the D.C.Reg. will be permitted by approving amended plans.

5. That the requisite separate sanitary accommodation for _____to be handed over to the Municipal Corporation shall be provided as per DCR.

6. That while carrying out the development on the land under reference, a board shall be displayed on the site indicating the proposed development for provisions of required amenity along with the other development.

7. That the work of development and construction of built-up amenity shall be completed within two years and amenity shall be handed over to MCGM, free of cost and further extension of Development permission shall be granted.

8. That the owner should provide adequate parking spaces required as per the D.C.reg. for accommodation i.e. _____ and shall hand over the same, along with open space on side as shown on plan, to the Municipal Corporation for exclusive use. Such parking space shall be distinctly shown on the plan.

   The Builtup Amanity shall be affessible from Mun. Road/Public Road or through Permanant Right of way. The documents regarding Right of Way. If any shall be excented as per pending policy & the Right of shall be maintained as per policy.

9. That the requisite bank Guarantee as may be intimated by the concerned E.E.B.P. for faithful compliance of the above conditions shall be deposited in the office of the EEBP. The said 90% Bank Guarantee will be released by E.E.B.P. after handing over of built-up accommodation to M.C.G.M.

10. That the defect if any that may occur in the built–up accommodation within one year from the date of handing over the possession will be rectified by the developer at his risk and cost and for faithful compliance of this requirement 10% amount of the Bank Guarantee shall be retained by the Corporation and this 10% bank guarantee shall be released on compliance of this condition.

11. That the owner shall provide separate independent water, drainage lines and electricity with separate meter connection with fittings etc. for amenity to be handed over to the Municipal Corporation. He shall also provide separate underground and overhead water storage tanks with pumping arrangements, for the exclusive use of the amenity as may be approved by the concerned Dept.

12. That the Municipal Commissioner is entitled to hand over the built-up accommodation of amenity to an organization etc. as per the terms and conditions as may be decided by the M.C. for operation and maintenance etc.

13. That the owner should incorporate a clause in the agreement intimating the prospective buyer regarding construction of amenity as proposed on the plan and the sample copy of the agreement shall be deposited with the Executive Engineer (Building Proposal)

14. That the owner/developer shall execute an agreement agreeing to all conditions laid herewith in consultation with the Law Officer of the Municipal Corporation and the expenses thereof shall be borne by him

15. That the owner/developer shall execute separate document /agreement for assignment of the amenity in favour of the Municipal Corporation as may be finalized by the Law Officer. The entire cost of execution of the agreement shall be borne by the developer/owner and the said agreement should be executed before requesting for occupation permission.

16. The Builtup Amanity shall be accessible from Mun. Road / Public Road or through Permanent Right of way. The documents regardings Right of Way. if any shall be executed as per prevailing policy & the Right of way shall be maintained as per policy.

17. That the development permission is issued based on documents submitted by you. Subsequently, if any of the documents are found to be fake/false/fraudulent, this development permission shall stand revoked without any intimation.

7.7 Time Limit :- Within 1 Month.

8. Revalidation of The Development Permission (Housing and Accommodation Reservation)

8.1 Within a period of two years, if the work is not started, and if the land is required for Public purpose for which it is reserved, development permission will be revoked and land will be acquired for the required public purpose. Or in order to implement the new policies, Municipal Corporation may introduce certain relaxations/ restrictions while revalidating the Development Permission.

8.2 **Documents to be submitted along-with the application:**

1. Application for Revalidation stating present status of work and reasons for delay.
2. Certified True Copy of Development Permission with Plan.
3. Certified True Copy of Approved Plans if any.
4. Certified True Copy of I.O.D./C.C., if any.

8.3 Procedure :-

1) Application addressed to Executive Engineer (Development Plan) of the respective ward shall be made in a format given at Annexure **'F'** along with necessary documents.

2) Sub Engineer shall check the proposal for any missing documents, and will inform the architect accordingly.

3) Architects appointment for site visit shall be fixed up, if development is commenced.

4) Sub Engineer will then put up a draft report of the proposal by considering valid reason given by Arch./development along with necessary terms and condition for typing.

5) Final report and documents in Nasti Format shall be submitted to Assistant Engineer / Executive Engineer / Dy. Chief Engineer (D.P).

6) Necessary changes will be made in the report if found necessary as per the observations of Assistant Engineer / Executive Engineer / Dy. Chief Engineer (D.P).

7) Papers shall then submitted to Chief Engineer (DP)

8) Sub Engineer will work out the scrutiny fees as prescribed and shall inform the architect accordingly.

9) Head Clerk shall prepare necessary challan for payment of fees.

10) Fees will be accepted at SAP Counter of MCGM Head Office.

11) Sub-Engineer shall prepare draft letter of intent and get it typed.

12) Assistant Engineer shall check the same and letter of Intent will be signed by concerned Executive Engineer.

13) The Dispatch Section will finally issue letter of Intent.

8.4. **Time Limit** :- Within 2 weeks.

बृहन्मुंबई महानगरपालिका **Annexture - 'A'**

प्रमुख अभियंता (विकास नियोजन)
महापालिका मुख्यालय, ४ था मजला,
विस्तारित इमारत, महापालिका मार्ग,
फोर्ट, मुंबई – ४०० ००१.

Chief Engineer Development Plan,
Municipal Head Office, 4th Floor,
Extn. Bldg. Mahapalika Marg,
Fort, Mumbai - 400 001.

विषय : १) नगर रचना अभिप्राय, बी फॉर्म – फॉर्म वन्, नकाशासाठी अर्ज.
२) विकास आराखडे अभिप्राय आणि प्रमाणित नकाशासाठी अर्ज.

Sub. : 1) Application for Town Planning remarks, 'B' form - Form - 1, Plan.
2) Application for development plan remarks and certified plan.

महोदय / Sir,

माझ्या व्यक्तिगत कामासाठी / माहितीसाठी मला खालील उल्लेखिलेल्या भूभागाचे / मालमत्तेचे नगररचना अभिप्राय / विकास आराखडे अभिप्राय नकाशासह मिळावेत त्यासाठी देय विहित शुल्क मी मुंबई महापालिकेकडे भरणा करीत आहे.

To my information / personal work, I may please be issued with Town Planning remarks & B Form - Form -1 / Development Plan remarks with plan of the following piot / property for which I am prepared to pay necessary / schedule fee to M.C.G.M.

तपशील : अंतिम भूभाग / भूभाग क्र.
Details : Final Plot / Plot No.

सी. टी. एस. क्र. / सी. एस. क्र.
C. T. S. No. / C. S. No.

नगररचना क्र.
Town Planning Scheme No.

ठिकाण / रस्ता — विभाग
Location / Road — Ward

अभिप्राय / नकाशाच्या एकूण ..... प्रत / प्रती मला मिळावी / मिळाव्यात. अभिप्रायाच्या / नकाशाच्या अतिरिक्त प्रतींचे विहित शुल्क भी भरत आहे.

The total ..... copy / copies of remarks / plan be issued to me. I am paying additional charges for additional copy of remarks / plan

आपला / आपली विश्वासू.
Your's faithfully.

टिप : अर्जातील लागू नसेल तो मजकूर खोडावा
Note : Strike out which is not applicable
विहित मूल्य रु. २०/– + मूल्यवर्धित कर
Scheduled charges Rs. 20/- + VAT

पक्षकाराचे नांव व पत्ता
Name & Address of Party
श्री / श्रीमती / मे. . . . . .
Shri / Smt. / M/s. . . . . .
. . . . . .
. . . . . .
. . . . . पीन / Pin

Date : .....

बृहन्मुंबई महानगरपालिका

१) विकास नियोजन विभागाने दिनांक १.४.२००८ पासून जनतेच्या सोयीसाठी संगणीकृत विकास नियोजन अभिप्राय देण्याचे सुरु केले आहे. ज्यामध्ये, नकाशासह संपूर्ण विकास नियोजन अभिप्राय मुंबई महानगरपालिकेचे विकास नियोजन खाते देईल.

२) अर्ज बृहन्मुंबईचे शहर क्षेत्रासंबंधी असल्यास शहर सर्व्हे क्रमांक व विभाग (C. S. No. & Ward) व उपनगरे क्षेत्रासंबंधी असल्यास नगर भू क्रमांक व गांव (C. T. S. No. & Village) यांचा उल्लेख अर्जात करावा. जर सदर भूखंड हा नगर रचना योजनेचा भाग असल्यास, अंतिम भूखंड क्रमांक व नगर रचना योजनेचे नांव (F. P. No. & T.P.S. Name) यांचा उल्लेख अर्जात स्पष्टपणे करावा.

३) जर विकास नियोजन अभिप्राय हे मूळ नगर भूमापन क्रमांक / श. स. क्रमांकाशी संबंधित असतील तर नील प्रती तसेच नगर भूमापन नकाशाची प्रत सदर करण्याची आवश्यकता नाही.

४) संदर्भातंर्गत भूखंड हा उपविभाजित असेल (Sub - Divided) किंवा अभिन्यासाचा / एकत्रिकरणाचा भाग असेल तर संपूर्ण उपविभाजन / अभिन्यास / एकत्रिकरण याच्या नगर भूमापन नकाशाची प्रत (C. T. S. Plan for entire layout) स्कॅन्ड सी. डी. सह व इमारत प्रस्ताव खाते वा जिल्हाधिकारी यांच्या मान्यतेची प्रत अर्जासोबत जोडणे आवश्यक आहे.

५) विकास नियोजन अभिप्राय १झ दिवसांत न मिळाल्यास मुख्य लिपीकाकडे त्यासंबंधी विचारणा करावी.

६) विकास नियोजन अभिप्राय याचे आकार काढण्याचा तक्ता

अनु. क्र.	नभूक्र व त्यांची बेरीज	आकार रु. ९६० स्तंभ २	नकाशाच्या प्रतीचा आकार	आकाराप्रमाणे रक्कम	भरावयाचा आकार स्तंभ ३ किंवा ५ पैकी जास्त	कर
१	२	३	४	५	६	
१			A4 - 8'5"x 11" = Rs. 200 A3 - 11"x 17" = Rs. 400 A2 - 11"x 22" = Rs. 750 A1 - 22"x 34" = Rs. 1500 A0 - 34"x 44" = Rs. 3000			लागू व्हॅट

अतिरिक्त प्रतीसाठीचा आकार – अभिप्राय पत्र – रु. ११५/- X ——— ——— =

नकाशा प्रत – स्तंभ ६ प्रमाणे = ——— ——— ———

एकूण = लागू व्हॅट

अर्जदाराची सही

दुय्यम अभियंता (वि. नि.) यांची सही

दुय्यम अभियंता (वि. नि.) यांचे निरिक्षण

सदर अर्जामध्ये नमूद केलेले भूखंड क्रमांक हे मूळ शहर सर्व्हे क्रमांक / नभूक्र प्रमाणे आहेत / हे भूखंड उपविभाजित आहेत. अर्जदाराने नभूक्रमाकाची मूळ प्रत व प्रमाणित प्रत सोबत जोडली आहे.

दुय्यम अभियंता (विकास नियोजन)

मु. लि. (वि. नि.)

अर्जदाराकडून रु. एवढे शुल्क / आकार अधिक लागू व्हॅट कर भरुन घेऊन अर्ज पुढील कार्यवाहीसाठी पर पाठविणे.

दुय्यम अभियंता (विकास नियोजन)

Annexture - 'B'

Format of Application for Demarcation of Reservation / D. P. Road.

(to be reproduced on applicants letterhead)

Date : _____ Ref : _____

To,
The Executive Engineer,
Development Plan, City / E.S. / W.S.,
Municipal Corporation of Gr Mumbai,
Mumbai - 400 001.

Sub : Demarcation of D.P. Road / Reservation at CTS No..... Of Villlage ..... at .....

Sir,

Please find enclosed herewith copy of D. P. Road remarks as per revised sanctioned Development Plan along with accompanying plan. You are requested to demarcate the reservations / D. P. Road at site as per same and issued demarcation certificate with demarcation plan.

Thanking you,
Yours faithfully,

(.....)

Encl. : 1) D. P. Remarks with Plan
2) Six copies of Block Plan / location plan.

Annexture - 'C'

Format of Application for Realignment / Relocation

(to be reproduced on applicants letterhead)

Date : _____ Ref : _____

To,
The Executive Engineer,
Development Plan, City / E.S. / W.S.,
Municipal Corporation of Gr Mumbai,
Mumbai - 400 001.

Sub : Shifting / and / or interchanging the purpose of designation / reservation / realignment of D. P. Road with respect to property / properties bearing C.S. Nos .....C.T.S. Nos ..... at..... .....

Sir,

The above said properties are belonging to us / our clients. The said properties are affected by various D. P. Rande / designation / reservations such as 1) ..... 2) ..... 3) .....

I / We intend to shift / interchange the above reservations for following reasons :-
1. For better planning and implementation of entire development.
2. To provide access to land locked plot.
3. As site conditions are not suitable for development
4. Existing road alignment is not in consonance with proposed road alignment.

Please note that the area of reservations while modifying is not reduced from the area in revised sanctioned Development Plan.

You are therefore requested to scrutinize the proposal and allow the shifiting and / or interchanging of reservation / realign the D. P. Road.

List of Enclosures :

Thanking you,
1) D. P. Remarks
2) P. R. Cards.
3) C. T. S. Plan
4) Other ownership documents
5) Appointment letter of Architect from owner
6) Proposed plan with area calculations / Plan showing realignment.

Yours faithfully,

(.....)

Annexture - 'D'

Format of Application for change of User of Industrial Zoned Lands

Date : _____ Ref : _____

To,
The Executive Engineer,
Development Plan, City / E.S. / W.S.,
Municipal Corporation of Gr Mumbai,
Mumbai - 400 001.

Sub : Permission to allow Resident al / commercial user on Land bearing C.T.S. No. / C. S. No. ..... of Village / Division situated in I2 / I3 Zone.

Sir,

I / We are submitting herewith above application from our clients along with following enclosures

1. Application format.
2. P. R. Cards.
3. C. T. S. Plan.
4. Copy of D.P. Remarks with plan.
5. Copy of E.E.T.C.Remarks with plan.
6. Block plan Location plan showing the site under reference, reservations thereof zonal separation distance etc.
7. Copies of Power of Attoney
8. Layout plan showing proposed developement
9. Authority to Architect

You are requested to do the needful and allow the users as applied.

Thanking you,
Enclosures : As listed above.

Yours faithfully,

(.....)

APPLICATION FORMAT FOR CHANGE OF USE FROM INDUSTRIAL TO RESIDENTIAL / COMMERCIAL (I TO R / C)

INFORMATION IN RESPECT OF PROPOSAL FOR DEVELOPMENT OF LAND IN ACCORDANCE WITH D. C. REGULATION NO. 56, 67

1. Name of the applicant :
   Address of the applicant :
   Status of the applicant :
   Whether Owner or whether :
   Constituted Attorney.

2. Whether documents of for ownership :
   etc. submitted & if so, give details
   of documents.

3. Name of the Architect & Address :

4. (a) C.S. / C. T. S. No. / Hissa No. :
   Division / village etc.
   (b) Area of the property in sq. m. :
   (c) Whether any contiguous land in :
   possession of the same owner
   not included in the present
   proposal - details of the land &
   reason for non - inclusion in the
   present proposal ?
   (d) Whether - layout / sub-division
   is approved?
   (c) Whether P. R. card for contiguous :
   land is obtained and enclosed?
   (g) Whether D.P. remarks and relevant:
   Plan enclosed?
   (h) In case there are any reservations :
   whether the same have been got
   demarcated? Whether the areas
   of different reservations including
   D. P. roads furnished?

5. The balance area of the plot :
   available excluding areas of
   reservation mentioned above, for
   residential / commercial developments.

(Note : For this purpose the land shall not be deemed to be sub - divided by D. P. Road)

6. What is the user proposed on the land under reference.? :

7. Whether 5% amenity space as specified in rules No. 56 (3) (c) (i) & 57 (4) (c) (i) inclusive of open space required under 56 (3) (c) (ii) & 57(4) (c) (ii) are provided as per the following norms in case of the lands adm. 20000 sq. m. :

   If so, its area area :

8. If the land under reference admeasures above 20000 sq. m. upto 50,000 sq. m. (Net area) whether 20% amenity space is provided? :

   If so, its area :

9. Whether the open space amenity If the land under reference adm. above 50,000 sq.m. (net area) whether 25% (amenity) space is provided? :

   If so, its area :

10. Whether segregatring distance required for residential - commercial development provided as per D.C. Regulation No. 29 (5) (c).

11. If the residential development is proposed. whether the same is within 1 km. travel distance from the exisiting residential development.? :

Signature of the Architect / Licensed Surveyor

Signature of Owner / Applicant

Annexture "E"

FORMAT OF APPLICATION FOR DEVELOPMENT OF ACCOMMODATION RESERVATION

(TO BE TYPED ON ARCHITECT'S LETTERHEAD.)

The Executive Engineer,
Eastern / Western Suburbs, / City,
Development Plan,
M. c. G.M.

Sub : To issue permission to develope accommodation Reservation of PH, HD, Shopping Center, Industrial Estate, Service Industrial Estate, Maternity Home, Municipal Chowky Library, HDH, Dispensary, Retail Market, Welfare Center, Dhobi Housing etc.

At CTS No.
of village
for

Sir,

We enclose copy of D.P. Remarks alongwith plan etc. The aforesaid property is affected by accommodation reservation of _____. On behalf of owner we request you to grant us permission to develop aforesaid reservation as per present policy.

Thanking you,

Yours truly,

Encl. 1. P. R. Card,
2. C.T.S. Plan,
3. D.P. remarks & demarcation,
4. Authority to Architect,
5. Proposed plan.

Annexture "F"

FORMAT OF APPLICATION FOR REVALIDATION OF DEVELOPMENT PERMISSION.

(to be reproduced on applicants letterhead)

Date : Ref. :

The Executive Engineer,
Eastern / Western Suburbs, / City,
Development Plan,
M. c. G.M.

Sub : Revalidation of Development permission for Housing / Accommodation Reservation of ..... with respect of property beanng C.S. No. / C.T.S. No. ..... at .....

Ref : Your Office permission under No..... dated .....

Sir,

I / We am / are applying for the revalidation of the above said permission, which is / was valid upto ..... Please note that the development is started and completed upto ..... (describe state of work). The development could not be started / delayed due to ..... (write the reason in short and if possible attach documentary proof) for your perusal. We are enclosing herewith the following

1. Copy of Development permission with plan.
2. Copy of approved plan / IOD / CC (if any).

You are requested to revalidate the said development permission for a further period of two years.

Thanking you,

Yours truly,

(.....)

Encl. As above.

SPECIMEN OF DEVELOPMENT PERMISSION FOR SECONDARY SCHOOL RESERVATION

MUNICIPAL CORPORATION OF GREATER MUMBAI

Office of the
Chief Engineer (Development Plan),
4th Floor, Annex Building, Municipal Head Office,
Mahapalika Marg, Fort, Mumbai – 400 001.

To,

_____
_____
_____
_____

Sir,

Sub :- Permission for Development of Land bearing C.T.S. No. _____ of village _____ at _____ ward, reserved for Secondary School.

Ref :- Your letter under No. _____.

Under the circumstances explained in your above cited letter dtd. I have by direction to inform you that your request to allow development of plot bearing C.T.S. No. ___of village _____ Ward, reserved for Secondary School, as shown on the accompanying Block Plan & Location Plan of the land, has been considered as per Reg. No. 9 Table 4 of the D.C. Regulations for Greater Mumbai, 1991, amended upto date, subject to compliance of following terms and conditions :-

1) That the owner shall obtain specific NOC from Add. Collector & C.A. (U.L.C) under (U.LC & R) Act for development of the reservation under reference.
2) That the work of construction shall be completed within a period of two years from the date of development permission. However, the Ch.E. (D.P) for valid reasons, give extension from time to time.
3) That the development of the property in question shall conform to the provisions of D.C. Reg, for Gr. Mumbai 1991 amended upto date.
4) That the premises shall be used for conducting Secondary School only.
5) That no capitation fees shall be collected from the students.
6) That the conditions required to be observed by the school falling under the purview of Grant-in-Aid should be observed by the school authorities irrespective of the facts whether grant-in-aid is availed of or otherwise and that the requisite permission from the Education Deptt, of the Statement Government / M.C.G.M. shall be obtained.
7) That the developed amenity shall be used by the owners for the specific public facility and shall be entrusted to Educational Institutions, which is registered under the Bombay Public Act, 1959 or Society's Registration Act, 1960.
8) That the owner / developer shall not be eligible for the grant of development rights i.e. T.D.R.
9) That the entire plot shall be developed for the designated reservations of Secondary School only.
10) That the admission in these institutions so developed shall be open to any student without discrimination of caste, creed, religion, language, sex etc.

11) That the conduct of running of these institutions shall be subject to approval and supervision of Education Officer of Corporation, Director of Education or respective University or any other Competent Authority in consultation with any competent body which is approved by the Municipal Commissioner.

12) That the institutions shall follow the order approved by the competent authority and would be subject to related education code or rules pertaining to running of such institutions prescribed by the concerned competent authority.

13) That these rules shall apply to any land which fall under the designated reservation irrespective of the ownership thereof and no land under reservation shall be used for any other purpose.

14) That in these institutions, not less than 15% of the admission shall be made on recommendation of the E.O. of M.C.G.M. In case of specialized institutions, where the E.O. has no recommendation to make till the last date of admission, such earmarked seats shall be excluded from the purview of E.O.

15) That the Layout / Amalgamation / Sub-Division shall be got approved from the E.E.B.P. (Concerned).

16) That the trust / owner will enter into agreement with Municipal Corporation before issue of Commencement Certificate agreeing to the above mentioned conditions as per the Agreement Deed that may be prepared by the Law Officer of M.C.G.M. and the expenditure incurred thereof will be born by the Trust / Owner.

17) That the owner / trust shall pay scrutiny fees as per the prevailing policy of the Corporation.

18) That the D.P. Reservation shall be got demarcated on site from the office of E.E.D.P.(Concerned)

19) That the development shall be carried out as per the terms and conditions of the layout approved by E.E.B.P. (Concerned).

20) That the building of Secondary School, shall be constructed on the land earmarked for the specific reservation on the accompanying plan and in accordance with the provisions of the D.C. Regulations for Greater Mumbai, 1991.

21) That the play ground equivalent to 40% of secondary school reservation shall the provided as per Govt. directives u/n. TPS - 3206 / 488 / CR 104 / 06 / UD - 30 dated 08/09/2006 shall be kept reserved abutting to school building.

22) That the development permission is issued based on documents submitted by you. Subsequently, if any of the documents are found to be fake/false/fraudulent, this development permission shall stand revoked without any intimation.

23) That the Owner / Developer shall submit a registered undertaking stating that the secondary School reservation along with the attached Playground (PG) shall be developed by them and will not demand either to acquire it under Land Acquisition Act or in lieu of TDR by M.C.G.M.

24) That the NOC from the Charity Commissioner shall be obtained, if applicable.

If your clients are agreeable to the above conditions, you may approach the Executive Engineer, Building Proposal (concerned) for further action, who is being informed suitably separately by this office.

Yours faithfully,

sd/-
(Executive Engineer)
Development Plan.

Acc :- 1 plan showing Block Plan & Location Plan.

SPECIMEN OF DEVELOPMENT PERMISSION FOR MUNICIPAL PRIMARY SCHOOL RESERVATION.

MUNICIPAL CORPORATION OF GREATER MUMBAI.

Office of the
Chief Engineer (Development Plan),
4th Floor, Annex Building, Municipal Head Office,
Mahapalika Marg, Fort, Mumbai – 400 001.

To,

_____

_____

_____

Sub :- Request to allow development permission for the land bearing C.T.S. No. _____ of village _____ at _____ affected by the reservation of Municipal Primary School.

Under the circumstances explained in your above cited letter dtd. I have by direction to inform you that your request to allow development of plot bearing C.T.S. No. ___of village _____ Ward, reserved for Primary School, as shown on the accompanying Block Plan & Location Plan of the land,has been considered as per Reg. No. 9 Table 4 of the D.C. Regulations for Greater Mumbai, 1991, amended upto date, subject to compliance of following terms and conditions:-

s

1) That the owner will obtain exemption under U.L.C. & R Act, 1976 from the competent authority and shall comply with the conditions imposed by the competent authority.
2) That the work of construction shall be completed within a period of 2 years from the date of issue of development permission. However, the CH.E.D.P. may for valid reasons extend the time period from time to time.
3) That the development of the property in question, shall conform to the provisions of D.C. Regulation, 1991.
4) That the premises shall be used for conducting a Primary School or for Primary-cum-Secondary School only.
5) That no capitation fees shall be collected from students.
6) That the owner shall pay a scrutiny fees as per Private Policy of MCGM.
7) That the conditions required to be observed by the school falling under purview of Grant-in-Aid should be observed by the School Authorities irrepsptive of the fact whether the Grant-in-Aid is availed of or otherwise and the required permission from the M.C.G.M. and Education Department of the State Government shall be obtained.
8) That the developed amenities shall be entrusted to Education Institution, which is registered under the Mumbai Public Trust Act, 1950 for running the same.
9) That the entire plot shall be developed for specific purpose of reservation.of Mun. Primary School only.

10) That the owner / developer shall not be eligible for any TDR in lieu of School plot.

11) That the admission in this institution developed shall be open to any student without discrimination of caste, creed, religion, language, sex etc.

12) That the conduct of running of this institution shall be subject to approval and supervision of Education Officer of M.C.G.M. Education Department of the Govt. of Maharashtra or any other competent authority.

13) That the institute shall follow the order approved by the Competent Authority and subject to related Education Code or rules pertaining to running of such institution prescribed by the competent authority.

14) That in this institution not less than 15% of admission shall be made on recommendation of Education Officer of MC.G.M. in case of Private ownership of land not less than 30% of admission shall be made on recommendation of EO of MCGM in case of Municipal Land.

15) That these condition shall apply to any land falling under the reservation irrespective of the ownership thereof and no land under reservation shall be used for any other purpose.

16) That the layout / amalgamation / sub-division shall be got approved from E.E.B.P. (Concerned)

17) If the land under reference is under acquisition, then the owner shall pay Rs. _____ towards supervision charges as per prevailing policy,

18) If the land under reference is under acquisition then registered undertaking shall be given by the owner / developers before approval of plans stating that :-

i) That the owner / developer shall not claim any damages if the land under reference is withdrawn from the acquisition proceeding as per the provision of section 48 (2) of L.A. Act, 1894 amended upto date.

ii) The owner / developer shall not come forward to hand over the land reserved for M.A.P. in lieu of T.D.R.

19) That the trust / Owner will enter into an Agreement with Municipal Corporation agreeing to above conditions as per the Agreement Deed that may be prepared by the Law Officer of M.C.G.M. and expenses incurred thereof will be borne by the Owner / Developer.

20) That the play ground equivalent to 40% of primary school reservation shall the provided as per Govt. directives u/n. TPS - 3206 / 488 / CR 104 / 06 / UD - 30 dated 08/09/2006 shall be kept reserved abutting to school building.

21) That the development permission issued stands automatically cancelled if the land under reference is to be handed over to M.C.G.M. pursuant to conditions of exemption order of Competent Authority under U.L.C. & R. Act, 1976 or as per the conditions put forth by any other authority.

22) That the development permission is issued based on documents submitted by you. Subsequently, if any of the documents are found to be fake/false/fraudulent, this development permission shall stand revoked without any intimation.

Your's Faithfully

Executive Engineer
(Development Plan)

SPECIMEN OF DEVELOPMENT PERMISSION FOR MATERNITY HOME & DISPENSARY RESERVATION MUNICIPAL CORPORATION OF GREATER MUMBAI.

Office of the
Chief Engineer (D.P.)
4th Floor, Annex Bldg. Municipal Head Office,
Mahapalika Marg, Mumbai - 400 001.

To,

_____
_____
_____
_____

Sub :- Proposed development on plot bearing C.T.S. No. _____ of village _____ reserved for Maternity Home & Dispensary in _____ Ward.

Ref :- Your letter dated. _____.

Sir,

With reference to your aforesaid representation, I have by direction to inform you that there is no objection for allowing the development of the land bearing C.T.S. No. _____ of village _____ reserved for Maternity Home & Dispensary under accommodation reservation as per provision under Regulation 9, Table 4 (v) (1) (a) & 9 (c) amanded upto date & as per Prtivate Policy subject to the following terms and conditions :-

1) That the NO.C. from the Addl. Collector & C.A. (U.L.C & R) Act, 1976 shall be obtained and the conditions laid down in the said orders shall be complied with.

2) That the owners should incorporate a clause in the agreement intimating the prospective buyers regarding the construction of the Maternity Home Dispensary as prescribed on the Ground + First floor in a separate wing of the building and sample copy of the said agreement shall be deposited with the concerned Executive Engineer (Building Proposal).

3) That the development of the land under reference will be in accordance with the provisions of the sanctioned Development Control Regulations 1991 amended upto date. The owner will be entitled to have full permissible F.S.I. on the plot without taking into account the area utilized for the Maternity Home Dispensary to be handed over to M.C.G.M. free of cost as per the Development Control Regulations, 1991.

4) That the I.O.D and Commencement Certificate shall be given in phases. In the first phase, the I.O.D and C.C. will be given for permissible F.S.I. taking built-up area of the Maternity Home & Dispensary to be handed over to the Municipal

Corporation of Greater Mumbai also in F.S.I. computation. In the 2nd phase, after the built up accommodation for Maternity Home Dispensary is completed and handed over to the Municipal Corporation of Greater Mumbai after execution of required lease agreement, subject to various terms and conditions as may be stipulated by the Municipal Commissioner, the remaining F.S.I. equivalent to the built-up area of such Maternity Home Dispensary as permissible under the D.C. Regulation, 1991 will be permitted by approving amended plans.

5) That the plans of the Maternity Home Dispensary shall be got approved from Dy.M.A. / E.H.O. before approval of Building proposal.

6) That while carrying out the development on the land under reference, a board shall be displayed on the site indicating the proposed development for provisions of required amenity along with other development.

7) That the work of development and construction of built-up Maternity Home Dispensary shall be completed within 2 years and amenity shall be handed over to the Municipal Corporation of Greater Mumbai free of cost. However, for valid reasons, the Ch.E.D.P. may extend the time limit.

8) That the owner should provide adequate parking spaces required as per D.C. Regulations for accommodation regarding i.e. Maternity Home Dispensary to be handed over to the Municipal Corporation of Greater Mumbai and hand over the same to the M.C.G.M. for its exclusive use. Such parking space shall be distinctly shown on the plan.

9) That the requisite Bank Guarantee as may be intimated by the concerned E.E.B.P. for faithful compliance of above conditions shall be deposited in the office of E.E.(B.P). The said Bank Guarantee will be released only after satisfactory compliance of various terms and conditions and completing the various formalities specified to the satisfaction of the Ch. E (D.P).

10) That the Owner / Developer has also to execute separate documents / agreement for transferring the ownership of Maternity Home Dispensary in favour of M.C.G.M. as may be finalized by the Law Officer. The entire cost of execution of the agreement shall have to be borne by the developer / owner and the said agreement should be executed before requesting for Occupation permission.

11) That the owner shall provide separate independent water, drainage and sewerage lines and electricity with fittings etc. for Maternity Home Dispensary to be handed over to the M.C.G.M. He shall also provide separate underground and overhead water storage tank with pumping arrangement, for the exclusive use of the Maternity Home Dispensary as may be approved by the concerned department.

12) That any defect that may occur in the built-up accommodation within one year from the date of handing over the possession will be rectified by the developer as his risk and cost, and for faithful compliance of these requirements, 10% of amount of the bank Guarantee shall be retained by the Corporation.

13) That the owner shall hand over a built-up area equivalent of 50% of the F.S.I. permissible on the plot (about _____ Sq.mtrs as the plot area is _____ Sq.mtrs) excluding area of staircase on the reservation of Maternity Home Dispensary in separate Wing of (Ground + 1) as indicated on the plan with independent access / staircase to M.C.G.M. free of cost.

14) That the development of the land under reference will be in accordance with the D.C. Regulations, 1991. If the area of reservation is more than 2500 Sq.mtrs. 15% R.G. area will be deducted for F.S.I. purpose.

15) That the provision for additional two floor over the Dispensary/Maternity Home shall be made in structure design of building under accomodation reservation.

16) That the Municipal Commissioner will be entitled to hand over the said built-up accommodation of Maternity Home & Dispensary to an Organisation as per the terms and conditions as may be decided by the Municipal Commissioner for operation and maintainace etc.

17) That in case of development of Part reservation the owner / developer shall not raise any objections in extending the amenity building constructed on their land vertically and / or horizontally. A Registered Undertaking to this effect shall be given by the developer at the office of the E.E.B.P.

18) That the owner / developer shall execute an Agreement agreeing to all conditions laid here in consultation with the Law Officer of the M.C.G.M. and expenses thereof shall be borne by him.

19) That the development permission is issued based on documents submitted by you. Subsequently, if any of the documents are found to be fake/false/fraudulent, this development permission shall stand revoked without any intimation.

If you / your client is agreeable to the above conditions, you may approach the Executive Engineer, Building Proposals (W.S) P & K Ward who is being informed separately.

Yours faithfully,
Executive Engineer
(Development Plan)

Accompanying :- Plan.

SCHEDULE OF FEES FOR VARIOUS PERMISSION ISSUED BY DEVELOPMENT PLAN DEPARTMENT

In force from 5/8/2004.

Sub : Charging fees / charges as per prevaling policy / precedure in force

Sr No.	Item		Scale of fees.
1)	D.P. Demarcation :- To enclose 3 copies of Block Plan as per CTS boundary, Location Plan, extract from for D.P. Remarks.	:	Will be charged Rs. 250/- per City Survey No. (Including City Survey No. given to structures if any).
2)	Grant of Development permission in cases of accommodation reservation vide Reg. No. 9 table No. 4 of D.C. Regulation, for Greater Mumbai 1991.	:	Will be charged Rs. 6.50/- per sq.mt of plot area subject to minimum of Rs. 3000/-.
3)	Proposal for allowing development of land reserved for educational and medical facilities.	:	Will be charged Rs. 12/- per 10Sq.mt. of plot area subject to minimum of Rs. 2000/-
4)	Proposal for allowing residential / commercial development in industrially zoned lands under provisions of regulation No .56, 57 58 and 13 of DCR, 1991.	:	Will be charged Rs. 6.50/- per sq.mt of plot area subject to minimum of Rs. 3000/- for allowing residential / commercial development in industrially zoned lands under provisions of regulations No. 56, 57 and 13 and Rs. 15/- per sq.mtr. of plot area subject to a minimum of Rs. 6500/- for allowing redevelopment of cotton textile mills under the provisions of regulation No. 58 of DCR, 1991.
5)	The development permission / granted, vide item No. (A) 3 & 5 the same shall be valid for the period of 2 years and can be revalidated further for a period of two years each by recovering the revalidation fee.	:	Will be charged at the rate of 10% of the scrutiny fees as above subject to minimum of Rs. 3250/-.

6)	Grant of permission for relocation of D.P. Reservation / Amenity plot as per provisions of Regulation 11 (4) of DCR, 1991.	:	Lumpsum charge of Rs. 5000/- per proposal.
7)	Scrutiny fees for proposal for grant of permission for development under Reg. No. 67 of DCR, 1991 i.e. for clearance from Heritage Conversion Committee.	:	Lumpsum charge of Rs. 2000/- per proposal.
8)	Grant of development Right Certificate		
	a : Reservations.	:	Rs. 25/- per sq.mt. of plot area subject to minimum of Rs. 3250/-
	b : Heritage structures.	:	Rs. 25/- per sq.mt. of plot area subject to minimum of Rs. 3250/-
	C : Slum Rehabilitation Projects	:	Rs. 12/- per sq.mt of area of TDR subject to minimum of Rs. 3000/-.
9)	Scrutiny fees for utilization of Development Right Certificate. subject	:	The utilization fees will be charged at Rs. 25/- per sq.mt. to minimum of Rs. 3250/-.
10)	Transfer of DRC's		
a)	The scrutiny fee for transfer of DRC	:	Will be charged at lumpsum to legal heir charge of Rs.2000/- per transfer.
b)	The scrutiny fees for transfer of DRC for roads and reservation.	:	Will be charged of Rs. 25/- per sq.mtr. subject to min. Rs. 3250/-
c)	Scrutiny fees for transfer of DRC for Slum.	:	Will be charged of Rs. 12/- per sq.mtrs. subject to min. Rs. 3250/-
11)	Fees for DRC application forms.	:	Will be charged Rs. 100/- + service tax per form.
12)	Fees for transfer form	:	Will be charged Rs. 20/- + service tax per form.
13)	Utilization Form.	:	Will be charged Rs. 20/- + service tax per form.
14)	D.P. Remarks / T.P. Remarks form.	:	Will be charged Rs. 20/- + service tax per form.

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. Che / 890 / DP / Gen Dt. 19 / 7 / 2008

Sub : Modification to regulation Nos. 56 (3) c and 57 (4) c of D.C.R. 1991 vide Govt. notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007

Ref. : TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007

Reference is requested to the notification dt. 14.5.2007 issued under Section 37 (2) of M. R. & T. P. Act 1966 regarding modification to Regulation No. 56 (3) (c) and 57 (4) (c) of D.C. Regulations, 1991.

The gist of the case is as follows :

As per the original Regulations Nos. 56 & 57 of D.C. Regulations, 1991, the Residential / Commercial users can be allowed in industrially zoned land, subject to providing certain land for public purposes as Amenity Space. Earlier, since the extact quantum / percentage of suc amenity space was not specified earlier, in D.C. regulations 1991 the Govt. has given directors U / No. TPB - 4393 / 1957 / CR - 230 / UD -11 dtd. 20.10.1995 in this respect. Accordingly, the percentages of amenity space and additional R. G. to be insisted for public purpose were decided as below :

Sr. No.	Regulation / Clause	Plot area in Sq. mt.	Percentage of land to be set aside for public utilities / amenities
1	56 / 3 / c (i) 57 / 4 / c / (i)	(a) up to 5000 (b) 5000 to 20000	Nil 5 %
2	56 / 3 / c /(ii) 57 / 4 / c / (ii)	More than 20000	2.5% + 5% for Amenity utilities under D.C.R. 27 + 10% additional R.G.

While calculating the area of amenity space for industrially zoned land more than 20000 sq. mt. the D.P. Reservations if any on such lands were reckoned towards the requirement of 5% amenity area under regulation 27 of D.C. Regulations, 1991. Thus the area of D.P. reservations on such land was adjusted towards the requirement of 5% amenity area under D.C.R. 27 & shortfall in 5% amenity area if any was insisted while processing the proposals for allowing residential / commercial users on industrially zoned lands.

Reference is now requested to the recent modification to Reg. 56 (3) (c) & 57 (4) (c) of D.C. Regulations 1991 sanctioned by State Govt. U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 wherein the percentages of amenity space to be kept aside for the public purpose are as follows :-

Sr. No.	Regulation / Clause	Plot area in Sq. mt.	Percentage of land to be set aside for public utilities / amenities
1	56 / 3 / c / (i) 57 / 4 / c / (i)	up to 20000	5%
2	56 / 3 / c / (ii) 57 / 4 / c / (ii)	a) 20000 to 50000 b) More than 50000	20% 25%

Further a note has been added in the aforesaid recent notification which reads as follows :

II) " In the layout, where Development plan has provided any reservations,

(i) If the area under Development plan reservation is less than the re quired area of public amenity space as per the said regulation, then only the difference between the area shall be provided for public amenity spaces.

(ii) If the area under Development Plan reservation is more than the required area of public amenity spaces as per the said regulation, then the provision for public amenity space is not necessary."

In the past, before issue of recent notification, permissions for conversion of industrial to Residential / Commercial Zone have been granted by MCGM as per the earlier directives U / No. TPB - 4393 / 1957 / CR - 230 / UD - 11 dt. 20.10.1995 and the developments are still in progress in some cases.

Now, some of the owners / developers of such ongoing projects have made repersentation to grant them revised permission for change of user as per aforesaid recent modification, for availing the benefit of adjustment of the required area of public amenity space, against the area of Development plan reservations in the layout.

The revised I to R / C permission is requsted by them on various grounds such as :-

(i) The development work is still in progress and O.C. is not granted.

(ii) They have not yet handed over the public amenity space / additional 10% R.G. etc. to the MCGM.

(iii) The area under reservation in some cases is very high, even more than 30% of the layout area.

(iv) The notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dt. 14.5.2007 shall be applied retrospective in fitting cases, where all the conditions stipulated in the said notification can be complied with i.e. said notification can be applied in toto.

(v) When the area of plot is increased due to :

a. Area correction as per Collector's order without modifying plot boundary.

b. Amlgamation of land / plot.

In some of the cases, M. C. G. M. has already granted such revised change of user permissions, by insisting compliance of all the conditions stipulated vide notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 (i.e. applying the said notification in toto.)

Further, in some of the cases, while granting change of user permissions in accordance with aforesaid modification, the word layout in note cited above (Portion sidelined "A") is interpreted as the entire layout area i.e. including the portion under Industrial Zone, as well as contiguous Commercial / Residential Zones of the same owner and accordingly the area afffected by public reservations in Residential / Commercial Zones situated in the same layout is adjusted against requisite amenity spaces required for conversion of I to R/C.

However, recently this office staff had an information discussion with the Under Secretary, Urban Development Depatment when he opined that, MCGM may seek clarification under Regulation 62 (3) of D.C. Regulations, 1991. Hence, it is proposed to seek the clarification from Urban Development Department, Govt. of Maharashtra on the following Points :-

X

(1) Whether the word layout mentioned in the note in the notification U / No. TPB -4 304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 shall be interpreted as the entire layout area under one ownership including the portion under industrial / Commercial / Residential Zones or it shall be interpreted as only Industrial Zone Area.

(2) Whether the notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dt. 14.5.2007 can be made applicable to the proposals where development permission have been issued (i.e. I to R/C) as per earlier notification dt. 20.10.1995 and those owner / developers have now come forward to consider their cases as per present notification as they are ready to comply or follow the condition mentioned in present notification dt. 14.05.2007 in toto.

(3) Whether to grant revised I to R/C where area or plot is increased due to amalgamation of land to earlier I to R /C area by insisting amenity space as per notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 on increased area or on entire plot.

(4) Whether to grant revised I to R/C where area of plot is increased due to amalgamation of land to earlier I to R/C area by insisting amenity space as per notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 on increased area or on entier plot.

In view of above, a draft letter to the Under Secretary, Urban Developement Deparment is put up herewith for Ch. Eng. (D.P.) / Director (ES&P) / M.C.'s approval, seeking the clarification form Urban Developement Department under Regulation 62 (3) of D.C. Regulations, 1991 for the points sidelined 'X' above.

Till such clarification is received from Urban Development the request for application of new rules in old cases where Commencement Certificate has been granted and work is stated will not be considered.

Submitted please.

Dy. Ch. Eng. (DP). I	- Sd/- 18-7-08
Dy. Ch. Eng. (DP) II	- Sd/- 18-7-08
Ch. Eng. (D.P.)	- Sd/- 19-7-08
Director (ES & P)	- Sd / - 19-7-08
M.C.	- Sd / - 20-7-08

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. Che / 961 / Gen / dtd. 23.7.08

OFFICE OF THE :
Chief Engineer (Development Plan)
Brihanmumbai Mahanagarpalika
Municipal Head Office, 4th Floor,
Annex. Building, Mahapalika Marg,
Fort, Mumbai - 400 001.

To,
The Under Secretary,
Urban Development Department,
Govt. Of Maharashtra,
Mantralaya, Mumbai - 400 032.

Sub : Modification to regulation Nos. 56 (3) c and 57 (4) C of D.C.R. 1991 vide Govt. notification U. No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007

Ref. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007

Sir,

Reference is requested to the notification dt. 14.5.2007 issued under Section 37 (2) of M. R. & T.P. Act 1966 regarding modification to Regulation No. 56 (3) (c) of D.C. Regulations, 1991.

The gist of the case is as follows :

As per the original regulations Nos. 56 & 57 of D.C. Regulations, 1991, the Residential / Commercial uses can be allowed in Industrially zoned land, subject to providing certain land for public purposes as Amenity space. Earlier, since the exact quantum / percentage of such amenity space was not specified earlier, in D.C. Regulations, 1991, the Govt. has given directives U / No TPB - 4393 / 1957 / CR - 230 / UD - 11 dtd. 20.10.1995 in this respect. Accordingly, the percentages of amenity space and additional R.G. to be insisted for public purpose were decided as below :-

Sr. No.	Regulation / Cause	Plot area in Sq. mt.	Percentage of land to be set aside for public utilities / amenties
1	56 / 3 / c (i) 57 / 4 / c / (i)	(a) up to 5000 (b) 5000 to 20000	NIL 5%
2	56 / 3/ c / (ii) 57 / 4 / c / (ii)	More than 20000	2.5% + 5% for Amenity utilities under D.C.R. 27 + 10% additional R.G.

While calculating the area of amenity space for industrially zoned land more than 20000 sq. mt. the D.P. Reservations If any on such lands were reckoned towards the requirement of 5% amenity area under regulation 27 of D.C. Regulations, 1991. Thus the area of D.P. reservations on such land was adjusted towards the requirement of 5% amenity area under D.C.R. & shortfall in 5% amenity area if any was insisted while processing the proposals for allowing residential / commercial users on industrially zoned lands.

Reference is now requested to the recent modification to Reg. 56 (3) (c) & 57 (4) (c) of D.C. Regulations 1991 sanctioned by State Govt. U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 wherein the percentages of amenity space to be kept aside for the public purpose are as follows :

Sr. No.	Regulation / Clause	Plot area in Sq. mt.	Percentage of land to be set aside for public utilities / amentities
1	56 / 3/ c / (i) 57 / 4 / c (i)	up to 20000	5%
2	56 / 3 / c (ii) 57 / 4/ c / (ii)	a) 20000 to 50000 b) More than 50000	20% 25%

Further a note has been added in the aforesaid recent notification which reads as follows :-

ii) "In the layout, where Development plan has provided any reservations,

(i) If the area under Development plan reservation is less than the required area of public amenity space as per the said regulation, then only the difference between the area shall be provided for public amenity spaces.

(ii) If the area under Development Plan reservation is more than the required area of public amenity spaces as per the said regulation, then the provision for public amenity space is not necessary."

In the past, before issue of recent notification, permissions for conversion of Industrial to Residential / Commercial Zone have been granted by MCGM as per the earlier directives U/No. TPB - 4393 / 1957 / CR - 230 / UD - 11 dt. 20.10.1995 and the developments are still in progress in some cases.

Now, some of the owners / developers of such ongoing projects have made presentation to grant them revised permission for change of user as per aforesaid recent modification, for availing the benefit of adjustment of the required area of public amenity space, against the area of Development plan reservations in the layout.

2) Whether the word layout mentioned in the note in the nontification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 shall be interpreted as the entire layout area under one ownership including the portion under industrial / Commercial / Residential Zones or it shall be interpreted as only Industrial Zone Area.

3) Whether the notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 can be made applicable to the proposals where development permission have been issued (i.e. I to R/C) as per earlier notification dt. 20.10.1995 and those owner / developers have now come forward to consider their cases as per present notification as they are ready to comply or follow the condition mentioned in present notification dt. 14.05.2007 in toto.

4) Whether to grant revised I to R/C where area or plot is increased due to amalgamation of land to earlier I to R/C area by insisting amenity space as per notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 on increased are or on entire plot.

5) Whether to grant revised I to R/C where area of plot is increased due to amlgamation of land to earlier I to R/C area by insisting amenity space as per notification U / No. TPB - 4304 / 2770 / CR - 312 / 04 / UD - 11 dtd. 14.5.2007 on increased area or on entier plot.

Yours faithfully,

Sd/- 19-7-08
(Chief Engineer)
(Development Plan)

SECTION II

(CRZ)

SECTION –II (CRZ)

PREAMBLE

COASTAL AREA CLASSIFICATION AND REGULATION OF DEVELOPMENT

In order to prevent proliferation of beaches and coastal areas, Government has issued a directive in the year 1984 laying down guidelines for controlling development in the coastal areas. While sanctioning Development Control Regulation, 1991 Government incorporated Regulation No. 59 for regulating development in coastal areas. The said regulation specify various norms for development of the coastal areas as defined in the said regulation and which are situated in the Residential / Commercial zones etc.

In the meantime Environment & Forest Deptt. Of Government of India had published notification under Environment Protection Act, 1986 for controlling development of coastal areas for whole of the country. The said notification under No. S.O. 114 (E) has come into force from 19/2/1991. A copy of the notification is enclosed vide Annx.

The Development Control Regulations were sanctioned by the Government on 20/2/1991 and have come into force from 25/3/1991. Therefore the provisions of the notification issued by the Government of India also came into force along with the D.C. Regulations. This notification was in variance to the provisions of the D.C. Regulation and had also to be implemented and hence stringent of both the provisions were being followed while considering the proposal of development of land in coastal areas. However in order to remove this anomaly, Government in Urban Development Dept. issued a directive to the Corporation u/s. 37 (1) of the M.R. & T.P. Act, 1966 on 26/12/2003 to initiate a modification proposal to the D.C. Regulation No. 59 so as to replace the existing provision with the contents notification issued by the Government of India dated 19/2/1991. The said notification was ultimately sanctioned by the Government on 4/11/2005 under No. TPB/4397/2125/CR-112/98/UD-11. Thus the provision of D.C. Regulation No. 59 are replaced and notification issued by the Government of India in Environment & Forest Dept. are to be followed while considering development proposals on the land in coastal areas.

The notification issued by the Government of India in Forests & Environment Dept. also contemplated preparation of coastal zone Management Plan for every State and take approval for the said plan from the Environment Dept, Government of India. Accordingly Government of Maharashtra prepared the Coastal Zone Management Plan of Maharashtra state which was sanctioned by the Government of India on 27/9/1996 subject to the conditions mentioned in the said letter. Government has also issued certain clarification for development of coastal area zone vide their letter dated 27/3/98, 8/9/98, copies of the said letters are also enclosed.

Therefore while considering the development proposals in the coastal areas, the above notification and clarification issued by the Government of India are to be followed. One of the most important aspect is that in respect of the development proposals for investment upto Rs. 5 crores clearance from the State Government in Urban Development Dept, has to be obtained whereas for the proposals for investment – exceeding Rs. 5 crores, clearance from Environment Dept, Government of India has to be obtained.

CRZ Notification 1991.

The late Prime Minister Smt. Indira Gandhi, intended to impose certain restrictions on the development activities near beaches in order to protect the environment and flora and fauna thereat. Various study groups were set up by the ministry which resulted into publishing the draft notification of imposing certain restrictions on the processes and industries within the coastal area.

After the draft notification, the final notification was issued on 19th February, 1991, under provisions contained in environment protection act, 1986.

The principal notification is amended from time to time and the detailed notification as amended upto date is enclosed for ready reference. The details of the notification as well as all the relevant notifications and acts from environment department are available on the web site www.envfor.nic.in.

The salient features of the notification are enlisted as under :-

1. The restrictions are imposed on setting up of industries, operations and processes etc. in coastal regulation zone.

2. The coastal streches of seas, bays, entuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 meters from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL is defined as Coastal Regulation Zone.

3. The high tide line is required to be delineated uniformly over the entire country by the demarcating authority as approved by MOEF.

4. In case of creeks, rivers and backwaters, the distance shall be minimum of 100m or the width of the creek, river or backwater, whichever is less.

5. The distance upto which CRZ is to be marked shall be identifies on coastal zone management plans and shall be measured by salinity measurements taken during the driest period of the year, which shall be 5PPM.

6. The clause No. 2 stipulates the prohibited activities in CRZ area.

7. The clause No. 3 stipulates the regulation of permissible activities in crz areas as per latest amendments, the housing schemes in crz areas are covered by this provision.

8. As per the notiofication, all the coastal states are required to prepare the coastal zone management paln identifying CRZ area. Accordingly, coastal zone management plan was prepared for Mumbai area and the same is approved by MOEF on 20th January, 2000.

9. Clause No. 6 annexure –I of the notification stipulates classification of CRZ areas as under :-
   Intertidal areas, mangroves, areas of highly ecological importance etc. are CRZ-1.
   Substantially developed or built-up areas upto shoreline in legally disgnated urban areas or in municipal limits are CRZ-II.
   Areas which are not substantially built upon are CRZ-III.
   The category CRZ-IV is for Andamana and Nicobar islands.

10. The regulation 6(2) stipulates the permissible activities in CRZ I, II or III areas. The permissible activities in CRZ-II are reproduced as under :-

CRZ-II

(i) Buildings shall be permitted only on the landward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side of existing authorized structures. Buildings permitted on the landward side of the existing and proposed roads / existing authorized structures shall be subject to the existing local Town & Country Planning Regulations including the existing norms of Floor Space Index / Floor Area Ratio.

(ii) Provided that no permission for construction of buildings shall be given in landward side of any new roads (except roads approved in the Coastal Zone Management Plans) which are constructed on the seaward side of an existing road.

(iii) Provided further that the above restrictions on construction based on existing / new roads /authorized structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing schemes of State Urban Development Authorities implemented in phases for which construction activity was commenced prior to 19th February, 1991 in at least one phase and all relevant approvals from State / Local Authorities were obtained prior to 19th February, 1991; in all such cases specific approval of the Ministry of Environment & Forests would be necessary on a case to case basis.

(iv) Reconstruction of the authorized buildings to be permitted subject to the existing FSI / FAR norms and without change in the existing use.

(v) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural syle.

No construction activity is permissible in CRZ-I areas except lying of pipelines and other activities as described in the notification.

There are many restrictions in CRZ-III areas as stipulated in the notification.

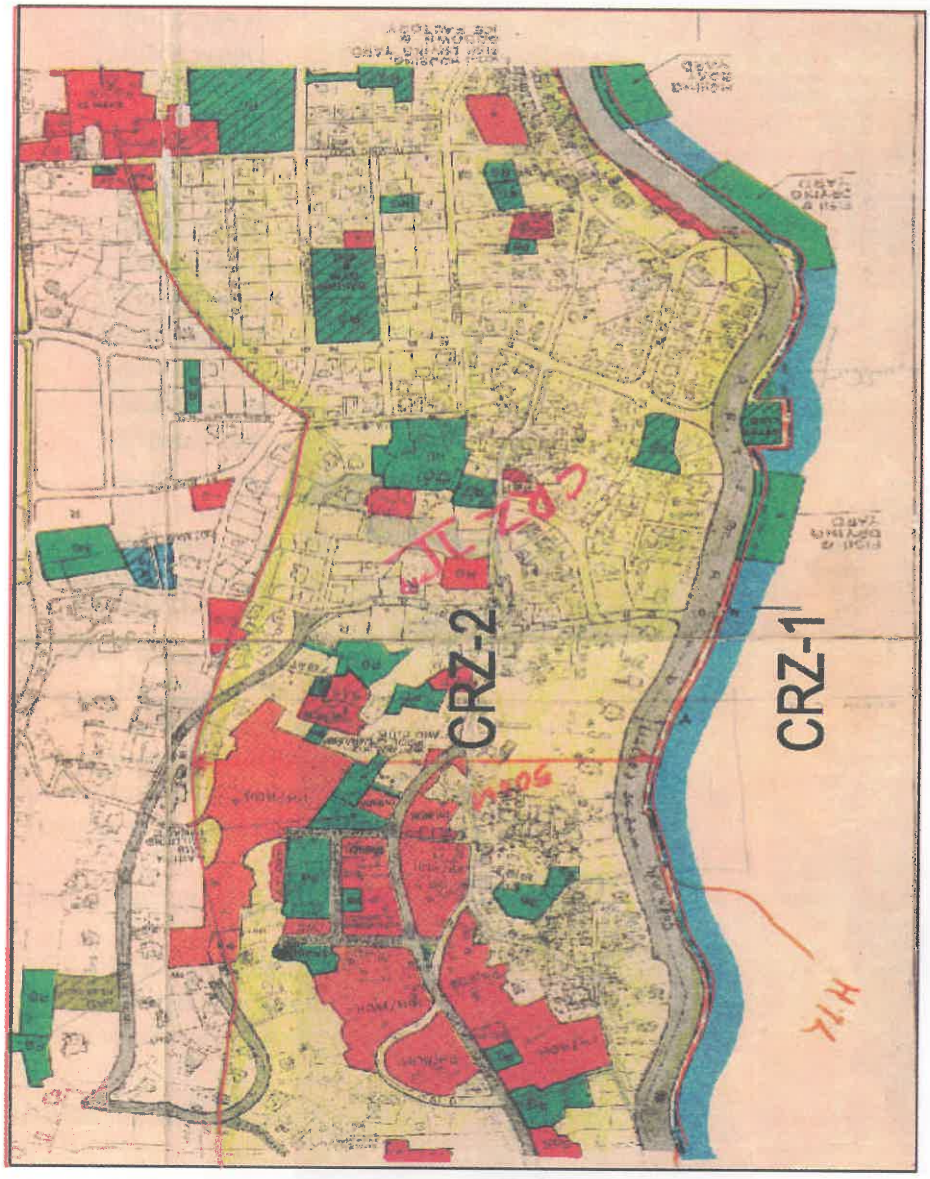
In CRZ-III no construction activity is permitted in 0 to 200 mtrs. from HTL. Construction of hotels or beach resorts are permissible in CRZ-III areas in between 200m to 500m subject to obtaining prior environmental clearance.

Details about CRZ of Mumbai

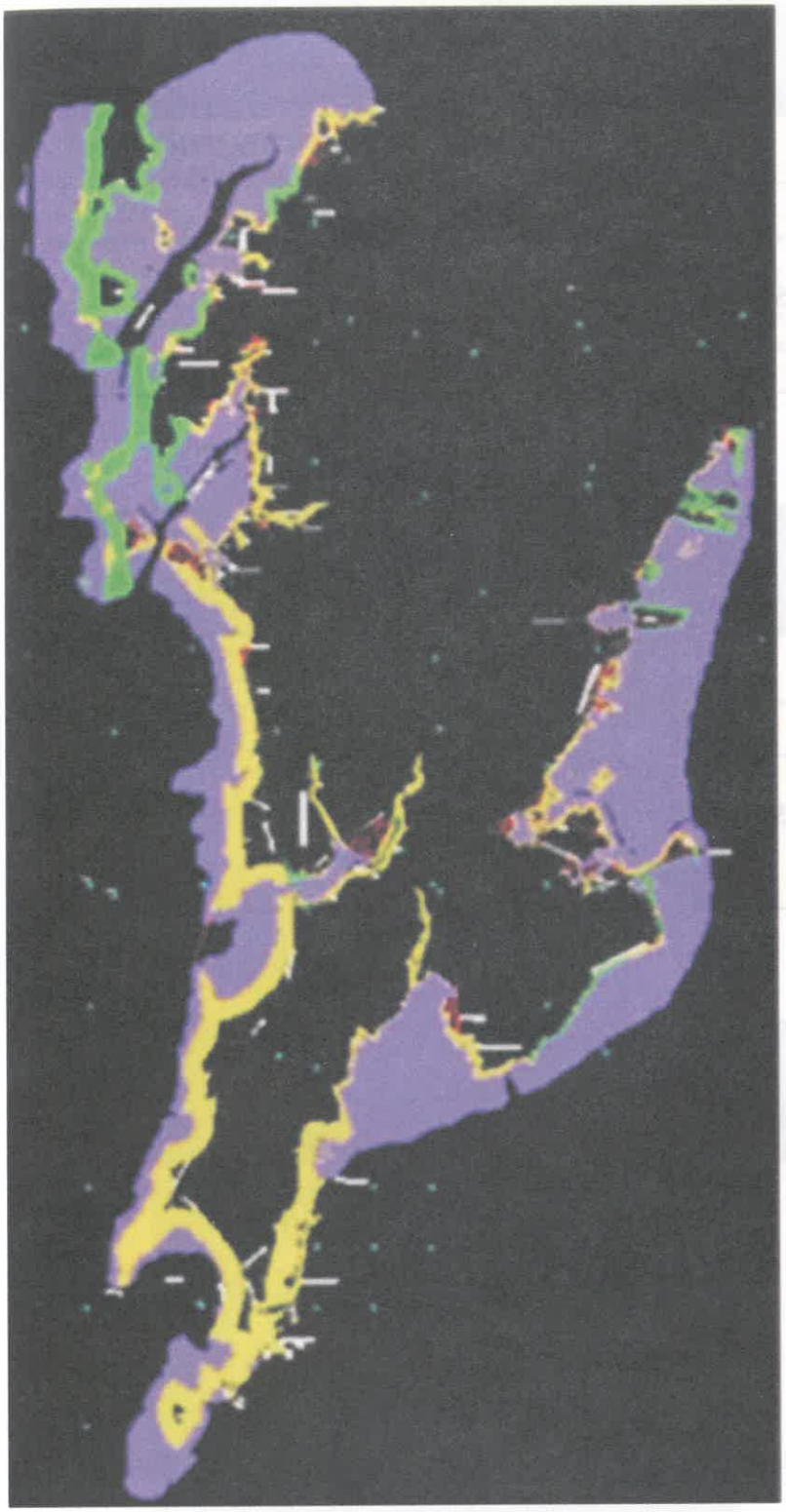
1) Area in between high tide line and low tide line as well as mangroves areas, heritage structures of Gateway of India, Mahim fort and Mudh fort are classified as CRZ-I.
2) Major areas in CRZ of sea or creek are classified as CRZ-II.
3) All no development zoned lands, within CRZ areas as in mudh, marve, manori, gorai, erangal, aksa, kuvelum etc. are classified as CRZ-III.
4) All the Gaothan areas on west of Malad creek and west of Manori creek are categorized as CRZ-III.
5) All the open user reservations such as RG, PG etc. in CRZ-II are deemed to be CRZ-III.

LEGEND

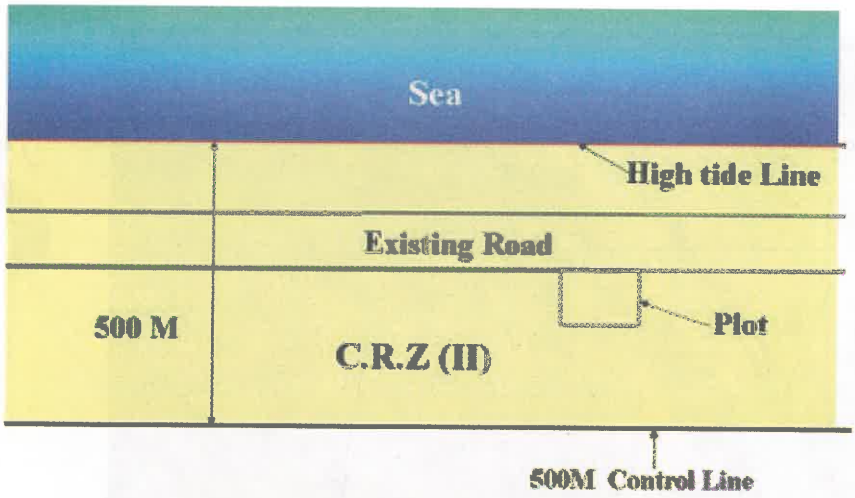
- CRZ -1
- CRZ -2
- CRZ -3

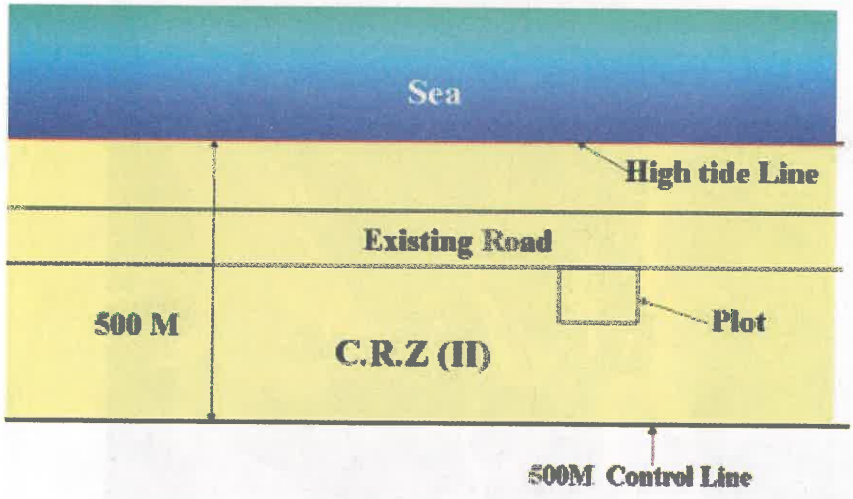


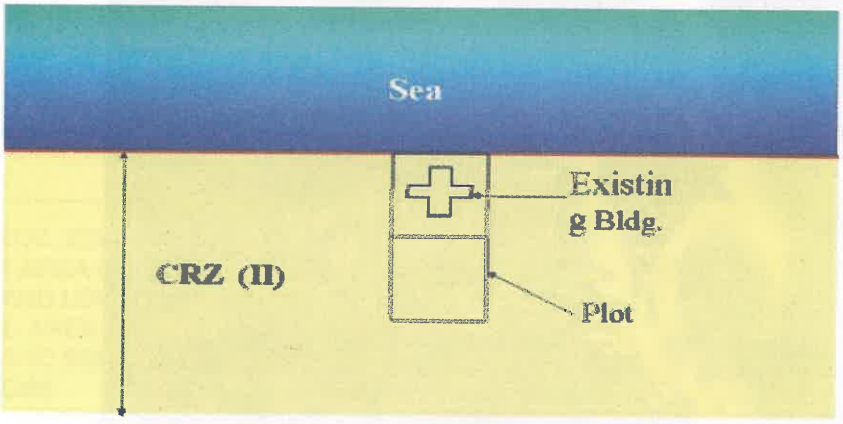
COASTAL ZONES
CRZ-1 AREA OF LAND FALLING BETWEEN HIGHTIDE LINE AND LOW TIDE LINE SHOWN IN BLUE
CRZ-2- AREA OF LAND FALLIN G BETWEEN HIGHTIDE LINE AND 500 MTS. FROM HIGHTIDE LINE (SHOWN IN YELLOW)
HTL- HIGHTIDE LINE DECIDED BY MINISTRY OF ENVIRONMENT GOVT. OF INDIA SHOWN THUS



N







Land Ward Side of Existing Authorised Building

Coastal Zone Management Plan for Greater Mumbai

Combined CZMP for Grater Mumbai submitted to MoEF by GoM Wide letter No. CS/TPB. 4396 / 12 / CR-263 / 96 UD - 11 Dated 25th Nov. 1998 & approved by MoEF letter No. J-17011/8/95 1A. III Dated 19th Jan 2000.

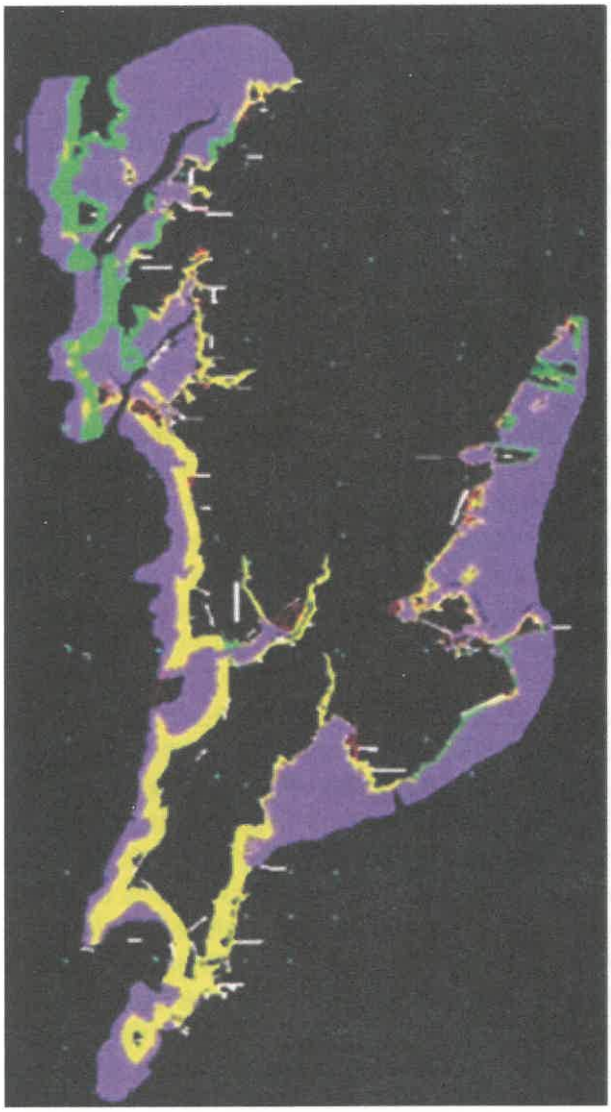
CRZ - I

CRZ - II

CRZ - III

Existing Roads shown as CZMP Roads

Proposed Roads on Land (Not Passing Trough CRZ) shown as proposed CZMP Roads



N

(This is a compilation of all CRZ notifications updated upto 21st May, 2002)
MOEF WEBSITE : www.envfor.nic.in

The Environmental (Protection) Rules, 1986.
Ministry of Environment & Forests
(Department of Environment, Forests & Wildlife)

Notification
New Delhi, The 19th February, 1991.

Notification under section 3(1) and section 3(2) (v) of the Environment (Protection) Act, 1986 and Rule 5(3) (d) of the Environment (Protection) Rules, 1986 declaring Coastal Stretches as Coastal Regulation Zone (CRZ) and regulating activities in the CRZ.

S.O.114 (E) :- Whereas a Notification under section 3(1) and Section 3(2) (v) of the Environment (Protection) Act, 1986 inviting objections against the declarations of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No. 944(E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government.

Now therefore, in exercise of the power conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500meters from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ).

i) For the purpose of this notification, the High Tide Line means the line on the land up to which the highest water line reaches during the spring tide. The High Tide Line shall be demarcated uniformly in all parts of the country by the demarcating authority or authorities so authorized by the Central Government, in accordance with the general guidelines issued in this regard.

ii) The distance from the High Tide Line shall apply to both sides, in the case of rivers, creeks and back waters and may be modified on a case to case basis for reasons to be recorded in writing while preparing the Coastal Zone Management Plans provided that this distance shall not be less than 100meters or the width of the creek, river or back water whichever is less. The distance upto which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt). For the purpose of this notification, the salinity measurements shall be made during the driest period of the year and the distance upto which tidal effects are experienced shall be clearly identified in the Coastal Zone Management Plans.

2. Prohibited Activities :-

The following activities are declared as prohibited within the Coastal Regulation Zone namely :-

i) Setting up of new industries and expansion of existing industries, except (a) those directly related to water front or directly needing foreshore facilities (b) Projects of Department of Atomic Energy and (c) Non polluting industries in the field of information technology and other service industries in the Coastal Regulation Zone of Special Economic Zones (SEZ).

ii) Manufacture or handling or storage or disposal of hazardous substances as specified in the notifications of the Government of India in the Ministry of Environment & Forests No. S.O. 594(E) dated 28th July 1989 S,O. 966(E) dated 27th November 1989 and GSR 1037(E) dated 15th December, 1989; except transfer of hazardous substance from ships to ports terminals and refineries and vice-versa in the port areas. Provided that, facilities for receipt and storage of petroleum products and Liquefied Natural Gas as specified in Annexure-Ill appended to this notification and facilities, for degasification of Liquefied Natural Gas may be permitted within the said Zone in areas not classified as, CRZ-I (i), subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to such further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated by the Government of India In the Ministry of Environment and Forests.

iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas) Provided that existing fish processing units for modernization purposes may utilize twenty five per cent additional plinth area required for additional equipment and pollution control measures only subject to existing Floor Space Index and Floor Area Ratio, norms and subject to the condition that the additional plinth area shall not be towards seaward side of the existing unit and also subject to the approval of State Pollution Control Board or Pollution Control Committee.

iv) Setting up and expansion of units / mechanism for disposal of waste and effluents, except facilities required for discharging treated effluent into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 and except for storm water drains,

v) Discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification.

vi) Dumping of city or town waste for the purposes of land filling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from years from the date of this Notification.

vii) Dumping of ash or any wastes from thermal power stations.

viii) Land reclamation, building or disturbing the natural course of seawater except those required for construction of ports, harbours, jetties, wharves, quays, slipway, bridges and sea links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintanance of clearing of waterways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge:

Provided that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible;

ix) Mining of sands, rocks and other substrata materials, except (a) those rare minerals not available outside the CRZ areas and (b) exploration and extraction of Oil and Natural Gas.

Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary, Department of Environment, Secretary, department of Water Resources and Secretary, Public Works Department. Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period of 31st day of March, 1998.

The quantity of sand mined shall not exceed essential requirements for completion of construction works including dwelling units, shops in respect of current year and 1997-98 annual plans. The permission of mining of sand may be given on the basis of a mining plan from such sites and in such quantity, which shall not have adverse impacts on the environment.

x) Harvesting or drawl of ground water and construction of mechanisms thereof within 200m of HTL.

Provided that in the Union Territory of the Andaman and Nicobar Islands, drawl of ground water can be permitted from specific sites if no other source of water is available and when done manually through ordinary wells or hands pumps, with the approval of Secretary, Department of Environment, Andaman and Nicobar Administration on a case to case basis, within 500 to 200m from the High Tide Line for local inhabitants for drinking purposes only;

Provided that the drawl of ground water is permitted, where no other source of water is available and when done manually through ordinary well or hand pumps for drinking and domestic purposes, in the zone between 50 to 200m from High Tide Line in case of seas, bays and estuaries and within 200m or the CRZ, whichever is less from High Tide Line in case of rivers, creeks and backwaters subject to such restrictions, as may be deemed necessary, in areas affected by sea water intrusion, that may be imposed by an authority designated by State Government / Union Territory Administration.

xi) Construction activities in CRZ-I except as specified in Annexure-I of this notification.

xii) Any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas, and similar pipelines and facilities essential for activities permitted under this Notification; and

xiii) Dressing or altering of sand dunes, hills natural features including landscape changes for beautification, recreational and other such purpose, except as permissible under the Notification.

3. Regulation of Permissible Activities :-

All other activities, except those prohibited in para 2 above, will be regulated as under :-

1. Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities. The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities, and the decision shall be conveyed within thirty days thereafter.

2. The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely :-

i) Construction activities related to projects of Department of Atomic Energy, or Defense requirements for which foreshore facilities are essential such as slipways, jetties, wharves, quays except for classified operational component of defense projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements except in very special cases and hence shall not normally be permitted in the CRZ.

ii) Operational construction for ports and harbours and light houses and constructions for activities such as jetties wharves, quays and slipways, pipelines, conveying systems including transmission lines.

ii(a) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;

iii) Thermal power plants (only foreshore facilities for transport of raw materials facilities for in-take of cooling water and outfall for discharge of treated waste water / cooling water) and.

iii(a) Housing schemes in CRZ area as specified in sub-paragraph (2) of paragraph 6,

iii(b) Mining of rare minerals.

iii(c) Specified activities / facilities in SEZ subject to one time approval by the Government of India in the Ministry of Environment and Forests to such activities based on the Master Plan of SEZ, spatial distribution of projects to be located in CRZ and such other information as may be required for the purpose.

IV) All other activities with investment exceeding rupees five crore except those activities which are to be regulated by the concerned authorities at the State / Union Territory level in accordance with the provisions of paragraphs 6, sub-paragraph (2) of Annexture I of the notification.

3i) The coastal states, Union Territory Administrators shall prepare within a period of one year from the date of this Notification Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures – I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests.

3ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government, Union Territory Administration of the local authority as the case may be in accordance with the guidelines given in Annexure-I and II of the Notification and

3iii) In the interim period till the coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administration shall ensure adherence to these regulations and violations, if any, shall be subject to the provisions of the Environment (Protection) Act, 1986.

4. Procedure for monitoring and enforcement

The ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

ANNEXURE – I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone :-

6(1) For regulating development activities, the coastal stretches within 500meters of High Tide Line on the landward side are classified into four categories, namely :-

Category I (CRZ-I)

i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/ historically / heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.

ii) Area between the Low Tide Line and the High Tide Line.

Category – II (CRZ-II)

The areas that have been developed upto or close to the shoreline. For this purpose, 'developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category – III (CRZ-III)

Areas that are relatively undisturbed and those, which do not belong to either Category –I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas, which are not substantially built-up.

Category –IV (CRZ-IV)

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II and CRZ-III.

Norms for Regulation of Activities :-
6(2) The development or construction activities in different categories of CRZ area shall be regulated by the concerned authorities at the State / Union Territory level, in accordance with the following norms :

CRZ-I

No new construction shall be permitted in CRZ-I except (a) Projects relating to Department of Atomic Energy and b) Pipelines, conveying systems including transmission lines and (c) facilities that are essential for activities permissible under CRZ-I. Between the LTL and the HTL, activities as specified under paragraph 2(xii) may be permitted. In addition, between LTL and HTL in areas, which are not ecologically sensitive and important, the following may be permitted.

a) Exploration and extraction of Natural Gas.
b) Activities as specified under proviso of sub-paragraph (ii) of paragraph 2.
c) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Bio-sphere reserve area, West Bengal, on a case to case basis, by the West Bengal State Coastal Zone Management Authority and
d) Salt harvesting by solar evaporation of sea-water.

CRZ-II

(i) Buildings shall be permitted only on the landward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side of existing authorized structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorized structures shall be subject to the existing local Town & Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio;

Provided that no permission for construction of buildings shall be given on landward side of any new roads (except roads approved in the Coastal Zone Management Plans) which are constructed on the seaward side of an existing road:

Provided further that the above restrictions on construction based on existing roads / authorized structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing schemes of State Urban Development Authorities implemented in phases for which construction activity was commenced prior to 19th February, 1991 in at least one phase and all relevant approvals from State / Local Authorities were obtained prior to 19th February,

1991, in all such cases specific approval of the Ministry of Environment & Forests would be necessary on a case to case basis.

ii) Reconstruction of the authorized buildings to be permitted subject to be permitted subject to the existing FSI / FAR norms and without change in the existing use.

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

CRZ-III

i) The area upto 200 meters from the High Tide Line is to be earmarked as 'No Development Zone' provided that such area does not fall within any notified port limits or any notified Special Economic Zone. No construction shall be permitted within this zone except for repairs of existing authorized structures not exceeding existing FSI, existing plinth areas and existing density, and for permissible activities -'under the notification including facilities essential for such activities, However, the following uses/ activities may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, play fields, forestry, mining of rare minerals and salt manufacture from sea water.

ia) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants, may be permitted on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory; Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible not withstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.

ii) Development of vacant plots between 200 and 500 meters of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) permitted for construction of hotels / beach resorts for temporary occupation of tourists / visitors subject to the conditions as stipulated in the guidelines at Annexure-II

(iii) Construction / reconstruction of dwelling units between 200 and 500 meters of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. Building permission for such construction / reconstruction will be subject to the conditions that the total number of dwelling unit shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 percent of the plot size; the overall height of construction shall not exceed 9 meters and construction Shall not be more than 2 floors (ground floor Plus one floor). Construction is allowed for

permissible Activities under the notification' including facilities essential for such activities. An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayat the major part of which falls within CRZ if no other area is available for construction of such facilities.

(iv) Reconstruction / alterations of an existing authorized building permitted subject to (i) to (iii) above.

(v) In notified SEZ, construction of non-polluting industries in the information technology and other service industries, desalination plants, beach resorts and related recreational facilities essential for promotion of SEZ as approved in its Master Plan by SEZ Authority may be permitted.

CRZ -IV

Andaman & Nicobar islands:

i) No new construction of buildings shall be permitted within 200meters of the HTL.

ii) The buildings between 200 and 500 meters from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor) the total covered area on all floors shall not be more than 50 percent of the plot size and the total height of construction shall not exceed 9 meters.

iii) The design and construction of buildings shall be consistent with the surroundings landscape and local architectural style.

iv) a) Corals from the beaches and coastal waters shall not be used for construction and other purposes; b) Sand may be used from the beaches and coastal waters, only for construction purpose upto the 31st day of March, 1998 and thereafter it shall not be used for construction and other purposes.

v) Dredging and underwater blasting in and around coral formulations shall not be permitted and

vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II and III, with the prior approval of Ministry of Environment & Forests and in such designated stretched, the appropriate regulations given for respective categories shall apply.

ANNEXURE – II

Guidelines for Development of Beach Resorts / Hotels in the designated areas of CRZ-III for temporary Occupation of Tourist / Visitors with prior approval of the Ministry of Environment & Forests.

7(l) Construction of beach resorts / hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists / visitors shall be subject to the following conditions :-

i) The project proponent shall not under take any construction within 200metres in the land-ward side from the High Tide Line and within the area between the Low Tide and High Tide Lines;

Provided that the Central Government may after taking into account geographical features and overall Coastal Zone Management Plans, and for reasons to be recorded in writing, permit any construction subject to such conditions and restrictions as it may deem fit,

(ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(ib) no flattening of sand dunes shall be carried out;

(ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from, the State Ground Water Authority to the effect that such construction will not adversely affect the free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.

EXPLANATION:

Though no construction is allowed in the no development zone, for the purposes of calculation of FSI, the area of entire plot including the portion which falls within the no development zone shall be taken into account.

ii) The total plot size shall not be less that 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover.

iii) The construction shall be consistent with the surrounding landscape and local architectural style;

iv) The overall height of construction upto highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);

v) Ground water shall not be tapped within 200 m of the HTL; within the 200 meter 500 meter zone it can be tapped only with the concurrence of the Central / State Ground Water Board;

vi) Extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 50 meters of the High Tide Line.

vii) The quantity of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central / State Pollution Control Board and under the Environment (Protection) Act, 1986.

viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent / solid waste shall be discharged on the beach.

ix) To Allow public access to the beach, at least gap of 20 meters width shall be provided between any two hotels / beach resorts, and in no case shall gaps be less than 500 meters apart;

x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conversation) Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with; and

xi) Approval of the State / Union Territory Tourism Department shall be obtained.

7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitants and such other areas as may be notified by the Central / State Government / Union Territories) construction of beach resorts / hotels shall not be permitted.

ANNEXURE – III

(See paragraph 2, sub-paragraph (ii)
List of Petroleum Products permitted for Storage in Coastal Regulation Zone except CRZ (i).

i) Crude Oil.
ii) Liquefied Petroleum Gas.
iii) Motor Spirit.
iv) Kerosene.
v) Aviation Fuel.
vi) High Speed Diesel.
vii) Lubricating Oil.
viii) Butane.
ix) Propane.
x) Compressed Natural Gas.
xi) Naphtha.
xii) Furnace Oil.
xiii) Low Sulphur Heavy Stock.
xiv) Liquefied Natural Gas.

Applicability of D.C. Rules for plots in CRZ:

Recently Hon. Supreme Court in the Civil appeal No. 5948 of 2007, arising out of S.L.P.(c) No. 14578 of 2007, Suresh Estate Pvt. Ltd. & others Vs Municipal Corporation of Greater Mumbai & others have opined that "On February 2, 1991, when the CRZ Notification was issued, the only building regulations that were existing in city of Mumbai, were the D.C. rules 1967, In view of the contents of CRZ Notification issued under the provisions of environment protection act which has the effect of prevailing over the provisions of other acts, the application submitted by the appellant to develope the plat belonging to them would be govern by the provision of D.C. rules 1967 and not by the Draft Development Rules of 1989 which came in to force on Feb. 20, 1991 in the form of Development Control Regulations for Greater Mumbai 1991.

GOVERNMENT OF INDIA

Ministry of Environment & Forests

Paryavaran Bhawan,
C.G.O.complex,
Lodi Road,
New Delhi – 110 003.

No. J-17011/8/95-IA-III

27th March, 1998.

To
The Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai.

Sub : Coastal Zone Management Plan of Maharashtra.

Sir,

The undersigned is directed to refer to your letter No. TPB 4397/1118/UD-11 dated 25-9-1997 regarding the subject mentioned above. The issue raised in your letter have been examined in the Ministry and the following decisions are conveyed.

1. As per provisions of the CRZ Notification, 1991 construction of buildings and dwelling units have to be in conformity with the provisions of CRZ-II and CRZ-III. Therefore provision of transit accommodation and rehabilitation or slums in fringe areas marginally affected by tidal waters have to be as per the provisions of the Notifications and as such the same can not be specifically permitted as a new project by this Ministry.

   Reconstruction is permitted only for authorized buildings subject to the existing FSI / FAR norms, we can not agree for development of tolerated constructions in accordance with the policy of the State Government.

2. Exclusion of rivers, creeks and backwaters from the purview of the CRZ Notifications :-
   The coastal areas of the rivers, creeks and backwaters only upto the portion influenced by the tidal action were included in the CRZ notification of 1991, after due consideration of the comments received from the public on the draft notification. It is necessary to protect the ecologically sensitive areas of these tidal water bodies. Therefore, they can not be excluded from the purview of the notification.

3. Disposal of Solid Wastes & Effluents :-
   The State Government's request to continue the existing practices for "sufficiently long time" can not be agreed to. It is requested that the State Government should immediately evolve a time-bound programme for treatment and disposal of solid wastes and effluents. The steps taken in this regard to comply with the provisions of the notification may be conveyed to this ministry.

4. Buffer Zone for Mangroves :-
A buffer zone of 50m was kept to safeguard the mangrove eco system. The reduction of buffer zone, as proposed, may cause irreversible damage to the mangroves due to the likely developmental activities close to them and hence, such reduction of buffer zone of 50m can not be agreed to.

5. Existing / Proposed Roads :-
It was already communicated to the State Government in 1996 that the roads proposed in the Development Plan of Greater Mumbai are not approved as part of the approved CZMP of Maharashtra State. Such roads proposed in the Development Plan of Greater Mumbai need to be considered by this Ministry on a case to case basis on merits. Hence it is difficult to accept the proposal to consider the proposed roads as part of the approved CZMP of the state.

6. CRZ for open Areas :-
As per the provisions of the CRZ notification, the undeveloped and areas not substantially built-up are to be categorized as CRZ-III. Since parks, playgrounds, regional parks, green zones and other non-buildable areas fall under this category, deletion of the condition No. 2A (xvi) of the MOEF's CZMP approval letter can not be agreed to.

7. Modification / Revision of CZMP :-
As per condition No. 2 (xvii) of the approved CZMP of Maharashtra, changes in the approved categorization of the CRZ Area, can be done only with the approval of the Ministry of Environment & Forests, Government of India.

8. New Constructions along Waterfront :-
In the areas categorized as CRZ-II, construction of buildings can be permitted on the landward side of the imaginary line drawn along the existing authorized structures.

It is requested that a copy of the revised CZMP of Maharashtra State, after incorporating the necessary modifications may be sent to this Ministry for being taken on record.

Yours faithfully,

Sd/-
(R. ANAND KUMAR)
DIRECTOR (IA)

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS

No. J-17011/3/95/LA.III Date : 8th Sep, 1998.

To,
The Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai.

Subject :- Coastal Zone Management Plan (CZMP) of Maharashtra,

Sir,

The undersigned is directed to refer Para-8 of our letter of even number of dated 21st March, 1998, regarding new constructions along the water front in the areas categorized as CRZ-11 in Maharashtra, and to clarify that:

1. Construction of new building / reconstruction / expansion of existing authorized buildings shall not be permitted in the seaward side direction in the CRZ-II area of Mumbai Municipal Corporation, unless the following conditions are satisfied:-

   i) The CRZ- II area should be within the territorial Jurisdiction of the Mumbai Municipal Corporation as it existed on 19.2.91, i.e. the date coming into effect of the Coastal Regulation Zone Notification., 1991.

   ii) The construction / protrusion towards the seaward side should not go beyond the imaginary line drawn from the seaward side of the existing authorized structure on the adjoining plot.

   iii) The imaginary line will be parallel to the High Tide Line.

   iv) The building(s) to be constructed will be restricted to the single (plot boundary as on 19.2.91) immediately abutting / adjoining the existing authorized structures between which the imaginary line is drawn.

   v) The imaginary line to be drawn should not cut across any river, backwater, actuary, water body, sandy beach or mangroves.

   vi) In case of reconstruction change in the existing use of the building shall not be permitted. Further any permissible extension of the plinth in seaward direction vis-a-vis the existing plinth limits will be governed by die stipulations mentioned in the above paras.

2. Construction shall neither be permitted on the seaward side of existing roads nor on the seaward side of the existing authorized structures, in areas not covered by para 1 (i) above, until these areas have been examined by the Committee headed by the Chief Secretary, Maharashtra to determine the CRZ-II categorization of these areas, and have been acknowledged as having been taken an record in the Ministry of Environment and Forests.

3. It is clarified that the phrase "Existing Authorized Buildings" means those buildings of a permanent nature that were existing prior to 19.2.1991, and were constructed in accordance with the building regulations and bye-laws in vogue prior to 19.2.91, and had received necessary sanctions as including commencement and occupation certificates from the concerned local authority prior to 19-2-1991. Further, the construction of buildings, including expansion and reconstruction should be in accordance with the FSI / FAR norms and all other Town & Country, Planning regulations including maximum permissible density, height zoning to that were prevalent and in force as on 19.2,1991. The phrase building means a permanent fixed structure with a roof forming an enclosure arid providing protection from the elements

The State Government of Maharashtra is requested to ensure that the aforesaid clarifications are strictly followed while implementing the Coastal Zone Management Plan of Maharashtra in Mumbai Municipal Corporation Area.

Yours faithfully,

sd/-
(R.H. KHWAJA)
Joint Secretary.

No. J-17011/8/92-IA.III

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT AND FORESTS

Paryavaran Bhawan,
CGO Complex,
Lodi Road,
New Delhi – 11 0003.
January 4, 1999.

Sub : Demarcation of High Tide Line / Low Tide Line in the Coastal Regulation Zone.

Sir.

Please find enclosed herewith an amendment to the Coastal Regulation Zone Notification, 1991 notified under S.O. No. 1122 (E), dated 29-12-1998 regarding the above subject. As per the above amendment the following are the five institutions / agency that are authorized by the Central Government for demarcating High Tide Line (HTL) and Low Tide Line (LTL) in Coastal Regulation Zone.

1. Space Application Centre, Ahmedabad.
2. Center for Earth Sciences Studies, Thiruvananthapuram.
3. Institute of Remote Sensing, Anna University, Chennai.
4. Institute of Wetland Management and Ecological Designs, Calcutta.
5. Naval Hydrographer's Office, Dehra Dun.

Also enclosed is a set of general guidelines for demarcating the HTL and LTL (Annexure). The coastal State Governments and the Union Territories are requested to take up demarcation of HTL and LTL along their Coastal Regulation Zone with the assistance of any one of the above agencies using the general guidelines.

Yours faithfully,

sd/-
(V, Rajagopalan)
Joint Secretary to the Government of India.

The Secretary (Environment & Forests) of Coastal States of Gujarat Maharashtra, Goa, Karnataka Kerala, Tamil Nadu, Andhra Pradesh, West Bengal, Orissa and Administrators of Andaman & Nicobar Islands, Pondicherry, Lakshadweep, Daman & Diu.

GOVERNMENT OF INDIA
Ministry of Environment & Forests

Paryavaran Bhawan,
C.G.O.complex, Lodi Road,
New Delhi – 110 003.

D.O. No. J-17011/8/95-IA-III

20th January, 2000

Dear Shri. Bongirwar,

Please refer to your D.O. Letter dated 3rd August, 1999 addressed to Shri. Vishwanath Anand, Secretary Environment & Forests, regarding Coastal Zone Management Plan for Mumbai and subsequent discussions held on the subject. The D.O. Letter No CS/ TPB 4396/12/CR 263/96/UD 11 dated 25-11-1998 of your predecessor also refers.

Based on the recommendations of the committee constituted under the chairmanship of Chief Secretary, Maharashtra and subsequent field visit carried out by officials of this Ministry, it has been decided to accord approval to the proposed CRZ classification in respect of Greater Mumbai as per O.M enclosed.

As far as MHADA layout is concerned, as already explained to you, we are taking steps to make suitable amendments in the CRZ Notification in order to enable completion of this project, which has been taken up in phases keeping in view the fact that the project as a whole was approved much before the CRZ notification came into force. However, till such time the notification is amended, status quo may please be maintained.

As regards granting additional FSI in CRZ areas of Greater Mumbai to enable schemes for slum rehabilitation etc, it has been decided to await the outcome of Writ Petitions field in the Mumbai High Court challenging this Ministry's interpretation of the terms 'existing FSI/FAR" However, to study environmental, town planning and socio economic issues arising from proliferation of slums in coastal areas of Mumbai, this Ministry would be deputing a team of experts shortly.

In respect of CZMP for Navi Mumbai a decision would be possible only after information sought in respect of Nerul – Belapur road is made available unless it is in the same category as the MHADA project, I would appreciate early action in this regard.

With Regards,

sd/-
Yours sincerely
(K. ROY PAUL)

Shri. A.L. Bongirwar,
Chief Secretary,
Government of Maharashtra,
Mantralay, Mumbai.

Maharashtra Sadan
New Delhi-110 001.
January 20,2000

I am enclosing herewith a copy of a letter dated 20th January, 2000 from Shri. K Roy Paul, Additional Secretary, Ministry of Environment and Forests regarding the Coastal Zone Management Plan for Mumbai. Along with the letter is enclosed a 2-page Memorandum clarifying the various issues referred to by the Government of Maharashtra to the Ministry of Environment and Forests.

sd/-
(Ajay Dua)
Special Commissioner

Shri. A.L.Bongirwar,
Chief Secretary,
Govt. of Maharashtra,
Mantralaya Mumbai-400032,

Copy to Shri Jarhad, P.S. to C.M. Maharashtra, Mumbai – 400 032, with a request to bring this fax massage to the kind notice of C.M. immediately, a desired by him in Delhi.

sd/-
(Ajay Dua)
Special Commissioner

No. J 17011!/8/95-IA.III

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

'Paryavaran Bhawan',
CGO Complex, Lodi Road,
New Delhi – 110 003.
January 19, 2000.

Sub : Coastal Zone Management Plan of Maharashtra – Categorization based on HTL, LTL, by Naval Chief Hydrographer.

Attention is invited to this Ministry's letter of even number dated 29-9-1996 according approval to Coastal Zone Management Plan of Maharashtra. A representation as received from Government of Maharashtra vide letter No. CS/TPB/4396/12/CR-3/96/UD-11 dated 25-11-1998 from Chief Secretary, Government of Maharashtra, with regard to CZMP in respect of Greater Mumbai and Navi Mumbai. This has been considered and approval is hereby accorded to the proposed categorization of coastal stretches in Greater Mumbai subject to the following :-

i) Development in open spaces in CRZ-II areas :-
FSI up to 15% shall be allowed in respect of parks, playgrounds and other open spaces falling in CRZ-II, which were required to be classified as CRZ-II as per the approved Coastal Zone Management Plan. However, use of such vacant land shall be restricted to construction of civic amenities, stadium, gymnasium etc. meant for recreational / sports related activities. Residential / Commercial use of such open space shall not be permissible.

ii) Development of missing link roads
Construction of missing links of roads contained in approved developmental plan of Greater Mumbai (as existed prior to 1991) would be permissible provided such proposed links do not pass through CRZ-I/No Development Zone of CRZ-III/ Buffer Zone of CRZ-I. Additional benefit of construction shall not accrue on the landward side of such links.

iii) Reclassification of Gaothans :-
Proposal pertaining to reclassification of Gaothans from CRZ-III to CRZ-II in Greater Mumbai, should be routed through the Maharashtra Coastal Zone Management Authority to National Coastal Management Authority.

iv) Development of vacant plots in CRZ area :
No developmental activity / construction activity on the seaward side of the HTL shall be permissible in respect of 161, Versova Layout except those permissible in CRZ, 1991 Notification.

v) Dumping of municipal solid waste in CRZ Area :-
Dumping of municipal solid waste can not be permitted in CRZ area and suitable alternative dumping sites have to be located outside CRZ.

vi) Buffer around mangroves :-
The 50 meter buffer zone around mangroves of area 1000sq.meters and above, will not be required on the landward side provided the road abetting such mangroves was constructed prior to February, 1991.

vii) Development of MHADA layout :- Status quo shall be maintained in respect of MHADA Layout at Charkop.

sd/-
(A. Senthil Vel)
Deputy Director (S),
Tel. 436-04/8.

THE GAZETTE OF INDIA : EXTRA-ORDINARY

ORDER

New Delhi, the 4th January, 2002.

S.O. 18 (E) – in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act) and in super session of the Notification of the Government of India in the Ministry of Environment and Forests Number 1003 (E) dated the 26th November, 1998, except as respects things done or omitted to be done before such super session, the Central Government hereby constitutes an authority to be known as the Maharashtra State Coastal Zone Management Authority (hereinafter referred to as the Authority) consisting of the following persons, for a period of three years, with effect from the date of publication of this Order in the Official Gazette, namely :-

1) Principal Secretary,Department of Environment,Government of Maharashtra, Mumbai.Chairman.

2) Principal Secretary,Department of Revenue and Forests,Government of Maharashtra, Mumbai.Member

3) Principal Secretary,Urban Development, Government of Maharashtra, Mumbai Member

4) Dr. Leela Bhosle,Department of Botany, Kolhapur University, Kolhapur. Member

5) Mr. S. Ayyappan, Director,Central Institute of Fisheries Education,Mumbai. Member

6) Mr. S.K. Gupta,Head of the Department, C.E.S.E.,Indian Institute of Technology,Mumbai.Member

7) Dr. Hrishikesh Samant,Lecturer, Department of Zoology,St. Xavier's College, Mumbai,Member

8) Member Secretary,Maharashtra Pollution Control Board,Mumbai. Member-Secretary

1. The Authority shall have the power to take the following measures for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in the coastal areas of the State of Maharashtra, namely :-

i) Examination of proposals for changes or modifications in classification of Coastal Regulation Zone areas and in the Coastal Zone Management Plan (CZMP) received from the Maharashtra State Government and making specific recommendations to the National Coastal Management Authority therefore.

ii) a) Inquire into cases of alleged violations of the provisions of the said Act or the rules made there under, or under any other law which is related to the objects of the said Act and, if found necessary in a specific case, issuing directions under section 5 of the said Act, in so far such directions are not inconsistent with any direction issued in that specific case by the National Coastal Zone Management Authority or by the Central Government.

b) Review of cases involving violations of the provisions of the said Act and the rules made thereunder, or under any other law which is related to the objects of the said Act, and if found necessary referring such cases, with comments, for review to the National Coastal Zone Management Authority.

Provided that the cases under sub-clauses (a) and (b) of this sub-paragraph may either be taken up suo-moto or on the basis of complaint made by an individual or a representative body or an organization.

iii) Filing complaints under section 19 of the said Act in cases of non-compliance of the directions issued by it under sub-clause (a) of sub-paragraph (ii) of paragraph II of the order.

iv) To take action under section 10 of the said Act to verify the facts concerning the issues arising from sub-paragraph (i) and (ii) of paragraph II of this Order.

v) The Authority shall deal with environmental issues relating to Coastal Regulation Zone, which may be referred to it by the Maharashtra State Government the National Coastal Zone Management Authority or the Central Government.

vi) The Authority shall identify ecologically sensitive areas in the Coastal Regulation Zone and formulate area specific management plans for such identified areas.

vii) The Authority shall identify coastal areas highly vulnerable to erosion or degradation and formulate area specific management plans for such identified areas.

viii) The Authority shall identify economically important stretches in Coastal Regulation Zone and prepare integrated Coastal Zone Management Plans for the same.

ix) The Authority shall submit the plans prepared by it under paragraph IV, V and VI above and modifications thereof to the National Coastal Zone Management Authority for examination and its approval.

x) The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991.

xi) The Authority shall ensure compliance of all specific conditions that are stipulated and laid down in the approved Coastal Zone Management Plan of Maharashtra.

xii) The Authority shall ensure that at least two-third members of the Authority are present during the meetings.

xiii) The Authority shall furnish report of its activities at least once in six months to the National Coastal Zone Management Authority.

xiv) The foregoing powers and functions of the Authority shall be subject to the supervision and control of the Central Government.

xv) The Authority shall have its headquarters at Mumbai.

xvi) The Authority shall open an account in any of the nationalized banks in the name of the Authority for the purpose of receiving funds provided for undertaking the activities and functions listed in this order.

xvii) Any matter specifically not falling within the scope and jurisdiction of the Authority so constituted shall be dealt with by the statutory authorities concerned.

[F.No. 17011/18/96-IA/III]
DR. V. RAJAGOPALAN, Jt. Secretary.

No. J17011/29/2002-IA-III

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT AND FORESTS

(IA-III Division)

Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi – 110003.

Dated : the 10th February, 2003.

To,
Vice President & CEO,
Maharashtra Housing And Area Development Authority,
Griha Nirman Bhavan, Kalanagar,
Bandra (East), Mumbai – 400 051.

Sub : Development of housing scheme in Coastal Regulation Zone area by Maharashtra Housing and Development Authority – Environment Clearance – regarding.

Sir,

This has reference to your letter No. SR.Arch/NB/4319/02 dated 24.9.2002 regarding the subject mentioned above. The Ministry after examination of the above proposal pertaining to development of housing schemes by MHADA hereby accords clearance under Coastal Regulation Zone Notification, 1991 as amended from time to time, to the plots falling within Coastal Regulation Zone area of the following sites :-

i) Gorai (Phase –III).
ii) Charkop – Kandivali (Phase-IV).
iii) Versova S. No. 120, Andheri (West)(Phase-I).
iv) Mulund SI No. 386 (Phase-I).

2) The following conditions may be complied with while undertaking development of the plots in the Coastal Regulation Zone area located in the above cities :-

i) The floor space index for the proposed developments shall be the floor space index as existed prior to 19th February, 1991.

ii) No ground water shall be tapped within Coastal Regulation Zone area during construction or post construction.

iv) Sewage treatment facilities shall be provided for the housing scheme but shall be located outside Coastal Regulation zone area. Discharge of untreated sewage into the creeks is prohibited.

v) No mangroves shall be destroyed during construction or post construction.

vi) Dumping of solid waste such as construction waste or municipal solid waste shall not be undertaken in Coastal Regulation Zone area.

vii) While undertaking the above development all the provision of Coastal Regulation Zone notification, 1991, the approved Coastal Zone Management Plan of Maharashtra dated 27th September, 96 and approved revised Coastal Zone Management Plan of Greater Mumbai dated 19/1/2000 shall be complied with.

The development of plots in Coastal Regulation Zone area in Malvani-Malad (West) is not agreed to since the project area has been acquired after 19.2.1991 and the basis sites and services were provided after 19-2-1991.

Yours faithfully,

sd/-
Joint Director

Maharashtra Regional and Town Planning Act, 1966

Saction to the modification under section 37 (2) of the .....
Modification to Regulation 59 of DCR Mumbai, 1991.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai – 400 032.

NOTIFICATION

No. TPB 4397/2125/CR-112/98/UD-11 :

Whereas the Development Control Regulation for Greater Mumbai, 1991 (herinafter referred to as the " said Regulations ") have been sanctioned by Government in Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the "said Act") vide Notification No. DCR 1090/UD-11(RDP) dated 20th February, 1991 to come into force with effect from 25th March, 1991.

And whereas, Regulation 50 of the said regulations pertains to the coastal area classification and regulation of development therein (hereinafter referred to as said Regulation).

And whereas, Ministry of Environment & Forest, Government of India, vide its Notification No. S.O. 114 (E) dt. 19th February, 1991 has declared coastal stretches as Coastal Regulations Zone (CRZ) and regulating activities in the CRZ under sec. 3(1) & Sec. (3)(2)(v) of Environment (Protection) Act, 1996 and rules framed thereunder. This Notification which specifies the area situated in the landward side the High Tide Notification which specifies the area situated in the landward side from the High Tide Line and area between Low Tide Line and Hide Tide Line and area between Low Tide Line and Hide Lide Line as Coastal Regulation Zone and also classification of the Coastal Regulation Zones along with norms for regulation of activities.

And whereas, Govt. vide its letter of even number dated 4th December, 1995 has directed Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said Corporation") to modify the said regulation so that the said regulation shall be read with Notification dated 19th February, 1991 (herinafter referred to as " the said directives").

And whereas, the said Corporation, as directed, submitted the modification proposal under section 37(1) of the Act for sanction vide its letter No. CHE/3109/DPC/GEN dated 16/12/1997, (hereinafter to as said modification proposal) after following procedure laid under the said act.

And Whereas, after examining the issue, it is felt that since the contents of CRZ Notification dated 19th February, 1991, which are applicable to all Coastal States of India are more specific and precise the said regulations be replaced by the CRZ Notification , 1991.

And whereas, Government in exercise the powers vested under section 37(1) of the said Act vide order of even No. dated 26/12/2003 (hereinafter referred to as "the said regulations").

And whereas, the said Corporation has submitted the modification proposal as per the said revised directives, after completing the legal procedure laid down in section 37 of the said Act vide its letter No. CHE/Gen 352/DPC/Gen dated 27/10/04 (hereinafter referred to as "the said modification proposals").

And whereas, after considering the suggestions / objections received and after consulting the Director of Town Planning, Maharashtra State, Govt. is of the opinion that the said modification proposal shall be sanctioned.

Now therefore in exercise the powers vested under section 37(2) of the said Act Government sanctions the said modification as described below :-

MODIFICATION

IV. Entire regulation 59 shall be deleted and replaced as below :-

V. Fixes the date on which the said modification is published in the official gazette, as the date on which modification shall come into force.

VI. Directs the said Corporation that, in the schedule of modification appended to the notification sanctioning the said Development Plan, after last entry of schedule of modification, the above entry (A) shall be added.

By order and in the name of the Governer of Maharashtra.

sd/-
(S.R.Kini)
Under Secretary to Government

Note :- This notification is also available on Government web site www.urban.maharashtra.gov.in.

MUNICIPAL CORPORATION OF GREATER MUMBAI
No. Ch.E/1221/DPC/Gen of 28/11/2005.

CHE/DP/38
2005- 2006.

CIRCULAR
Sub :- Construction in vicinity of mangroves

Hon'ble High Court has issued orders on 6/10/2005 in W.P. No. 3246/2004 directing to stop construction within 50 mtrs. on all sides of mangrove and to stop dumping of rubble / garbage on mangroves area. The Copy of Hon'ble High Court order has been forwarded to all the Asstt. Commissioner of wards and zonal building proposals sections to ensure implementation and compliance of the order. M.C. has instructed under No. MGC/G/ 4161 dated 19/11/05 to follow the Hon'ble Court order scrupulously.

It has come to notice that ward staff has asked in some cases for demarcation of mangroves, however, it is to be stated that Hon'ble Courts order are very clear regarding dumping / constructions in mangroves area, as such, the same will be applicable to any mangroves existing at site and specific demarcation of mangroves area is not necessary.

Further as per M.C.'s directions the building plans shall be passed hereafter only after an engineer of the rank of Assistant Engineer or above certifies that there are no mangroves within 50 meters radius of the proposed development for which the construction permission is sought, Even if there is any existing road between mangroves and the proposed development.

All the staff working in the building proposal section and ward offices are directed to follow the above instruction scrupulously.

Sd/-
CH.ENG. (D.P)

रजिस्ट्री मं. डी. एल. - ३३००४/९९ Regd. No. D. L. - 33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II - खण्ड ३ - उप खण्ड (II)
Part II - Section 3 - Sub - section (ii)
प्राधिकार से प्रकाशित
Published by Authority

पर्यावरण एवं वन मंत्रालय

अधिसूचना,

नई दिल्ली, २२ अप्रैल, २००६

का .आ. ४६० (अ) - केन्द्रीय सरकार ने भारत सरकार के पर्यावरण एव वन मंत्रालय की अधिसूचना संख्या का. आ. ११४ (अ) तारीख १९ फरवरी, १९९१ (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) के द्वारा तटीय क्षेत्र को तटीय विनियमन क्षेत्र घोषित किया था और उक्त क्षेत्र मे उद्योगों को स्थापित करने और उनके विस्तार प्रचालनों और प्रक्रियाआ पर निर्बंधन अधिरोपित किए थे,

और केन्द्रीय सरकार का ध्यान कच्छ वनस्पतियों के विनाश, भूमिगत जल के समाप्त होने और कतिपय अन्य क्रियाकलापों जिनमें भारत सरकार के पर्यावरण एवं वन मंत्रालय से बिना अनुमति लिए बडी परियोजनओं के क्रियान्वयन के फलस्वरुप पारिस्थितिकी को भारी नुकसान शामिल है, आकृष्ट किया गया है,

और भारत सरकार के पर्यावरण एवं वन मंत्रालय द्वारा इस मुद्दे की जांच की गई है,

और केन्द्रीय सरकार की यह राह है कि परिस्थितिकी को और होने वाले नुकसान से रोकने के लिए उक्त अधिसूचना को संशोधित किया जाना चाहिए.

और पर्यावरण (संरक्षण) नियम, १९८६ के नियम ५ के उप नियम (४) में यह उपबंध है कि उप नियम (३) में अंतर्विष्ट किसी बात के होते हुए भी, जहां कही केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है, वहां वह उक्त नियम के उपनियम (३) के खंड (क) के अधीन सूचना की अपेक्षा को समाप्त कर सकती है.

और केन्द्रीय सरकार की यह राय है कि उक्त अधिसूचना में संशोधन करने के लिए उक्त नियमों के नियम के खंड (क) के उप नियम (३(के अन्तर्गत सूचना की अपेक्षा को समाप्त करता लोकहित में है,

अतः अब, केन्द्रीय सरकार पर्यावर (संरक्षण) नियम, १९८६ के नियम ५ के उप नियम (३) और ४ के साथ पठित पर्यावरण (संरक्षण) अधिनियम, १९८६ (१९८६ का २९) की धारा ३ की उप धारा (१) और उप धारा (२)

के खंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात :-

उक्त अधिसूचना के पैरा ३, उप पैरा (२) में खंड (IV) के स्थान पर निम्नलिखित खंड प्रतिस्थापित किया जाएगा, अर्थात :-

(IV) निम्नलिखित को तोडना या पुननिर्माण करना :-

(१) पुरातत्व या ऐतिहासिक महत्व के भवन

(२) विरासत भवन, और

(३) सार्वजनिक उपयोग के भवन

स्पष्टीकरण : इस खंड (IV) के प्रयोजन के लिए सार्वजनिक उपयोग मे पूजा स्थल, शिक्षा, चिकित्सा देखभाल और सांस्कृतिक देखभाल और सांस्कृतिक क्रियाकलाप के प्रयोजनों के लिए उपयोग शामिल है ।

V पांच करोड रुपए इससे अधिक के निवेश के साथ सभी अन्य क्रियाकलाप.

बशर्ते कि पांच करोड रुपए से कम के निवेश वाले सभी क्रियाकलाप इस अधिसूचना के अनुबंध - I के पैरा (२) के पैरा (६) के उपबन्धो के अनुसार राज्य या संघ राज्य क्षेत्र के स्तर पर संबंधित प्राधिकारियों द्वारा विनियमित किए गए जांएगे ।

(फा. सं. जे - १७०११ / १६ / ९३ - आईए - भाग - II)

(१) का. आ. ५९५ (अ) तारीख १८ अगस्त, १९९४

(२) का. आ. ७३ (अ) तारीख ३१ अगस्त, १९९७

(३) का. आ. ४९४ (अ) तारीख ९ जुलाई, १९९७

(४) का. आ. ३३४ (अ) तारीख २० अप्रैल, १९९८

(५) का. आ. ८९३ (अ) तारीख ३० सितम्बर १९९८

(६) का. आ. ११२२ (अ) तारीख २९ दिसम्बर १९९८

(७) का. आ. ९८८ (अ) तारीख २९ दिसम्बर १९९९

(८) का. आ. ७३० (अ) तारीख ४ अगस्त, २०००

(९) का. आ. ९०० (अ) तारीख २९ सितम्बर २०००

(१०) का. आ. ३२९ (अ) १२ अप्रैल, २००१

(११) का. आ. ९८८ (अ) तारीख ३ अक्तूबर, २००१

(१२) का. आ. ५५० (अ) तारीख २१ मई २००२

(१३) का. आ. ५२ (अ) तारीख १६ जनवरी, २००३

SECTION - III

1. Land Acquisition.

2. Legal Provisions.

3. Procedure to take the possession of the lands affected by the roads, open setbacks directly from the owners by granting FSI under DCR 33(1).

4. Taking over of government land and land of other govt. bodies.

5. Procedure of taking over advance possession.

6. Procedure for attornment of tenants and protection of the plot.

7. Purchase Notice.

8. Budget Provision.

LAND ACQUISITION

1. Introduction:-

1.1 As per section 42 of the M.R.T.P. act 1966 on coming into operation of the Development Plan ,it shall be the duty of the Planning Authority to take such steps as may be necessary to carry out the provisions of such plan.
Acquisition of the land is one of the important steps towards implementation of the Development Plan. The acquisition section of the Development Plan department mainly deals with the acquisition / purchase of private lands and taking over the lands of Government and other public bodies' .

1.2 The lands can be acquired
- a) By agreement by paying an amount agreed to
- b) By granting TDR in lieu of monetary compensation
- c) By making an application to the State Government under the Land Acquisition Act 1894
- d) By mutual agreement between the concerned authorities if the lands under reservations are owned by the Government and other public bodies'.
- e) By taking over surplus vacant lands under ULC Act.
- f) By taking over setback land under MMC Act.

1.3 Considering the gigantic task entrusted to the Planning Authority to implement the Development Plan and the prohibitive cost involved in acquisition of the lands reserved for public purpose, provisions have been made in the MR&TP Act and in the Development Control Regulations for acquiring such lands free of cost by granting Transferable Development Right (TDR) in lieu of monetary compensation. This provision has helped the MCGM to acquire substantial area of land for various public purposes.

1.4 The following sections will deal in detail, the various modes of acquisition with specific reference to the legal provision and the procedure involved in acquisition and the need for coordination between the acquisition section and the Ward office.

2 **Legal provisions**:- Following sections of the various Acts are operative in dealing with the various functions of the Acquisition Deptt.,

M.M.C.ACT

Section 90	:	Acquisition of immovable property by agreement
Section 91	:	Procedure when immovable property cannot be acquired by the Agreement i.e. initiate acquisition under the L.A. Act
Section 92	:	Provisions of governing the disposal of the Municipal Property.
Section 92(c.c.)	:	Provision to recover market value of the land in respect of disposal of Municipal property.
Section 299	:	Acquisition of open land and area of the land occupied by platforms etc. within the regular line of the street (open set back)
Section 301	:	Payment of compensation for acquiring open set back.

M.R. & T.P. Act, 1966, AS AMENDED UPTO DATE

Section 125	:	The land reserved for the Public Purpose in Development Plan shall be deemed to be land needed for a Public Purpose within the meaning of the Land Acquisition Act ,1894
Section 126 (1) (a)	:	To acquire reserved land by agreement by paying an amount agreed to by negotiation.
Section 126 (1) (b)	:	To acquire land reserved in the D.P. by granting T.D.R. / F.S.I in lieu of monetary compensation.
Section 126 (1)(c)	:	To make an application to the state Government for compulsorily acquiring the land reserved under the sanctioned development plan.
Section 126 (2)	:	Notification for acquisition of the land read with section 6 of L.A. Act.
Section 127	:	Provision for serving of purchase notice on M.C.G.M. / appropriate authority by the owners in respect of reserved land.
Section 128	:	Power of the State Government to acquire the land for the purpose other than one for which it is designated in Dev. Plan.
Section 129	:	Taking over advance possession of the land by applying urgency clauses.

U.L.C. Act, 1976 :

Section 10	:	Acquisition of vacant land reserved in the Development Plan in excess of the Ceiling limit.

L.A. Act : Provisions of the entire land acquisition Act as amended upto date are applicable for acquisition of land for public purposes. However, following are important sections.

Section 4	:	Publication of the preliminary notification by the Govt for inviting suggestion /objection in respect of land proposed to be acquired for public purpose .
Section 5-A	:	Hearing of objections.
Section 6	:	Declaration by the Govt. for acquisition after confirming that the land is required for public purposes.
Section 9	:	Notice to the persons interested in the land to submit their claims
Section 11	:	Enquiry and award
Section 12	:	Declaration of the Award
Section 12(2)	:	Giving notice for the declaration of award.
Section 16	:	Taking over of physical possession by the SLAO free from all encumbrances after declaration of Award

Section 17	:	Applying urgency clause for taking advance possession (This is an equivalent provision under section 129 of the M.R. & T.P. Act, 1866)
Section 18	:	Reference to the court regarding objection of the interested persons regarding land measurement and / or compensation of the land.
Section 23	:	In deferming for compensation to be awarded for land accepted under LA Act, the court shall ake in to considerative
Section 24	:	The Court shall nf take in to consideration the matter in dentivity compensation.
Section 25	:	Compensation awarded by the Court shall not be less than that awarded by collector.
Section 30	:	Reference of the dispute regarding ownership etc. to the court of law.
Section 47	:	Magistrate to enforce the surrender of the land in case the Collector is opposed in taking possession
Section 48	:	Provision for claiming damages when the land is withdrawn from acquisition.
Section 49	:	Acquisition of part of the building.

3 PROCEDURE TO TAKE THE POSSESSION OF THE LANDS AFFECTED BY THE ROADS, OPEN SET BACKS DIRECTLY FROM THE OWNERS BY GRANTING FSI UNDER DCR 33(1)

3.1 Procedure for handing over lands in proposed D.P. Road or its widening.

3.2 Who can apply :- Owner, Lessee or his Power of Attorney holder / authorized signatory through Licensed Surveyor / Architect.

3.3 Pre-requisites :-

1) Application from owner as per format at Annexure **'G'.**
2) Authority to Architect.
3) Ownership Document.
   b) 7/12 extract, 6/12 extract and KJP.
   c) P.R.Card.
   d) C.T.S. / C.S. Plan.
e) Copy of conveyance.
f) Copy of POA.
g) Title clearance certificate & search report for 30 years.
   1) D.P. Remarks with plan.
   2) D.P. Demarcation Certificate with plan.
   3) Requisite legal charges.
   4) Copy of IOD/Amended plan/condition of Layout.

3.4 Procedure :-

1. Application addressed to Ex. Engineer (Development Plan) of the respective ward shall be made in a format given at Annex **'G'** along with necessary documents.
2. On receipt of application sub-Enginner shall check the condition of claiming FSI & handling of D.P. Road/setback as per IOD condition/amended plan/ Layout condition.
3. Sub-engineer shall forward it to Legal Department to obtain title clearance certificate. At the same time application is made to City Survey Officer for joint measurement of the D.P. Road.
4. On receipt of the Title Clearance Certificate & joint measurement with area certificate from City Survey Office, S.E. shall put-up letter of intent asking for requisitions of submission of completion certificates of SWD, road and payment towards electric pole charges, etc.
5. On compliance of above S.E. shall put up a report to AE/ EE for approval of taking over possession of road land.
6. S.E. shall intimate the concerned Ward Office, Owner / architect the date & time for taking over possession of road land on site.
7. Site shall be verified by SE / AE and Ward office staff for any encroachment.
8. Possession letter shall be issued to owner / architect.
9. Owner shall execute a deed of declaration cum indemnity bond surrendering the land in favour of M.C.G.M. in lieu of F.S.I.
10. Applicant shall transfer the said handed over land in the name of M.C.G.M. in P.R. Card. & the copy of P. R. Road shall be submitted for renule

3.5 Procedure to be followed for taking over the possession of the lands from private owners falling under the setback affected by R.L.in lieu of grant of FSI benefit by ward office.

In case of acquisition of open set back lands under section 299 of the B.M.C. Act by the ward office either in lieu of compensation or in lieu of FSI, the following procedure should be followed so as to ensure the transfer of the land in the name of the Corporation.

If the open set back is being acquired under section 299 of BMC Act, the present practice of the serving notice under section 299 of the Bombay Municipal Corporation Act specifying the statutory time limit, carrying out the joint survey of the open set back land by the Survey Deptt. of the Corporation and thereafter taking over the physical possession of the land should be followed.

There is no necessity of making an agreement with the owners since taking over the possession of the open set back land is an acquisition by operation of law. However, before taking over physical possession of the open set back land, the titles of the land should be got verified from the Law Officer of the Corporation and then only the physical possession should be taken by ward office. After taking

over physical possession, the application to the concerned City Survey Officer should be immediately made by the concerned officer of Ward office and said land should be got transferred in the name of the Municipal Corporation in the Government records. (only mutation entry on P.R. Card) & for changing erms of land.

As per present policy before taking over the setback land the same is to be got asphalted, drained and lighted as per Municipal Specifications.

4 Circumstances under which acquisition proceedings are initiated

4.1 Priority is fixed in the zonal D.M.C.'s meeting with Ward Councillors/Ward Committy Metting

4.2 Priority is fixed by the user department in this as well as above case, feasibility of providing alternative accommodation to the eligible occupants is ascertained first so that land can be put to intended use once the same is acquired.

4.3 **Purchase Notice :**

1) Purchase Notice is served by the owners of the land under section 49 of the M.R.& T.P.Act, 1966, on the State Government and the State Government confirms the same or if the notice is served by the owner of the land on the Municipal Corporation under section 127 of the M.R.& T.P. Act 1966. within a period of 10 years from the date of sanction of D.P.
2) Purchase Notice is served by the owner of the land on MCGM under section 127 of MR&TP Act 1966, in a period more than 10 years from the date of Sanction of DP.

5 **Procedure to acquire the land under the Land Acquisition Act :**

If the private land is proposed to be acquired by compulsory acquisition under circumstances mentioned above, then Acquisition Staff are required to take following action :

5.1 Acquisition plan showing boundary of the plot as per the City Survey Plan to a scale of 1:500 and location plan to the scale of 1,4000 is prepared. The plan indicates area and the purpose for which the land is proposed to be acquired as per provisions of D.P. The plan also bears running number as a permanent record.

5.2 Document for ownership of the lands such as 7/12 extract, property register card, etc. are collected from appropriate revenue authority such as Talathi, City Survey Office, etc.

5.3 In order to determine current market value of the land to work out estimated cost of acquisition, sale instances in the surrounding locality are collected from the

office of the Sub-Registrar of Mumbai and a plan on a village map / D.P. Sheet is prepared indicating the location of the land with respect to the sale instances and the locations of the land to be acquired. A Statement of sale instances is also prepared and based on the sale instances market value of the land is determined. Atermative marker shall of the land shall also be worked only on the basis of R&R rates.

5.4 The site is inspected and existing encumbrances (if any) with their users are noted.

5.5 With the above data in hand, a proposal (D.L. to M.S.) is prepared for seeking sanction of the Improvements Committee and the Corporation as sanction of the Planning Authority i.e. Corporation Resolution to initiate acquisition proceedings.

5.6 On making application to the State Government in Urban Development Department / Commissioner, Bombay Division/ Collector M.S.D.as the case may be, the Special Land Acquisition Officer is appointed to conduct the acquisition proceedings.The S.L.A.O. collects the preliminary information on the proposal from the Municipal Corporation and thereafter the Govt. notifies the land under section 4 or 6 of the Land Acquisition Act or under section 126(4) of the Maharashtra Regional and Town Planning Act, as the case may be.

5.7 After notification under section 6 of the L.A. Act, the S.L.A.O. issues notices under section 9 of the L.A. Act to all the interested persons in the land under acquisition, requiring them to appear in person or by their agent before the S.L.A.O. and file their claims of compensation for their interest in the land and their objections if any to the measurements of the land. Similarly, notices are also served on the occupiers, if any, on the land. At the time of personal hearing, the representatives of the acquiring bodies are also called and they may attend such hearings

5.8 The S.L.A.O. also requests the acquiring body i.e. Municipal Corporation to file the valuation report and also to comment on the claim filed by the interested persons. The acquisition staff, therefore, is required to prepare the Municipal Valuation Report, normally adopting the rate of land at which the Corporation have approved the acquisition proposal and obtain the sanction of the Competent Authority and file the valuation report before the S.L.A.O. Similarly, the staff have to comment on the valuation and the claims filed by the interested persons.

5.9 During the process of acquisition after notification under section 6 of the L.A. Act, an inventory of the existing occupant on the land under acquisition is prepared by the acquisition section, jointly with the representative of the concerned ward. While taking the inventory, the rent receipts and other supporting documents like ration card, are also checked at the site to decide whether the occupants are bonafide tenants or sub-tenants or trespasser. The inventory list is sent to SLAO, who on the basis of which issues notices.

5.10 Thereafter, the S.L.A.O. prepares the draft Award and submits to the Competent Authority for approval. At this stage, the S.L.A.O. demands the amount to be awarded to the interested persons, from the Municipal Corporation.

5.11 If the award amount is more than the acquisition cost sanctioned by the Corporation, Corporation's sanction is needed for the revised cost. However, obtaining sanction for each case takes time causing procedural delay. In order, to avoid the delay, payment of Award amount is made in anticipation Corporation's sanction. The post-facto sanction of the Corporation is obtained subsequently.

5.12 The cheque is forwarded to the S.L.A.O. The S.L.A.O. deposits the amount in the Govt. treasury till the award is finalized and approved by the Competent Authority of the Govt. On receipt of the award duly approved, the S.L.A.O. then declares the award under section 12 of the L.A.Act and takes over the possession of the land and hands it over to the Municipal Corporation by fixing a suitable date with the owners of the land and the acquiring body i.e. Municipal Corporation.

5.13 The acquisition staff on receipt of such intimation from the S.L.A.O. regarding declaration of Award and taking over the possession of the land, informs the ward staff and/or the concerned department, to send their representatives on site at the time of taking over the possession, so that the possession can be immediately given to the representatives of concerned ward officer/ Department on the same day to look after the land and guard it to take further necessary action for developing for the land for its intended purposes.

5.14 The acquisition staff will then conduct an inventory jointly with the ward staff & Estate dept of the existing occupants with details of their occupancy, rents paid and the status of the occupier, and status of the structures whether authorized or unauthorized. Compensation is to be recovered from the existing occupants by the concerned ward staff from the date of possession of the land till the structures are demolished by providing alternative accommodation for developing the land.

6 TAKING OVER OF GOVERNMENT LAND AND LAND OF OTHER GOVT. BODIES.

6.1 If the land required is belonging to the State Government or Central Government or any other Government bodies or Semi Government bodies, same is not acquired by compulsory acquisition but is to be taken over by negotiations. Demand of such lands are made before the concerned department explaining the purposes for which the land is required along with the plan showing the land.

The Government lands in the city are demanded from the Collector who obtains orders of the Revenue and Forests Department. Government of Maharashtra for transferring the land to the Municipal Corporation.

Before transferring the land, the Collector forwards terms and conditions to the Municipal Corporation and also demand professional fees for preparation of lease documents and an undertaking for proper utilization of the land from the Municipal Corporation. The same are sent to them.

The joint survey of the land is carried out by the City Survey Office before transferring the land.

The State Government's land, if needed for non-lucrative use like road, playground, recreation ground, school, dispensary, hospital etc., same are granted under concessional occupancy price.

However for lucrative uses like market etc., the Government charges current market value of the land.
The other Government Bodies transfer their land by charging current market value of the land. The land rates are decided either by negotiations or the same is fixed by an independent Government authority like Director of Town Planning, which is acceptable to both the parties. Normally, valuation fees are shared equally by both the parties.

The Bombay Housing and area Development Board charges premium equivalent to the actual cost of development incurred by them for their land needed for non –lucrative use and lease it at nominal rent. However, Municipal Corporation is still pressing for grant of land free of cost for the lands to be developed by B.M.C. to discharge obligatory duties of the Corporation.

7 PROCEDURE OF TAKING OVER ADVANCE POSSESSION

If the land under acquisition is urgently required for the purpose of its development, then the advance possession of the said land can be taken over in one of the following two ways.

7.1 By Negotiation:

Negotiations are initiated with the owner, requesting them to give advance possession by entering into an agreement with the Municipal Corporation, pending acquisition of the land under L.A. Act. During negotiations, the Corporation offers to pay the part compensation at the rate of 2/3rd of the rate approved by the Corporation while sanctioning the acquisition proposal and to pay 4% interest on the balance amount of compensation after declaration of the Award for the period from the date of taking over the advance possession to the date of making payment on declaration of the Award. If the owners agree to the above terms, then agreement is prepared by Law Officer and the same is executed by owners. On execution of the agreement, the part compensation is paid and the possession of the land is simultaneously taken over by issuing possession receipt. Necessary formalities of joint survey etc. are to be completed before execution of the agreement and taking over the possession.

7.2 By applying Urgency Clause:

If the owners do not agree to the terms and conditions of negotiation and if the negotiations fail, then the Govt. or the Commissioner, Konkan Division or the Collector, MSD are requested to apply Urgency Clause under section 17 of the

Land Acquisition Act or 129 of the Maharashtra Regional and Town Planning Act, 1966 as the case may be so as to enable the S.L.A.O. to take over the advance possession of the land under reference. Once the land is notified under section 6 of the L.A. Act and section 129 or section 17 of the L.A. Act, the SLAO is entitled to take over advance possession of the land and hand over the same to M.C.G.M. The SLAO, thereafter adopts the usual procedure to declare the Award. Once award is declared and the compensation as per the Award amount along with the interest for the period of advance possession is deposited with the SLAO, the land shall thereafter vest with the M.C.G.M. After declaration of the award, the possession of the land is again formally taken over from SLAO.

The procedure for taking over advance possession can be adopted in cases of works of urgent nature like removal of bottlenecks on important road networks.

8 PROCEDURE FOR ATTORNMENT of TENANTS AND PROTECTION OF THE PLOT

Though as per the provision under the L.A. Act., S.L.A.O. is supposed to give vacant possession of the land on declaration of the award, the Municipal Corporation as a matter of policy is taking over plots with encumbrances from the S.L.A.O. on as is where is basis and grant alternative accommodation to the existing bonafide occupants on humanitarian grounds. Hence, after taking over possession of the land on declaration of the award, existing occupants are required to be attorned as Municipal licensees for which following procedure is being followed:

During the process of acquisition after notification under section 6 of the L.A. Act, an inventory of the existing occupant on the land under acquisition is prepared by the acquisition section, jointly with the representative of the concerned ward. While taking the inventory, the rent receipts and other supporting documents like ration card, are also checked at the site to decide whether the occupants are bonafide tenants or sub-tenants or trespasser. The inventory list is sent to SLAO, who on the basis of which issues notices.

At the time of taking over possession of the land from the SLAO on declaration of the award, final inventory is prepared jointly with the representative of the concerned ward office along with the details of occupancy, after verifying necessary documents which can also be counterchecked with the first inventory made after notification as mentioned in above para.
The list of the occupants are classified into three categories.

a) Bonafide occupants of the original owners having rent receipts in their names.

b) Sub-tenants in place of the principal tenants having supporting documents.

c) Those who are unauthorized occupants.

As per the policy of the Corporation, occupants mentioned in category (a) and (b) above are entitled for alternative accommodation provided they agree themselves to be the Municipal Licenses by returning compensation awarded to them by S.LA.O. Occupants mentioned in category 3 are also attorned as Municipal Licensee but they are not entitled for alternative accommodation. They are attorned as Municipal Licensees provided they give an undertaking on the stamp paper that they will not demand alternative accommodation and they will vacate the premises when the land is taken up for development and give peaceful possession.
Thus, after classifying occupants in the abovementioned categories, sanction of the Director (ES&P) is obtained to attorn them as Municipal license and then inform the concerned ward office with a list of the occupants to be attorned for the purpose of recovery of compensation etc.

The A.O. (Estate) of the Ward shall then attorn the tenants as licensee and prepare appropriate tenancy agreement/ license agreement with the tenants and keep the same in safe custody. The details of each acquired property along with the built up area occupied by each tenant should be recorded in the demand register along with details of the date of possession, the rent to be paid, the compensation (given by SLAO to the tenant) recovered by the Ward office etc.The Plan showing the details of the plot with dimensions, Joint measurement plan prepared by CSO, copy of the Award, copy of the possession receipt from SLAO and From the Acquisition deptt. should be preserved carefully by the A.E. (M) of the ward office and the details should also be recorded in the Property register maintained by the concerned Ward office.

The maintenance dept of respective ward is responsible for ensuring that the acquired property is not encroached upon further and for the purpose compound wall along the plot boundary shall be constructed by giving topmost priority.

9 PURCHASE NOTICE

Under the Maharashtra Regional and Town Planning Act, 1966 , there is a provision to give Purchase Notices for the lands reserved under the sanctioned Development Plan as per the following sections of the above said act:

9.1 Section 49 of the Maharashtra Regional and Town Planning Act, 1966 :

Any land, which is reserved in the Development plan (Draft/Sanctioned) and of which the permission is refused for development to the owners because of the reservation, the owners of the land can serve a Purchase Notice under this section of the Act claiming that the land has become incapable of reasonably beneficial use in the existing state. Under this section, the purchase notice is required to be served on the State Govt. in Urban Development Department. On receipt of the Purchase Notice by the State Government, the State Government call for the remarks of the Planning Authority i.e. Municipal Corporation of Greater Mumbai and other appropriate authority. The Municipal Corporation has therefore, to examine the case and have to offer remarks within 30 days whether to confirm the Purchase Notice or to refuse.

On receipt of the report from the Planning Authority i.e. M.C.G.M.and after giving hearing to the affected parties, the State Govt. decides as to whether to confirm the Purchase Notice or not. As per the provisions of this section of the Act, the Purchase Notice is either to be confirmed or refused within 6 months from the date of Purchase Notice failing which Purchase Notice shall be deemed to have been lapsed. If the state Govt. decides to confirm the Purchase Notice, then the party is informed about the confirmation of the Purchaser Notice with a copy to M.C.G.M. As per the provisions of this section of the Act, the Acquisition proceedings are to be initiated by the Planning Authority or appropriate authority within one year from the date of confirmation of Purchases Notices or else reservation on the land shall be deemed to have lapsed.

It is, therefore, necessary that the Municipal Corporation should formulate the proposal for the acquisition, obtaining the sanction of the Improvements Committee and the corporation and make an application in time within one year from the date of confirmation of the Purchase Notice.

9.2 **Section 127 of Maharashtra Regional and Town Planning Act, 1966,**

As per the provision of this section of the Act any land which is reserved, allotted or designated for any purposes in the sanctioned Development Plan, if not acquired within 10 years from the date on which the final development plan came into force, the owners or any persons interested in the land may serve a Purchase Notice on the Planning Authority i.e. M.C.G.M. in our case. If the Planning Authority, i.e. M.C.G.M. fails to initiate acquisition proceedings within six months from the date of serving a Purchase Notice ,the reservation shall deem to have lapsed.

It is, therefore, necessary that the Municipal Corporation should examine the case of the Purchase Notice and decide whether to initiate acquisition proceedings or allow reservation to lapse and accordingly submit the proposal for the sanction of the Improvement Committee and Corporation well within the time limit and if it is decided to initiate acquisition proceedings, then the application to initiate acquisition proceedings should be made to the competent authority within 6 months from the date of serving a Purchase Notice.

Under the sanctioned Development Plan, certain reservations are provided for other public bodies. If the Purchase Notice is served for these reservations then the matter is referred to the appropriate authority to decide and initiate acquisition proceedings within 6 months from the date of serving a Purchase Notice.

10 BUDGET PROVISION:

Budget provision for the ensuring financial year for the acquisition is made on the basis of the actual expenditure booked for specific cases where the demands form the S.L.A.O. or payment is to be definitely made in the ensuing year. Such budget provisions are made in the respective budget heads as follows :

BUDGET HEADS:
Division I (City) , Division II (WS) and Division III (ES)

Loan works Budget 'A' , Division I, II, III			
Office Building etc	I	-	General Supervision
Housing (Conservancy Quarters etc.)	III	-	Street Cleans
Housing & Lump sum	VI	-	Building & Management
Fire Brigade	VIII	-	Fire Brigade
Garden, Recreation ground, play grounds etc.	IX	-	Gardens & Recreation Centers
Market	X	-	Markets
Road	XIII	-	Industrial Estate
	XV	-	Traffic Operation Roads & Bridge
Cemeteries	XXI	-	Public Health
Hospitals & Dispensary	XXII	-	Medical Relief & Education
School	'E'	-	Budget
City	'B'	-	Budget Division I

There is uncertainty of payment in most of the acquisition cases, since it is not known in advance as to for which case the award is likely to be declared. In order to meet this unforeseen expenditure, sizeable budge provision is made for lump sum, so that such expenditure can be made out of the lump sum provision and adjustment against the proper 'Head" is made later on.

Annexture - 'G'

Format of Application for Handling Over of D. P. Road land.

The
Executive Engineer,
Development Plan, City / E.S. / W. S.
Municipal Corporation of Greater Mumbai,
Mumbai - 400 001

Sub : Handing over of land affected by D. P. Road,
for property bearing CTS Nos. ..... of
village ..... at .....

Sir,

We enclose following documents for handing over of aforesaid D. P. Road. Our client wants to avail benefit of FSI under DCR 33 (1)

1) I. O. D.,
2) Approved plans,
3) P. R. Cards,
4) CTS Plan,
5) Demarcation Certificate,
6) Remarks & completion from SWD Department & Road Development.
7) Remarks from Traffic Dept. & Payment receipt.
8) Location & Block plan.

Kindly take over the D. P. Road and give us possession receipt.

Thanking you

Yours truly,

Encl : As above

(.....)

SECTION IV

PART I

Generation of Transfer of Development Rights (TDR)

PART II

Utilisation of T.D.R. / Transfer of T.D.R.

SECTION - IV

PART-I

Generation of Transfer of Development Rights (TDR)

1. **TDR**

1.1 The Maharashtra Regional and Town Planning (MRTP) Act came into force in the year 1966. The objective was to make provisions for the planning and the development of land and ensure that it fulfills the conditions that apply to its specific use.

The said Act vested a wide range of powers on the municipal bodies, thus enabling them to form their own development control regulations. As a result of this power, Municipal Corporation of Greater Bombay came up with Development Control (D.C.) Regulations for Greater Mumbai in the year 1991. These D.C. Regulations introduced the concept of "Transferable Development Rights" for the first time. Regulation 34 of the Development Control Regulation for Greater Mumbai, 1991 states that the development potential of plot of land may be separated from the land itself and may be made available to the owner of the land in the form of "Transferable Development Rights (TDR)". TDR makes it possible for a free exchange (buying and selling of development rights without having to buy or sell land) Accordingly the provisions of Section 126 of M.R.T.P. Act 1966 has been modified by the Govt. of Maharashtra in the year 1994. The provision of TDR has been made under the provisions of Section 126 (1) (b) which is as under:

(1)(b) "In lieu of any such amount, by granting the land owner or the lessee, subject, however, to the lessee paying the lessor or depositing with the Planning Authority, Development Authority or Appropriate Authority, as the case may be, for payment to the lessor, an amount equivalent to the value of the lessor's interest to be

determined by any of the said Authorities concerned on the basis of the principles laid down in the Land Acquisition Act, 1894, Floor Space index (FSI) or Transferable Development Rights (TDR) against the area of land surrendered free of cost and free form all encumbrances and also further additional Floor Space index or Transferable Development Rights against the development or construction of the amenity on the surrendered land at his cost, as the Final Development Control Regulations prepared in this behalf provide."

The owners or lessee Society/NGO's/Companies of a plot of land, which is reserved for a public purpose in the development plan, shall be eligible for the award of Transferable Development Rights (TDRs) in the form of Floor space Index (FSI) Such award will entitle the owner of the land to additional FSI in the form of Development Rights Certificate (DRC), which he may use himself or transfer to any other person as provided in Appendix VII A&VIIB of D.C.R. 1991.

1.2 General TDR

The D.C. Regulations for Greater Mumbai, 1991 provide for grant of Transferable Development Right in the form of Development Right Certificate (DRC) in lieu of surrender of their lands which are reserved for various public purposes in the Development Plan, free of cost & free of encumbaring . This provision has been incorporated in order to offset the need to compulsorily acquire such reserved land under the provisions of L.A. Act, which is very time consuming, tedious and entails payment of monetary compensation as per market value of lands. The M.C.G.M. has acquired so far approx.27 lakhs sq. mtrs. upto 11.8.04 in vacant condition, free of cost in lieu of T.D.R. The M.C.G.M. should have incurred approximately Rs.15,000 crores of rupees for acquiring the land and that to with encumbrances would have which cost much more than the reserved lands (both road and reservation) in a span of last 15 years in lieu of T.D.R. The procedure being followed for grant of D.R.C. is given in the flowchart (Annexure -III).

1.3 Slum TDR:

TDR generated out of Rehabilitation of slum under section 33(10) of D.C.R. 1991 is termed as "Slum T.D.R.

1.4 Heritage TDR:

The loss of development in case of listed Building, area artifacts structures and precincts of historical/Aesthetical/Architectures known as (heritage building & heritage precincts) shall be compensated by transfer of Development Rights. This T.D.R. generated is termed as "Heritage T.D.R."

2. Types of T.D.R.

General T.D.R.	Slum T.D.R. 33 (10) & 33 (14)	Heritage T.D.R.
▫ Road ▫ Reservation Land ▫ Construction amenity	▫ Land ▫ Construction ▫▫▫▫ Rehabilitation	

3. Procedure for generation of T.D.R.

i. The owner/applicant shall submit the applications in the prescribed printed form along with all the documents listed in Annexure-I and Annexure-II.

ii. The scrutiny fees at the prevailing schedule of fees shall be paid in the D.P. Dept. along with application form.

iii. The application shall be scrutinized & if any document listed in Annexure is not furnished, a F.P. letter shall be issued within seven days from the date of receipt of scrutiny fees.

iv. On receipt of all documents as listed in Annexure-I, the priority for the proposal shall be got fixed if necessary with due sanction of competent Authority within 15 days. In case of T.D.R. in lieu of reservation in layout or amenity space earmarked D.C.R.-27, 56, 57, 58 fixing of priority is not required.

v. A letter shall thereafter be sent to City Survey officer/S.L.R. for joining measurements (J.M.) Survey and the papers are to be forwarded to Legal Deptt. for verification of Title within seven days from the receipt of sanction for priority, as the case may be. At the time of forwarding the file papers to legal deptt., the schedule of property in the draft public advertisement to be published in Newspaper for clearance of marketably shall be appropriately filled by the D.P. section.

vi. In case any document required for Title clearance are not submitted by the Owner/ applicant, the same shall be informed within seven days from the receipt of the file by the Legal Deptt. In case there is no compliance of the requirements from the owner / applicant within 15 days, the file shall be returned to D.P. Section. The D.P. Section will inform to the owner/applicant to submit the required documents within one month failing which the proposal shall be recorded.

vii. If all the documents mentioned in Annexure-II are submitted, the Title clearance certificate along with deed of declaration cum Indemnity Bond (draft) & right of Access, agreement (if any), shall be issued within a period of 60 days from the date of receipt of file in the legal Deptt.

viii. On receipt of title clearance and J.M. Plan, the letter of Intent shall be issued within fifteen days. The conditions required to be complied before issue of letter of eligibility shall also be included in the letter of intent itself and the stage of issuing of letter of eligibility shall be eliminated.

ix. On compliance of the conditions of the letter of intent except that related to taking over possession, the possession of the land shall be taken over within 7days with the approval of Dy.Ch.E.(DP). After registration of Indemnity Bond, the letter to City Survey and Land Revenue Dept. (S.L.R.) shall be issued to transfer the P.R.C. and 7/12 Extract in the name of M.C.G.M.

x. On submission of separate P.R. Card and 7/12 extracts transferred in the name of M.C.G.M., the report for granting TDR shall be submitted to Ch.Eng.(DP)/ Dir(E.S&P/M.C. within 15 days.

xi. On receipt of M.C's sanction, the D.R.C. shall be put up within seven days provided PRC in words are submitted.

The total period of procedural formalities excluding the time requirement from J.M. and compliance of LOI shall not be more than 180 days, even if letter of Eligibility is also to be issued.

The D.R.C. shall be valid for a period of 5 years. However, the same will be revalidated once for further period of 5 years subject to payment of prescribed revalidation fees.

Procedure for T.D.R. for construction of Road and built up reservation:

Reference Circulars :-

1. CHE-2/DP/TDR (Gen.) dt.9/4/1996

2. CHE/165/DP/TDR General dt. 5/4/2003

3. CHE/DP/3013/TDR/(Gen) dt.5/5/2004

As per the clause 6 of Appendix VII A read with DCR No. 34 of 1991, additional TDR can be granted for constructed/built up amenities as per the policy as decided by the Corporation from time to time.

MUNICIPAL CORPORATION OF GREATER MUMBAI
No. CHE/DP/240/TDR/Gen of 2/5/03

Sub : Policy guideline for expiditing the processing of grant of DRC & reducing the avoidable procedural delay.

Ref.: MCP/23213 dtd. 31.3.2003 at page.

Reference is please requested to the this office report at page C/73 and MC's endt. thereon.

In this context in order in explore the possibility of expediting the proposals for grant of DRC series of join meetings were convened in the Chamber of Dir.(E.S.&P) wherein representatives of M.C.11.1., PEATA legal dept. & D.P. Dept. were present.

Pursuant to the discussion held in the meeting, draft guidelines have been prepared fixing tentative frame for the various stages involved in the process of grant of D.R.C. as desired by M.C.

The time frame for title clearance by legal dept. he been fixed at 60 days while the time frame for processing of proposal from receipt of application to grant of DRC has been fixed at 150-180 days in cases where the various requirements for grant of D.R.C. area accordingly complied with by the owners.

The policy guidelines where thereafter discussed in the joint meeting held on 19.4.03 with the representatives of PEATA. MCHI & legal deptt. The duidelines ahve now been finalized as per the discussion held in the jt.Meeting on 12.4.03 It is anticipated that the procedure elaborated in the guidelines will help to reduce the pending cases.

The draft guidelines are submitted herewith at pages C/91 to C/99 for Dir (E.S.&P./M.C.'s approval. One receipt of MC's approval. the same will be circulated & necessary action will be initiated accordingly.

Submitted please.

sd/-
28/4/03
Dy. Ch.E.(D.P.)(II)

CH.E.(D.P.)	sd/- 30/4/03
Div.(E.S.&P.)	sd/- 3/5/03
M.C.	Approved sd/- 8/7/03

ANNEXURE -I
(Papers required along with the Application)

1) Application with prescribed proforma along with Affidavit.
2) Payment of scrutiny fees.
3) Copy of 7/12 & 6/12 extracts & K.J.P. (in case of agricultural land).
4) Copy of City Survey Plan and Property Registered Card.
5) Copy of D.P. Remarks/ T.P. Remarks if applicable.
6) Registered copy of Agreement and Power of Attorney.
7) Status of property i.e. existing structures, Access, Reservation, High tension line, Nalla, High Tide Line, Services to be mentioned and to be marked on plan.
8) Copy of layout approval (if any).
9) Copy of Demarcation Certificate.
10) Agreement for Right of way (if required), along with required papers for the purpose of Title from which Right of way has been obtained.
11) Status of existing Road (if required).
12) NOC of Assessor and Collector stating that there are no arrears of property tax for the property proposed to be transferred.
13) Copy of NOC from the Competent Authority U.L.C. & R Act 1976.

Note :- All the copies to be submitted shall be duly certified by concerned L.S./Architect.

ANNEXURE –II
(Papers required for title clearance)

1. Payment of legal charges in legal deptt.
2. Original Copy of 7/12 & 6/12 extracts & K.J.P. (in case of agricultural land whichever required).
3. Original Property Register Card from City Survey Office in the name of present owner issued by City Survey Officer (not prior than 1 year from the date of application).
4. Copy of sub-division/and layout approval from the Building Proposal Dept of Municipal Corporation.
5. Title Clearance Certificate from Solicitor Advocate along with search report note for the last thirty years.
6. Certified notarized copies of conveyance, Development Agreement and Power of Attorney, duly registered.

7. Certified notarized copies of all other documents reflected in Search Note with proper link.

8. Original documents of conveyance / partition / lease / assignment / consent / decree / probate award or any other document showing the ownership of the property (which will be returned after 15 days) along with its certified notarized copy.

9. Letter from the owner/Developer stating that there is no litigation pending in any Court of law in respect of reserved land and no injunction restraining the owner from availing D.R.C. and no orders restraining the Corporation from issuing T.D.R.

4. Heritage T.D.R.

Procedure for generation of T.D.R. and utilization of T.D.R. in heritage has been explained in the Heritage chapter.

5. Grant of TDR in Slum Schemes:

Regulation for the grant of TDR to the developers/Co-operative Housing Society /NGO in respect of slum rehabilitation scheme vide DCR 33(10) and DCR 33 – (14) of DCR -1991

Appendix VII-B may please be referred for guidelines.

Ref: For generation of T.D.R.

1. CHE/DP/313/TDR/Gen – 22.7.2003
2. CHE/91/TDR/Gen – 7.10.95
3. CHE/DP/165/TDR/Gen – 5.4.03
4. CHE/DP/2/TDR/Gen – 9.4.96
5. CHE/DP/3013/TDR/Gen – 5.5.04
6. CHE/DP/971/TDR/Gen – 01.04.06
7. CHE/313/TDR/Gen – 6.4.2004
8. CHE/7714/DPC/Gen – 15.2.2002

Permissible FSI in the form of DRC Credit:

F.S.I. Credit available in the form of DRC will be allowed to be utilized/ transferred on the receiving plot over and above the normal permissible F.S.I. except Island City which shall not exceed more than 100% of the balance area in receivable zone subject to the following:

1. 80% of the F.S.I. credit/D.R.C. generated either by Public reservation or by surrendering D.P. Road/R.L. etc.
2. 20% of the F.S.I. credit/DRC generated out of Slum Redevelopment Scheme (Mandatory)
   OR
   100% of the F.S.I. Credit/D.R.C. generated out of Slum Rehabilitation Scheme
3. 80% of the F.S.I. Credit/D.R.C. generated out of Heritage Scheme only in Island City in the same Ward or towards North.

Maharashtra Regional & Town
Planning Act, 1966
Directive under section 154 about TDR

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032
Dated 3rd February, 2007.

ORDER

Nos. TPS / Sankirna-06/ CR - 527 / 06 / UD 13 Whereas the provision of Transferable Development Right, (hereinafter referred to as "the said TDR') has been incorporated in the sanctioned Development Control Regulations (hereinafter referred to as "the said DCR") with a view to reduce the financial burden of requisition of lands reserved for public purposes in the Development Plan and for early possession of the lands:

And whereas sanctioned Development Control Regulation of some Munici pal Corporation contain the provision of rules regarding the said TDR

And whereas; sanctioned the said DCR of some Municipal Corporations also have provision to grant the said TDR for the lands acquired either under Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as "the said Act"), Bombay Provincial Municipal Corporation Act, Private Negotiation or any other Act and possession of which has already been delivered to the Municipal Corporation;

And whereas, it has come to be notice of Government that the rule regarding the grant of TDR such acquired lands have been misinterpreted add misused;

And whereas, once the possession is delivered afer acquisition the rights of the owner are transferred to the Planning Authority and the application of the land owner demanding TDR thereafter can be said to be made without having any rights in the land;

After considering the facts and circumstances referred to above, in exercise of the powers conferred under section 154 of the said Act, Government is please to issue directives to all the Municipal Corporations as follows :

DIRECTIONS

All the Municipal Corporations which have the provision regarding of Transferable Development Rights (TDR) for the lands which are acquired under either the AR&TP Act, BPMC Act, Private Negotiation or any other act shall initiate modication proposal after following procedure laid down under section 37 of the sad Act so as to replace the provisions in this regard by new rule as follows :

New Rule :

1) Transferable Development Rights (TDR) shall not be permissible once an award has been declared under the acquisition process and or the

possession has already been delivered to the Municipal Corporation under any Act.

2) Municipal Corporation shall publish a notice inviting suggestions and or objections regarding the modification within sixty days from the date of issue of this order.

3) After completing the procedure as laid down under section 37 (1) of the said Act Municipal Corporation shall submit the said modification proposal to the Government for final sanction.

4) Pending the approval to the aforesaid modification the new rule mentioned hereinabove shall come into force with effect from the date of issue of this notification.

By order and in the name of Governor of Maharashtra,

(Nandkishore Patil)

Under Secertary to Government.

Note : This order is also published on government web site at www.urban maharashtra. gov. in

To

1) All Municipal Commissioners, Municipal Corporation of Brihanmumbai, Thane. Kalyan - Dombivali, Navi Mumbai, Ulhasnagar, Bhiwandi Nijampur, Mira-Bhyander, Nashik, Malegaon, Ahmednagar, Jalgaon, Pumpri-Chinchwad, Dhule, Pune, Sangli, Miraj Kupwad, Solapur, Kolhapur, Aurangabad, Nanded Waghala, Amaravati, Akola, Nagpur, Managing Director, CIDCO, Nirmal Bhavan, Nariman Point, Mumbai

Copy forwarded for necessary action please.

1) All Divisional Commissioner, ... Division .....

2) All District Collector, ...

3) Director of Town Planning, Maharashtra State, Pune.

4) All Divisional Dy. Director of Town Planning, ... Divn.

5) All Asstt. Director of Town Planning .....Branch.

6) All Desk Offer, UD-9, UD-11, UD-12, UD-13, UD-30.

7) Desk Officer, JD-29, please publish this order on govt. web site.
Select File, UL-11.

महाराष्ट्र शासन

क्रमांक – टिपीएस – १८०७ / ५५९ /
प्र. क्र. ६६७ / ०७ / नवि – १३,
नगर विकास विभाग,
मंत्रालय, मुंबई – ४०० ०३२.
दिनांक – ०७.०६.२००८

प्रति,

मा. आयुक्त, सर्व महानगरपालिका,
(बृहन्मुंबई नवी मुंबई, पुणे, पिंपरी – चिंचवड, नागपूर, कोल्हापूर, सोलापूर, ठाणे, सांगली – मिरज – कुपवाड, मिरा भाईंदर, भिंवडी – निजामपुर, उल्हासनगर, कल्याण–डोंबिवली, नाशिक, धुळे, मालेगाव, जळगांव, अहमदनगर, औरंगाबाद, नांदेड, अमरावती, अकोला)

विषय : संपादीत जमिनींना टी. डी. आर. देण्याबाबत.

संदर्भ : (१) शासन पत्र क्र. टिपीएस – संकीर्ण / ०६ / प्र. क्र. ५२७ / ०६ / नवि – १३ दि. ३.२.०७
(२) शासन पत्र क्र. टिपीएस – १८०७ / प्र. क्र. ८१९ / ०७ / नवि –१३ दि. १६.८.०७.

महोदय,

संपादित झालेल्या जमिनीच्या मोबदल्यात हस्तांतरणीय विकास हक्क (Transferable Development Rights) देण्यासंबंधीच्या मंजूर विकास नियंत्रण नियमामधील तरतुदीसंदर्भात शासनाने दिनांक ३ फेब्रुवारी २००७ रोजी म. प्रा. व. न. र. अधिनियम १९६६ चे कलम ३७ (१) सह कलम १५४ अन्वये निदेश दिले असून त्या दिनांकापासून सदर निदेश अंमलात आणले आहेत.

सदर निशांसंदर्भात पुणे महानगरपालिकेने काही मुद्यांबाबत शासनाकडून मार्गदर्शन अपेक्षिलेले होते. त्या संबंधी शासनाने दिनांक १६.८.२००७ रोजीच्या पत्राद्वारे पुणे महानगरपालिकेला मार्गदर्शन केले आहे. सदर पत्राची प्रत माहितीसाठी सोबत पाठविण्यात येत आहे.

आपला,

(नंदकिशोर पाटील)
अवर सचिव महाराष्ट्र शासन

महाराष्ट्र शासन

क्रमांक – टिपीएस – १८०७
प्र. क्र. ८१९ / ०७ / नवि – १३,
नगर विकास विभाग,
मंत्रालय, मुंबई – ४०० ०३२.
दिनांक : १६.०८.२००७.

प्रति,
मा. आयुक्त,
बृहन्मुंबई महानगरपालिका,
मुंबई.

विषय : टी. डी. आर. संबंधीचे स्पष्टीकरण.

संदर्भ : १. शासन पत्र क्र. टिपीएस. संकीर्ण / ०६ / प्र. क्र. ५२७ / ०६ / नवि – १३ दि. ३ /२ / २००७.

२. आपले पत्र क्र. डीपीजी / २४३ दि. २२/३/२००७.

महोदय,

आपल्या दिनांक २७.२.२००७ रोजीच्या संदर्भित पत्राद्वारे आपण पुणे महानगरपालिकेने बीबीएमसी ॲक्ट कलम २१३ व ७७ अन्वये मान्य विकास आराखड्यातील विविध प्रयोजनांसाठी असलेल्या आरक्षणातील जमिनीचे तडजोडीने ताब्यात घेतलेल्या क्षेत्रातील FSI / TDR / आर्थिक नुकसान भरपाई देण्याचे मान्य करुन आगउ ताबे घेण्यात आलेले आहेत व तसे संबंधितांनाा लेखी कळविण्यात आलेले आहे. अशा प्रकारे सार्वजनिक प्रयोजनाकरिता दि. ३.२.२००७ पूर्वी आगाउ ताब्यात घेतलेल्या व अशा जागामालकांना कोणत्याही स्वरुपात मोबदला न दिलेल्या प्रकरणात शासनाचे दि. ३.२.२००७ रोजीचे निदेश लागू होणार नाहीत अशी धारण व्यक्त केली असून ती कायम करण्याची विनंती शासनाला केली आहे.

आपले लक्ष मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम ७७ मधील तरतूदींकडे वेधण्यात येत आहे. त्यामध्ये स्थायी समितीने मान्य केलेल्या अटीवर व दराने किंवा किमतीला किंवा स्थायी समितीने मान्य केलेल्या कमाल मर्यादेच्या आत मालमत्ता संपादन करण्याची तरतूद आहे. त्याचप्रमाणे २१३ मधील तरतूदी ह्या सार्वजनिक रस्त्याच्या नियमित रेषे (Regular Lines of Street) च्या आत असलेली जमिन ताब्यात घेण्याविषयी आहे. कलम २१३ अन्वये संपादित केलेल्या जमिनीबाबत नुकसानभरपाई देण्याची तरतूद कलम २१६ मध्ये दिलेली असून या कलमातील उपकलम (एक) मध्ये अशा रस्तारुंदीमुळे त्या मालमत्तेच्या उर्वरीत भागाच्या मुल्यात वाढ किंवा घट होण्याचा संभव असेल ती अशा भरपाईची रक्कम ठरविताना विचारात घेतली पाहिजे व जमेस धरली पाहिजे अशी तरतूद असून उपकलम (दोन) मध्ये मुल्यात झालेली वाढ मालकाच्या झालेल्या हानीच्या किंवा त्यास आलेल्या खर्चाच्या रकमेहून अधिक असेल तर अशा अधिक रकमेपैकी निम्मी रक्कम सुधार आकार म्हणून वसूल करता येईल अशी तरतूद आहे.

मंजूर विकास योजनेतील विविध प्रयोजनासाठी असलेल्या आरक्षणांखालील जमिनी म.प्रा. व. न. र. अधिनियम १९६६ मधील तरतूदींनुसार संपादित करणे आवश्यक असून त्यासाठी उक्त अधिनियमाचे कलम १२६ मधील तरतूदींनूसार संपादनाची कार्यवाही करणे आवश्यक आहे. तसेच या संपादनासाठी महानगरपालिकेच्या सर्वसाधारण सभेच्या ठरावाद्वारे भूसंपादन प्रस्ताव जिल्हाधिकारी यांना सदर होणे आवश्यक आहे. केवळ स्थायी समितीच्या मंजूरीने जिल्हाधिकारी यांना सादर केलेले भूसंपादन प्रस्ताव वैध नसल्याचा निर्णय मुंबई उच्च न्यायालयाने दिला आहे याचा विचार करता मंजूर विकास योजनेतील आरक्षणांखालील जमिन मुंबई प्रांतिक महानगरपालिका अधिनियमामधील कलम ७७ नुसार ताब्यात घेण्याचा आणि संपादित करण्याचा प्रश्न उद्‌भवत नाही.

त्याचप्रमाणे कलम २१३ मधील तरतूदी रस्त्याच्या नियमित रेषेच्या आत असेलेली खुली जमिन कब्ज्यात घेण्यासंबंधी असून अशा संपादनासंबंधी कलम २१६ मधील तरतूदीनुसार अशा संपादनामुळे जमिनमालकास झालेल्या हानी बद्दल जमिनमालकाला भरपाई देण्याची तसेच उर्वरीत मिळकतीच्या मुल्यामध्ये झालेल्या वाढीचा विचार करुन भरपाई देण्याची किंवा सुधारआकार म्हणून वसूल करण्याची विशिष्ट तरतूद आहे. अशा स्थितीमध्ये मंजूर विकास योजनेतील रस्त्यांच्या तसेच अन्य आरक्षणांखालील जमिनींचे संपादन कलम २१३ नुसार करण्याचाही प्रश्न उद्‌भवत नाही.

शासनाच्या ३.२.२००७ रोजीच्या निदेशांमधील तरतूदीसंबंधी खालीलप्रमाणे स्पष्टीकरण देण्यात येत आहे.

१. ज्या प्रकरणांमध्ये निवाडा (Award) जाहीर करण्यात आलेला नाही आणि जमिनींचा ताबा घेण्यात आलेला नाही अशा प्रकरणी टी.डी.आर. अनुज्ञेय होईल.

२. ज्या जमिनींचा ताबा घेण्यात आला आहे आणि कोणत्याही कायद्यातील तरतूदींनुसार महानगरपालिकेने अथवा शासनाने मोबदल्याची रक्कम पुर्णतः किंवा भागशः
   अ) देउ केली असेल किंवा (Tendered)
   ब) कोषागारात किंवा न्यायालयात जमा (Deposit) केली असेल किंवा
   ड) हितसंबंधितांनी / जमिनमालकांनी भूसंपादन अधिनियमातील कलमे १८ अन्वये वाढीव मोबदल्याची मागणी केली असेल.
   अशा प्रकरणात टी. डी. आर. देय होणार नाही.

३. ज्या प्रकरणांमध्ये भूसंपादन निवाडा (अवॉर्ड) जाहीर करण्यात आलेला नाही मात्र मोबदल्याची कोणतीही रक्कम न देता जागेचा आधी ताबा घेतला आहे. अशा प्रकरणी टी. डी. आर. अनुज्ञेय होईल. मात्र भूसंपादन अधिकाऱ्यांना यासंबधी माहिती देउन संबंधित जमिनधारकाचे नाव निवाड्यामधून वगळण्याच्या अथवा निवाडयामध्ये नुकसान भरपाई ऐवजी टी. डी. आर. दर्शवून निवाडा जाहीर करण्याच्या सूचना द्याव्यात व कोणत्याही प्रकारे महानगरपालिके कडून टी. डी. आर. आणि भूसंपादन प्रकरणात नुकसान भरपाई असा दुहेरी फायदा दिला जाणार नाही याबाबत आयुक्त यांना वैयक्तिक दक्षता घ्यावी.

वरीलप्रमाणे आपणांस कळविण्याचे मला आदेश आहेत.

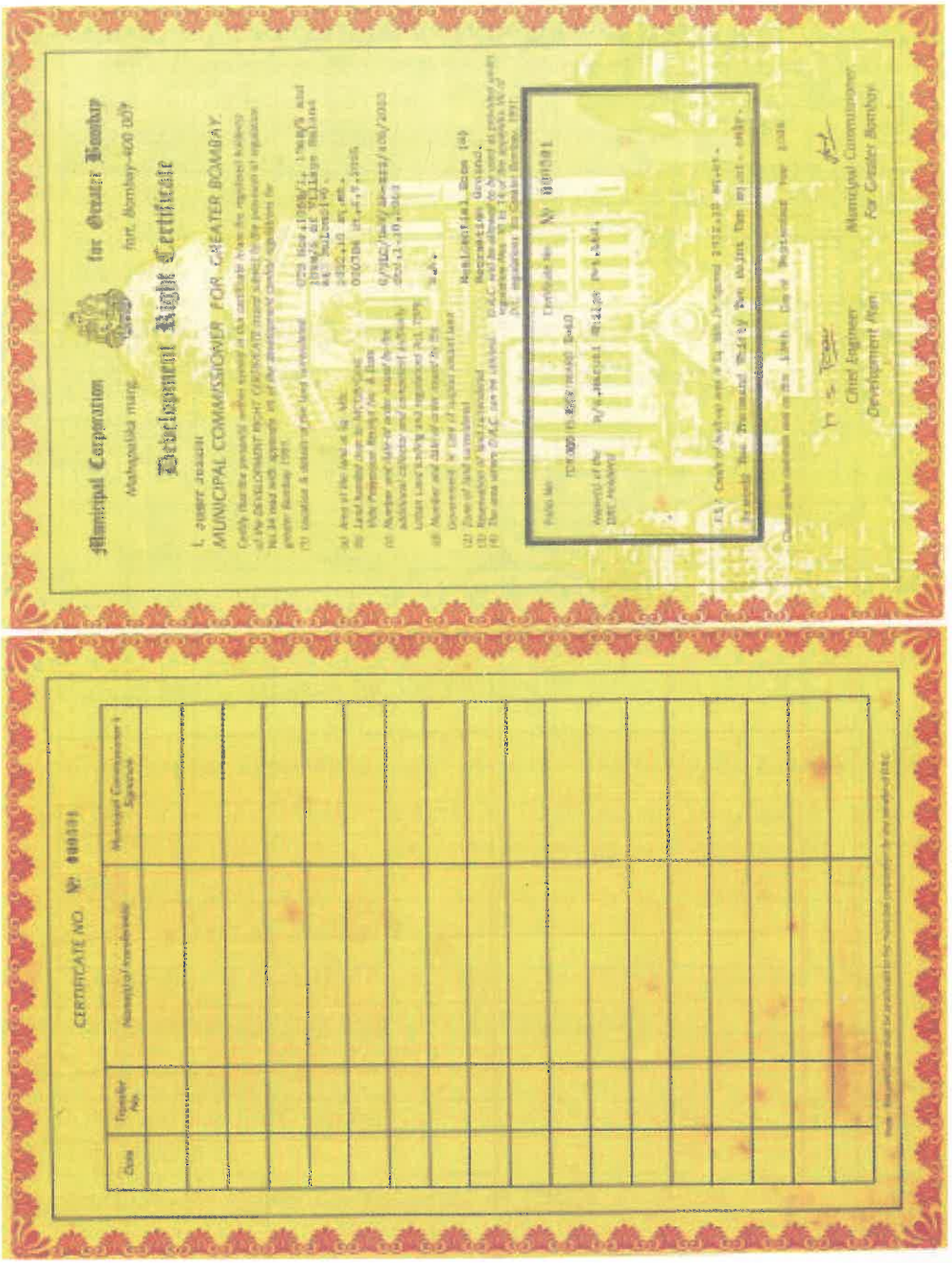
आपला,

(नंदकिशोर पाटील)
अवर सचिव महाराष्ट्र शासन

संचालक नगर रचना, महाराष्ट्र राज्य पुणे.

D R C certificate R G Reservation(front side)

(General TDR).



D R C certificate R G Reservation(utilization statement)

DETAILS OF UTILISATION OF DRC & TRANSFERS

CERTIFICATE NO. 001

Total F.S.I. credit of built-up area in Sq. Mts. 2801.18 sq.mt.

Sr. No. 1	Date 2	Detail of property where DRC is proposed to be used i.e. receiving plot 3	Name & Address of Owner 4	File No. 5	Area proposed to be used in Sq. Mts. 6	Reduced area of DRC in Words and Figures 7	Serial No. and Date 8	Dy. Exp. D. Pl. Signature 9	Municipal Commissioner's Signature (Director Town Planning & Projects)
1.	15.11.2005	CTS No.428,428/1 to 21 of Village Mulund at Mulund (East).	M/s.Shah Builders Pvt. Ltd., Shah Residency Park Khaleshwadi, Gurunpada, Mulund(E),Bom.	CE/4702/SPRA/AT	250.00	1082.18 sq.mt. One Thousand Eighty Two Point Ten sq.mt.	DIR/SRAP/3744/1 dtd. 17.11.2005		
2.	30.11.2005	CTS No.902(pt) & 903 at Sajjanwadi M Road, Mulund(E)	Shri Dilip Vishnu Salvi, Partner of M/s. Mikhil Builders Salviwadi, Nilkanth Road, Mulund (E), Mumbai-81	CE/3566/SRPE/AT	272.18	810.00 Sq.Mt. Eight Hundred Ten Sq.Mt.	DIR/SRAP/3845/1 Dated 3.12.2005		
3.	23.12.2005	CTS No.674,674/1 of Village Mulund	M/s.Girnar Co. Op.Hsg.Soc.Ltd. Chanale Road, Mulund (E)	CE/4606/SRAP/AT	500.00	510.00 Sq.Mt. Five Hundred Ten Sq.Mt.	DIR/SRAP/3880/1 dated 3.12.2005		
4.	5.1.2006	CTS No.731(Pt), Plot No.1A of Village Mulud(W) at Mulud(W).	Shree Swami Samarth Krupa Co.Op.Hsg.Soc. Ltd., R/9,602, Nilkanth Sagar Khatau Mills Compound, Worli(E), Mumbai-400086.	CE/8373/SRAP/AT	150.00	360.00 sq.mt. Three Hundred Sixty sq.mt.	DIR/SRAP/4240/1 dtd. 13.1.2006		

SECTION - IV

PART-II
UTILISATION OF T.D.R. / TRANSFER OF T.D.R.

1. **Who can utilize?**

The transfer of development rights (TDR) in the form of FSI credit i.e. DRC can be utilized by Owners, Lessee and Constituted Attorney of owner, Association of Tenants, Corporate bodies, Registered Societies, Financial Institutions, various undertakings trust and NRI (subject to the rules and regulations of Reserve Bank of India) who wish to put up additional construction above permissible FSI in the receivable zone as specified in DRC, 1991 or amendments thereafter from time to time. FSI credit in the DRC shall be allowed to be utilised within the same ward from where DRC has been originated or towards North of the origin of the D.R.C. in suburbs, and extended suburbs except city area.

Procedure for utilisation of T.D.R./Transfer of T.D.R.

1. Appoint a registered Architect/L.S. to undertake the work.
2. The owner shall Furnish all relevant datas/documents to the appointed professional
3. The Professional shall work out the feasibility of Additional construction by utilizing TDR
4. The Professional shall submit, forms/undertakings/affidavits/duly signed along with plans for the proposed construction, to the Building proposal office of M.C.G.M.
5. Pay requisite scrutiny fees to B.P. dept of M.C.G.M.

List of paper required for the purpose of deduction of D.R.C.

a) Utilization forms/transfer to be signed by Transferee & transferor after filling the details and the signature on the forms are to be attested by the Notary Magistrate.

b) A copy of notorisal Agreement between Transferor and Transferee for utilization/ Transfer of TDR showing consideration amount be receipt of stamp duty duly paid

c) A copy of notorisal Declaration cum Indeminity Bal.

d) A copy of D.P. Remarks.

e) A copy of plan showing development of the building.

f) Xerox copy of D.R.C.

g) Structural stability Certificate from Licensed Structural Engineer for the proposed construction

Procedure – Utilisation/Transfer of TDR:

1) On receipt of the application from the owner through professionals by submitting all required papers along with the plans for utilisation of T.D.R., the Building

Proposal department prepares the scrutiny report of the plot on which DRC is proposed to be utilized. If the proposal involves various concessions which needs the approval of higher authorities i.e. above E.E.B.P. the report with reasons is to be submitted for necessary approvals from higher Authority. After receiving all necessary approvals, the office of E.E.(BP) will prepare the report and forward to the Dy.Ch.Eng.(DP) along with required papers/documents for deduction of T.D.R. from D.R.C

2) The Dy.Ch.Eng.(DP) will receive the files and forward to E.E.(DP)/AE (DP)/ S.E. (DP) for scrutiny & report.

3) The S.E.(DP) prima-facia scrutinize the papers/documents and if found in order,shall instruct in writing to the Head Clerk to accept the requisite scrutiny fees.

4) The Head clerk in turn shall send the file to concerned Clerk for preparation of challans to accept scrutiny fees which will be paid on the SAP Counter.

5) After receiving the payments the clerks/Head clerks gives the numbering to the files and keeps the record in Register.

6) The Head Clerk also verifies utilization forms, areas, specimen signatures of D.R.C. holder recorded in D.P office and forward the file to A.O. for final verifications of forms and signatures. Clerks/Head Clerk and A.O. also shall maintain register and enter in the record. A.O./Head Clerk/ then forwards the files to the concerned S.E.(DP)

7) The S.E. (DP) will get the index Plan prepared through draftsman which will show the location for deciding Northline remarks high tide level CRZ & non receiable areas etc. & prepare the report for deduction of TDR. S.E.(DP) will also maintain the register and enter data for utilization of T.D.R. in his record.

8) In case if the files is having more than one D.R.C. from different wards, in that case file will be forwarded to concern S.E. of the respective ward for their remark regarding Balance & location of DRC on the utilization report.

9) The final report shall be forwarded to A.E.(D.P), E.E.(D.P.) Dy.Ch.Eng. (DP) Ch.Eng (D.P.) & Director (E.S.&P) for their approval.

10) On approval from the Director (E.S.&P), the file will be returned to the Dy.Ch.Eng. (DP) /A.E.(DP)/S.E.(DP) for their information by way of counter signature.

11) Transferor shall submit the original copy of D.R.C. to the D.P. Department for giving necessary effects to the deduction of T.D.R. from D.R.C.

12) The concerned S.E. shall prepare the final entry on DRC by pencil & forward to A.E. (D.P.) for approval.

13) The file shall be then forwarded to the concerned Head Clerk for typing on original D.R.C. in deduction column and also shall prepare a forwarding note for deductions.

14) The file is again forwarded to S.E./A.E./E.E./Dy. Ch.Eng. (DP)/Ch. Eng. (DP) & Director (E.S.&P) for final signature on D.R.C. which will show quantum of TDR reduced.

15) The S.E. shall then prepare a report to E.E. (BP) & D.R.C. holder both informing them the final effect of deduction along with Xerox copies of approvals for further necessary action which shall be signed by A.E. & E.E.(D.P)

16) The dispatch Section forwards the paper to the concerned B.P. dept & sends copy to owners for their record.

8. GENERAL TERMS AND CONDITIONS

1) All the joint holders of D.R.C.& the person utilizing/transfer of D.R.C. both shall have to sign transfer form/utilization form either himself or through P.A should fill up the format with all relevant data.

2) D.R.C. shall be permitted to be utilized/transferred only on receivable plot.

3) The utilization/transfer of the D.R.C. shall not be recognized unless and until the entry for utilization/transfer is authenticated by the Dir (E.S.& P)

4) The specimen signature/s thumb impression in the utilization/transfer form shall be attested by Magistrate or Notary Public under his official seal.

5) The utilization/transfer of D.R.C. shall be in multiples of 10 sq.mtrs. only except for the last remainder.

6) The utilization/transfer of D.R.C. can be considered by the M.C.G.M. only if the application is submitted in prescribed utilization form/transfer form along with the necessary documents and on making payments of scrutiny fees.

7) The utilization/transfer form is valid for six months from the date of issue.

8) D.R.C. cannot be utilized in No Development Zone, C.R.Z. and area for which M.M.R.D.A. or MHADA are the planning authority & in Slum Rehabitation Project.

9) DRC generated from Public reservations & roads, can not be utilized in Non Receiving Zone. However, TDR from Slum Rehabilitation Project can be utilized in Non Receiving Zone/Receiving Zone to the tune of additional 100% F.S.I.

10) Irrespective of the location of the land in which they originate, D.R.C.s shall not be used in the island City. They may be used –

    a. on any plot in the same ward as that in which they have originated (neither ward being in the Island city) or

    b. on any plot lying to the north (wholly or partially) of the plot in which they have originated(but not in the Island city)

11) No T.D.R. will be permitted to be utilised in the island city other than Heritage T.D.R. which is generated within the same ward.

12) A DRC shall not be valid for use on receivable plots in the areas listed in Appendix VII of D.C.R. 1991

    (a) Between the tracks of the Western Railway and the Swami Vivekanand Road:

(b) Between the tracks of the Western Railway and the Western Express Highway:

(c) Between the tracks of the Central Railway(Main line) and the Lal Bahadur Shastri Road:

(d) On plots falling within 50 m. on which no new shops are permitted as specified in sub Regulations (2) of Regulations 52

(e) Coastal areas and areas in No Development Zones, Tourism Development Zones, and areas for which the Mumbai Metropolitan Region Development authority or Maharashtra Housing and Area Development Authority is the Special Planning Authority.

(f) On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-Regulations (10) of Regulations 33.

(g) Area where the permissible F.S.I. is less than 1.0

(h) On plots situated in 'M' Ward except T.D.R. generated from 'M' Ward and slum TDR generated elsewhere.

13A) There are 3 categories of land zone in generation of TDR

1 a) Purely Residential Zone – RI (Road line upto 45 m excluding between 18.3 m to 27.45m width D.P. Road) in Suburban and in city.

b) Residential Zone -R-II (when road width is between 18.3m to 30m wide D.P. Road) in Suburban & in city.

2) Commercial Zone – C1 & C2

3) Industrial Zone – 11, 12 & 13

13B) The user that will be permitted for utilisation of the DRCs on account of transfer of development rights will be as per Appendix VII of DCR-1991

	Zone in which designated/reserved plot is situated	**User to be permitted in receiving area**
(1)	Residential	Only residential users and in Residential Zones only
(2)	Commercial (C-2)	Commercial (C-2) users if the plot where the FSI is to be utilised is situated in C-2 ZoneResidential in residential Zones
(3)	Commercial (C-1)	Commercial (C-1) if the plot where the FSI is to be utilised is situated in C-1 ZoneResidential in Residential Zones
(4)	Industrial (1-1), (1-2), (1-3)	Residential only in Residential Zones.

R1 & R2 Utilisation

TDR generated from R-2 Zone shall be allowed to be utilized in C-1 zone subject to the fulfillment of conditions laid down below:

Sr. No.	Frontage of plot in generating Zone	Percentage of TDR to be permitted in receiving zone
1.	Plots fronting on roads having width between 12 m to 15 m.	80%
2.	Plots fronting on roads having width between 15 m to 18 m	90%
3.	Plots fronting on roads width more than 18m	100%

14. The FSI of receiving plot shall be allowed to be exceeded by not more than 0.8 earned either by way of DRC in respect of reserved plots or by way of land surrendere1d for road widening or constructions of new roads. Or by way of both

15. The registered holder of DRC shall not mortgage, pawn, pledge, Hypothecate or create any charge or claim on the DRC. The M.C.G.M. will not recognize any application or claim for transfer of DRC as aforesaid. The DRC cannot be split on the basis of any charge. Creases on the DRC.

16. The Municipal Commissioner may reject the application for transfer/utilization of DRC, if

    a) Any dues payable by the owner of the land on which DRC is proposed to be utilized are not paid.

    b) Under direction from the competent Court/State Government/M.C.G.M. etc.

17. The M.C. shall reserve the rights for granting permission to utilize/transfer the DRC or forfeiting DRC, If the property so handed over to the M.C.G.M./other body & DRC obtained by fraudulent means and/or dues payable to the State Government/M.C.G.M. are not paid etc.

18. Clearance from Heritage Conversion Committee, when required if applicable.

19. TDR within the layout is allowed as per the circular issued under No. CHE/91/ DP/TDR/gen dt.7/10/1995

20. Additional TDR for buildable amenities is allowed as per the circular issued under No. CHE/2/DP/TDR/gen dt.9/4/1996, CHE / DP / 165 / TDR / GEN dt. 5/4/03, and CHE / DP / 3013 / TDR / GEN dtd. 5/1/2004 to be extended thereafter from time to time.

MUNICIPAL CORPORATION OF GREATER MUMBAI
NO. CHE / DP / 1320 / TDR / GEN. DATED. 22.01.2008

Sub : Policy guidelines for the purpose of Utilisation of TDR and the procedure to be followed.

The building proposal department shall forward the file for utilization of TDR to DP department with the following documents :

(i) Original utilisation form filled in correctly and duly notarized.

(ii) Copy of DRC from which the TDR is purchased and proposed tobe utilized, duly certified by Architect.

(iii) Copy of DP / TP remarks issued within one year only, duly certified by Architect.

(iv) Copy of Development permission / revalidation issued by DR deptt. If any, from time to time, duly certified by Architect,

(v) Copy of Survey remarks.

(vi) Copy of Notarised Agreement between Transferor and Transferee duly filed in with location and file no. where TDR is proposed to be utilized, consideration amount etc. duly certified by Architect.

(vii) Copy of earlier utilization of slum / reservation TDR if any. Possession receipts of reservation, amenities, handed over to MCGM, duly certified by Architect.

(viii) Copy of Notarized Indemnity Bond on Rs. 300/- stamp paper cum Under taking for payment of adequate stamp duty, duly certified by Architect.

(ix) Set of plans showing the proposed work. The set of plans for consideration shall be duly signed by Assistant Engineer (Building Proposal).

(x) Scrutiny report & sailent features of the Proposal with Tabulation of TDR. The said report shall be signed by A.E. (B.P.)

The concerned Executive Engineer shall forward his report for utilization clearly stating the following :

(a) Details of earlier approved plans and the details of proposed work in lieu of TDR.

(b) Details regarding competent sanction obtained for concessions invloved in the proposal. If any for utilization of TDR like condonation of deficiency in open spaces, permitting staircase, lift lobby area free of FSI etc.

If no concessions are invloved E.E. (BP) shall clearly state that proposed work in lieu of TDR is approvable in nature (i.e. Open space, Parking Spaces, etc. are as per DCR) and no concessions are involved like open spaces deficiency, parking open space etc.

(c) Before the file is forwarded to D.P. Deptt. For utilization, E.E.B.P. shall ensure that the proposal is approvable in nature and Compentent sanction for all concessions associated with the proposal are obtained. All the issues of the proposal like ULC, CFO, Structuer stability etc. shall be scrutinized by EE (BP).

(d) Apart from the details of tabulation of Plot Area, set back area, balance plot area, permissible BUA, the report of EE (BP) should mention details of DRC from which TDR is proposed to be utilized, the U-form No. and the exact date when the U form is submitted in the office of E.E. (BP). The report should also state clearly the name of the Transferee who is authorized to utilize the TDR.

(e) The issue of ownership / power of attorney / resolution of society etc. shall be scrutinized by EE (BP) as per earlier orders of DIR (ES & P) under No. DIR / ES & P / 10375 dt. 1.2.02.

(f) Once the file is forwarded by concerned EE (BP) for utilization of TDR, it will be presumed that no concessions are invloved in the proposal other than the concession sanction by Competent Authority and all aspects associates with the proposal are scrutinized by E.F. (BP)

Procedure to be followed by D.P. deptt. Staff while processing file for utilization of TDR.

(i) After confirming the balance area in the DRC, scrutiny fee shall be accpted in Cash Counter of C.E.'s Central office through Head Clerk, TDR.

(ii) Xerox copy of the receipt of payment, as well as challan shall be attached in the file and then the entry of the utilization of TDR shall be entered in the Utilisation Register maintained Ward wise and DRC wise with Clerk (TDR) working under the supervision of Head Cleark (TDR) Signature of the DRC holder, as well as the balance mentioned in the Utilisation form shall be verified by the Clerk (TDR), Head Clerk (TDR) and Office Superintendent (Development plan) and then the file shall be sent to the concerned Engineer.

(iii) On receipt of the file by the concerned Engineer, the same shall be sent to the Head Draftsman for preparing the Index Plan showing the site where TDR is generated and the site where TDR is to be Utilized.

(iv) Concerned Sub - Engineer shall check the balance area as per the utilization register maintained. Concerned Sub-Engineer shall further scrutinize the proposal with respect to the provisions in Development Control Regulations as regards the permissibility of the TDR utilization on the plot under reference and submit the report to A.E.D.P.

(v) A.E.D.P. Shall scrutinize the proposal further with respect to the permissibility of utilization on the plot as per Development Control Regulation, 1991 and forward the file to E.E.D.P.

(vi) E.E.D.P. shall scrutinize the file on the above lines and submit the file to Dy. Ch. Eng. D.P. / Ch. Eng. (D.P.) / Dir. (E.S.&P) for sanction for TDR utilisation.

(vii) On receipt of sanction of Dir. (E.S. & P) for utilization, the Transferee shall submit NOC of the Transferor for deduction of TDR from DRC in original mentioning the location of plot and file No. as mentioned in agreement for utilization of TDR. Thereafter the entry of utilization with necessary details such as description of land where TDR is to be utilized, name and address of the utiliser, building proposal number, they are utlized and the number and date of Dir. (E.S. & P.)'s sanction shall be duly checked by concerned Sub - Engineer and Asstt. Engineer and then shall be typed in the DRC against the allotted number as per Utilization Register.

(viii) Thereafter note shall be forwarded to CH.E. (D.P.) to Dir. (ES & P) for en dorsing the DRC utilization

(ix) After obtaining the signature of E.E.D.P., S.E.D.P. shall personally hand over the file to Head Clerk (TDR) who personally shall take the signature of Dy. Ch. Eng. (DP) in the forwarding note and the signature of CH. E. (DP) In the file, as well as on the DRC.

(x) Thereafter the file paper shall be sent to Dir. (ES & P) through dispatch and H.C. (TDR) shall carry the DRCs personally to Dir. (ES & P) for signature on the DRC endorsing utilization.

(xi) Signed DRC shall be again carried personally by H.C. (TDR) and 2 xerox copies of the DRC showing the TDR utilization duly endorsed by Ch. Engg. (DP) and Dir. (ES & P) shall be taken and forwarded to concerned Sub - Engineer. Thereafter DRCs shall be kept in the safe custody of locked cup board.

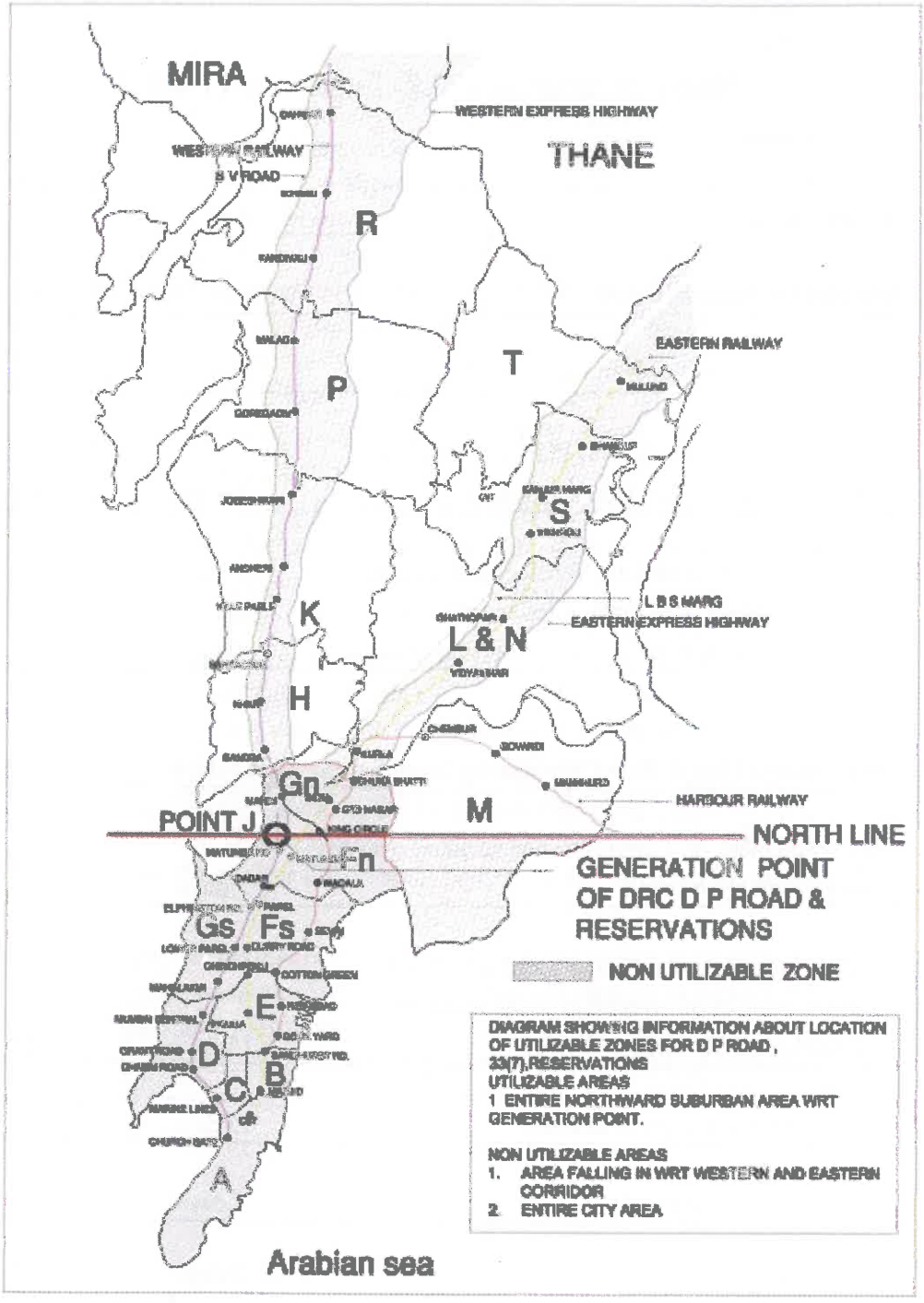
(xii) File papers when received from Dir. (ES & P) shall be marked by Dy. Ch. E. (DP) to the concerned Sub-Engineer who will arrange to forward the copy of DRC utilisation to Building proposal section along with the zerox copy of DRC utilization certified as "True copy" and shall be forwarded to Building Proposal section alongwith copy of the report for the utilization sanctioned by Dir. (E S & P).

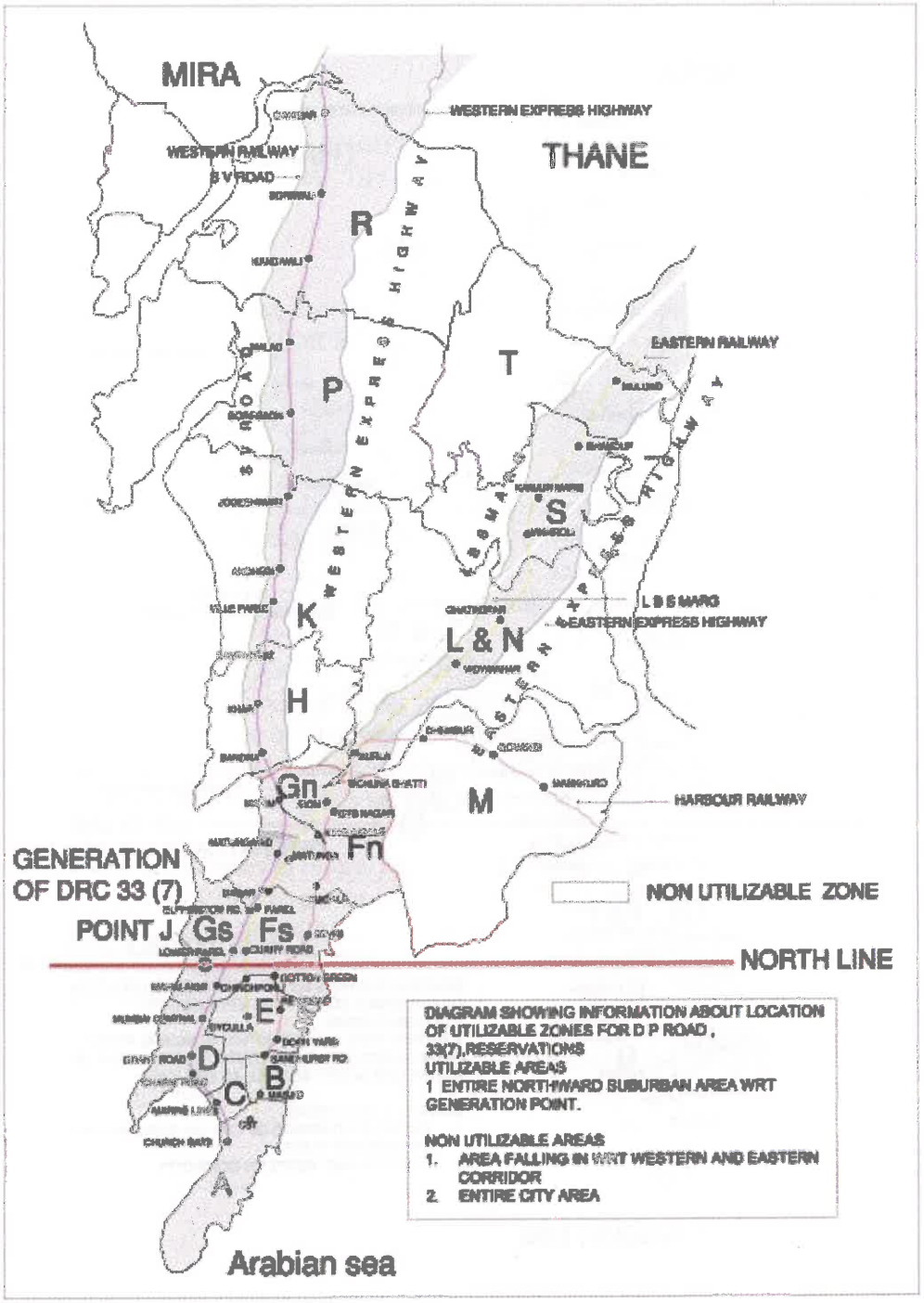
Sd/-	Sd/-
Ch. Eng. (D.P.)	Dir. (E. S. & P.)

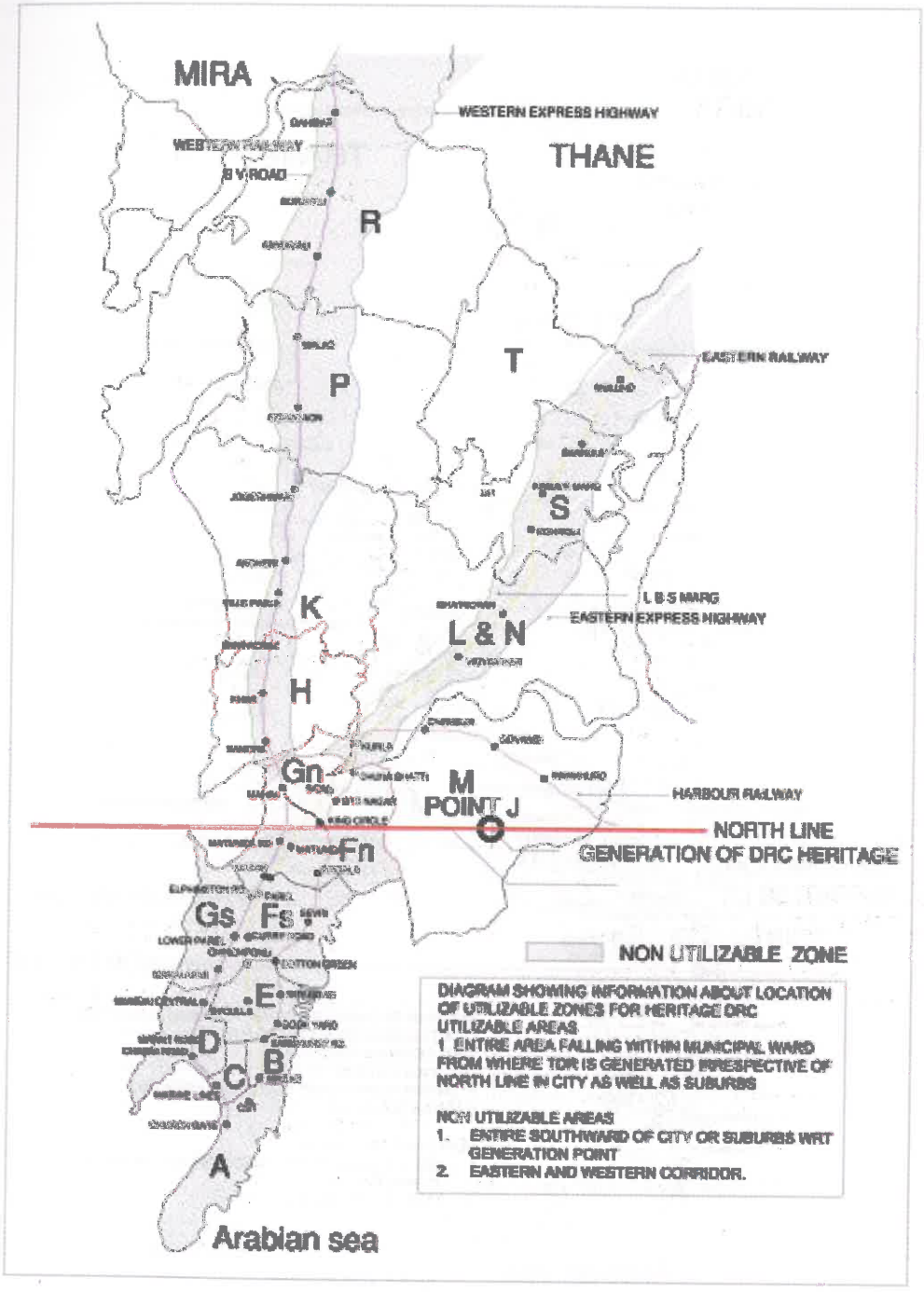
ANNEXURE III

Stages for grant of D.R.C. for reserved Plots

		Total Days
Application with all prerequisite including payments towards Scrutiny fees	Day –1	1
Site visit by concerned staff	Within – 7 days	8
Fixing Priority wherever required	15 days	23
Letter to City Survey for J.M.Plan and forward papers to legal dept. for Title verification	7 days	30
File return to D.P. with Title Verification by Legal Department along with draft of Indemnity-cum-Declaration Bond, Right of way draft (if applicable)	60 days	90
Issuing of Letter of Intent, on receipt of Joint Measurement Plan & Title Clearance by legal dept.	15 days	105
On Compliances of Letter of Intent handing over the possession of reservation	7 days	112
On execution of declaration of Indemnity Bond, letter for transfer of ownership in the name of M.C.G.M. on P.R. cards	15 days	127
M.C.'s approval for grant of DRC	15 days	142
Preparation of D.R.C.	7 days	149
Issue of D.R.C.	3 days	152 **(Total)**


MIRA
WESTERN EXPRESS HIGHWAY
THANE
WESTERN RAILWAY
S V ROAD
R
P
T
EASTERN RAILWAY
S
L B S MARG
EASTERN EXPRESS HIGHWAY
K
L & N
H
Gn
M
HARBOUR RAILWAY
POINT J
NORTH LINE
n
GENERATION POINT OF DRC D P ROAD & RESERVATIONS
Gs
Fs
NON UTILIZABLE ZONE
E
D
B
C
A
Arabian sea
DIAGRAM SHOWING INFORMATION ABOUT LOCATION OF UTILIZABLE ZONES FOR D P ROAD , 33(7),RESERVATIONS
UTILIZABLE AREAS
1 ENTIRE NORTHWARD SUBURBAN AREA WRT GENERATION POINT.
NON UTILIZABLE AREAS
1. AREA FALLING IN WRT WESTERN AND EASTERN CORRIDOR
2. ENTIRE CITY AREA


MIRA
THANE
WESTERN EXPRESS HIGHWAY
WESTERN RAILWAY
S V ROAD
EASTERN RAILWAY
L B S MARG
EASTERN EXPRESS HIGHWAY
HARBOUR RAILWAY
R
T
P
S
K
L & N
H
Gn
M
Fn
Gs
Fs
E
D
B
C
A
GENERATION
OF DRC 33 (7)
POINT J
NON UTILIZABLE ZONE
NORTH LINE
DIAGRAM SHOWING INFORMATION ABOUT LOCATION OF UTILIZABLE ZONES FOR D P ROAD , 33(7),RESERVATIONS
UTILIZABLE AREAS
1 ENTIRE NORTHWARD SUBURBAN AREA WRT GENERATION POINT.
NON UTILIZABLE AREAS
1. AREA FALLING IN WRT WESTERN AND EASTERN CORRIDOR
2. ENTIRE CITY AREA
Arabian sea


MIRA
WESTERN EXPRESS HIGHWAY
WESTERN RAILWAY
B V ROAD
THANE
R
T
P
EASTERN RAILWAY
S
K
L B S MARG
EASTERN EXPRESS HIGHWAY
L & N
H
Gn
M
POINT J
HARBOUR RAILWAY
NORTH LINE
GENERATION OF DRC HERITAGE
Fn
Gs
Fs
NON UTILIZABLE ZONE
E
D
B
C
A
Arabian sea
DIAGRAM SHOWING INFORMATION ABOUT LOCATION OF UTILIZABLE ZONES FOR HERITAGE DRC
UTILIZABLE AREAS
1 ENTIRE AREA FALLING WITHIN MUNICIPAL WARD FROM WHERE TDR IS GENERATED IRRESPECTIVE OF NORTH LINE IN CITY AS WELL AS SUBURBS
NON UTILIZABLE AREAS
1. ENTIRE SOUTHWARD OF CITY OR SUBURBS WRT GENERATION POINT
2. EASTERN AND WESTERN CORRIDOR.

MUNICIPAL CORPORATION OF GR. MUMBAI
CHE/DP/1000/TDR/General of

CIRCULAR

Sub :- Taking over the land reserved for various public purposes in the D.P. in lieu of FSI / TDR benefit.

Ref :- Director (E.S&P) 's sanction u / no. Dir / E.S&P/316/I dtd. 10/06/2006.

As per provision under D.C.R. 1999 the land reserved for various public purposes is being taken over by M.C.G.M. from the owner / developer in lieu of TDR/FSI benefit after transferring the ownership of the land in P.R. Card in the name of M.C.G.M. by the owner / developer and by completing other administrative and technical formalities.

Recently, in one of the case, it is observed that the concerned sub-division officer has deleted the name of the original owner from 7/12 extract, from wherein M.C.G.M. has taken over the land in lieu of TDR after transferring the name of M.C.G.M. in P.R. Card by the said owner / developer. This incidence has now created legal complications regarding title of the land which is already taken over by M.C.G.M. in lieu of TDR.

To avoid such recurrences in future, Director (E.S&P) has accorded approval u/no. Dir/ ES&P/316/I on 10/5/2006 to get the ownership transferred in P.R.Card as well as in 7/12 extract in the name of M.C.G.M. for the land taken over by M.C.G.M. in lieu of FSI/ TDR benefit before granting TDR and before granting occupation certificates to the completed buildings.

In view of the above, all the staff working under Development Plan / Building Proposal Sections are hereby directed to note the Director (E.S&P)'s above orders and strictly adhere to the same.

Sd/-
22/02/2007
Ch.E (D.P)

SECTION - V

TOWN PLANNING SCHEME

SECTION - V

TOWN PLANNING SCHEME :-

Preamble

1. In the early years of 20th Century, considerable buildings activity was taking place in a very haphazard manner, particularly in suburban areas in the northern Bombay. The then Government of Bombay, therefore not only established a Town Planning Department in 1914 but also enacted a Town Planning Law in the form of Town Planning Act in 1915, the first of its kind in India. The act enabled the Municipal authorities to prepare Town Planning Schemes for lands which were in course of development. The main advantage of the Act was that, it enabled the local (Municipal) authority to pool together, irrespective of ownership, all the lands in the scheme for the purpose of planning and redistribute them to the original land owners in the form the well laid out developed plots & final plots (Annexure F). The Act also empowered the local authority to control the use of development of the land through zoning and building regulations, acquire lands for public purpose and recover betterment contribution in respect of plots benefiting from the improvements contemplated in the scheme. Under the Act, schemes could be made only for open Suburban lands but not for built up area within the towns where problems of slums, traffic congestion, Inadequacy of sites required for public purpose such a School, Markets, Hospitals etc. needed urgent attention. This concept of Town Planning Scheme was first introduced in Frankfurt when 'Adickes' was the Mayor as the Local Authority is to construct the roads and other services and amenities in the area at its cost. The development becomes economically viable and improving the quality of lives.

   There are in all 33 Town Planning Schemes in Greater Mumbai. Out of which 23 were originally sanction under the Bombay Town Planning Act 1915. 7 were sanctioned under the Bombay Town Planning Act 1954 and remaining 3 were sanctioned under the Maharashtra Regional & Town Planning Act 1966. At present all these schemes are under taken for variations, so as to make development in the Town Planning scheme area in consonance with sanctioned Development Plan. The details of the same are given in Annexure II.

   The M.C.G.M. is Planning authority for the sake of M.R.&T.P. Act, 1966. For the ease of operations of T.P.Schemes, the Planning Authority is divided into 2 wings viz.

1) E.E.(T.P.) Variation working under the jurisdiction of Ch.E.(D.P.) and
2) Implementation Authorities.

The Town Planning Schemes in Greater Mumbai are as under :-

1] **4 Nos. in island City of Mumbai**

1. Mumbai City No.1 Mandvi & Elphinston area.
2. Mumbai City No.II Mahim area
3. Mumbai City No.III Mahim area
4. Mumbai City No.IV Mahim area

2] **26 Nos. in Western Suburbs :-**

1. Bandra No.I
2. Bandra No.II
3. Bandra No. III
4. Bandra No. IV
5. Bandra No.V
6. Bandra No.VI
7. Bandra No.X
8. Santactruz No. I
9. Santacurz No.II
10. Santacruz No. III
11. Santacruz No.IV
12. Santacruz No.V
13. Santacruz No.VI
14. Vile Parle No.I
15. Vile Parle No.II
16. Vile Parle No. III
17. Vile Parle No.IVA & B
18. Vile Parle No.V
19. Vile Parle No.VI
20. Andheri No.1
21. Andheri No.II
22. Andheri No.VI
23. Malad No.I
24. Borivali No.I
25. Borivali No.II
26. Borivali No.III

III. **3 Nos. in Eastern Suburbs.**

4. Ghatkopar No.I
5. Ghatkopar No.II
6. Ghatkopar No.III

Procedure of preparation of Town Planning Scheme - Vide Annexure III.
There are three important stages in preparation of Town Planning Scheme namely:-

a] Preparation of draft Town Planning Schemes by Planning Authority, and
b] Finalization of Draft Scheme by an Arbitrator to be appointed by Government.
c] Sanction by Govt. & notification in official gazette Saliant Fixtures of a T.P. Scheme.

The contents of draft scheme are as under :- (As per section - 64 of MR&ATP Act - 1966)

* Brief History of the scheme.
* Building Regulations, Redistribution valuation statement (i.e. B-Form) for each plot otherwise vide Annexure - IV.
* Various Estimates of works contemplated under the scheme.
* Plan No.1 to 5 :- Plan 1 : Location Plan Plan 2 : Original Plot boundaries (bearing C.S./CTS No.) - Annexure V .
* Plan 3 : Original & final plot boundary in green & red colour respectively (Reconstituted plots).
* Plan 4 & 5 : Final plot boundary in Red..... & reservations contemplated in TP Scheme.

The TP Scheme is drawn in accordance with the relevant provisions of MR&TP Act 1966. The Govt. appoints arbritrator to finalise the scheme, give hearing to owner etc. A Tribunal of Appeal is also appointed by Govt. to decide on questions of Law of procedure, redecide, vary, modify, or confirm arbritrators proposal.

The following terminology is used in Town Planning Scheme :-

Details of Redistribution and valuation statement vide form 'B'/Form 1, Annexure 'C'

1. **Original value of the plot** :- It means the value of the original plot without reference to any improvement contemplated in the scheme (Clause (f) of Sub-Section 1 of Sec.97).
2. **Semi Final Value of the plot** :- It means the value of the final plot without reference to any improvement contemplated in the scheme, other than improvement due to alteration of its boundaries i.e. value of the final plot as a result of improvement in its shape (Clause (f) of sub-section 1 of Sec.97).
3. **Final Value of the plot** :- Final value means the value of the final plot with reference to the improvement contemplated the scheme on the assumption that the scheme has been completed or developed as contemplated (Sec.98),
4. **Contribution** :- If semi final value of plot is more than the value of the original plot in respect of particular holding, the difference payable by the Owner is called contribution.
5. **Compensation** :- If the semi final value plot is less than the value of original plot, the difference payable to the Owner is called compensation.

6. **Increment** :- As defined under section 98 shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme, the market value of any plot with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed would exceed on the same date the market value of the same plot estimated without reference of such improvements. For estimation of these values, values of buildings except those which are transferred is to be neglected.

7. **Net Demand :-** It is the resultant payment from incremental contribution and either contribution from our compensation to the owner of final plot.

8. **Effect of T.P.Scheme** :- When a final scheme is sanctioned by the State Govt. under sub-section (1) of section 86, the town planning scheme shall have effect as if it were enacted in this Act.

9. **Correction of Survey Records** :- When a final scheme is sanctioned by the State Govt. the Planning Authority shall forward copy of the scheme to the Superintendent of Land Records (SLR) for purpose of correcting the land records.

To facilitate development of the plot having contravenue structure the new rule namely DCR No. 33 (15) has been incorporated wherein the owners / developers who offers' alternative accommodation to this affected structure gets additional FSI on these plots, which also incorporates definitions.

The Assistant Commissioner or Ward officer of the respective wards in which T.P. Scheme/s operate are designated as implementation Authorities for the respective T.P. Scheme/s. In order to avoid confusion about the scope of jurisdiction for a particular subject matter the following is, and shall be the arrangement.

a) Contravening structures - The inventory, the eligibility of the structures as well as occupants of the structures which contravene a T.P. Scheme, whether on reservation sites, Final Plots or Original Plots are to be decided and made by the implementation Authority. i.e. te Assistant Commissioner of the ward in whose geographical jurisdiction the T.P. Scheme falls.

b) The eligibility of the occupant of a T.P. Scheme- It needs to be decided by the implementatin Authority and the allotment of PAP accommodation is to be decided in consuitation with A.C.(Estate)

c) Handing over of F.P. to the O.P. owners and demarcation thereof- This needs to be done by implementation Authority.

d) Issuing notices under section 89, 90 & 52 - The issue of notices under section 89, 90 for enforcement of T.P. Scheme & 52, 53 etc. for unauthorized developmet or user. Te implementation Authority shall be responsible to the logical end.

e) Status of existing road and demarcation thereof - This shall be done by respective Implementation Authority

f) Issue of Annexure-II - The issue of Annexure II to redevelopment schemes in the T.P. Scheme areas under D.C.R.33(10) (S.R.A. Schemes) and 33(7) shall be done by the impleentation Authority.

g) Betterment charges ad compensation - The The betterment charges to be accepted for the development proposal in T.P. Schemes and payment of compensation to the O.P./F.P. owners shall be done by the implementation Authority.

h) Lucrative charges - The payment of lucrative charges shall be worked out by the buildig proposal department and accepted.

T.P. REMARKS

Pre-requisite for obtaining T.P.Remarks :-

1. Application letter containing following :-

a] F.P. and/or O.P. Numbers of the property.

b] Name and Number of the T.P.Scheme where property is situated.

2. Prescribed application form to be obtained from H.C. (T.P.) & payment of Scheduled charges.

T.P. Remarks will contain followings :-

A. LETTER

1. Name of the owner/s of the property.
2. Final Plot Number and it's area.
3. Original Plot Number and it's area.
4. User of the plot.
5. Affected by widening of Roads, if any.
6. Details of sanction of the scheme.
7. Details of amount of betterment charges / Compensation.

B. PLAN

1. Final Plot boundary by red.
2. T.P. Road widening.
3. Road width.

C. STATEMENT IN FORM I/FORM B (REDISTRIBUTION & VALUATION STATEMENT)

1. Name of Owners
2. Tenure of Land
3. City Survey Number (provided if mentioned in the Scheme book)
4. Original Plot No & its area.
5. Final plot No & its area.
6. Contribution / compensation and net demand details.
7. Remarks.

Who can apply for T.P.Remarks :

Any individual, company, trust, organization.

Procedure :-

1. Application addressed to Assistant Engineer (Development Plan) of the respective ward shall be made in a format given at Annexture 'A' as at page 54- 55 along with necessary fees.
2. 1Head Clerk of the respective section will prepare necessary challans for payment of fees.
3 Fees will be accepted at SAP. Counter at MCGM Head Office.
4. Papers will then forwarded to Tracer who will prepare Plan showing F.P. boundaries along with necessary details.
5. This will be checked by draftsman and Jr.Engineer and when found correct other plan will be marked as per the checked copy.
6. Jr. Engineer will write draft T.P. Remarks and Form - B/1 and will get it tyed.
7. Sub - Engineer will check the marked plan and typed remarks and Form and concerned Asstt. Engineer will finally check and approve the T. P. Remarks.
8. T. P. Remarks will be finally issued by the Dispatched Section.

Time Limit :- Not more than 10 days.

T.P.Demarcation

(This shall be done by respective Imple mentation Authority i.e. Asstt. Comissioner of respectie Ward):-

Following is compulsory while applying for T.P.Demarcation :

1. T.P. Remarks / D. P. Remarks.
2. Original City Survey Plan showing F.P.Boundaries, if city survey representative is not accompanying the demarcation on site.
3. Minimum six ammonia prints showing Block Plan and Location Plan. The applicant should duly sign plans.
4. Fees @ Rs.250/- per F.P.Number/s.

T.P. Demarcation will furnish following information :

1. Position of affected D.P.Reservation /s and or Designation/s, if any, with respect to the F.P.Boundary.
2. Position of affected T.P.Roads, if any, with respect to the F.P.Boundary.
3. Position of affected D.P.Road/s, if any, with respect to the F.P.Boundary.

Who can apply for T.P.Demarcation :

Any individual, company, trust, organization who has unobstructed access to the property.

Application Format for T.P. Demarcation. may please be seen at Annexure **'H'** application shall be submitted to Asst. Enginner (Maintenance/Implementation) in concccccerned/respective ward.

Procedure :-

1. Application addressed to Executive Engineer (Town Planning) of the respective wards shall be made in a format given at Annexure **'H'** along with minimum six ammonia prints showing block plan and location plan.

2. On submission of application, dispatch section will forward the application to Executive Engineer and he in turn forward it to Sub-Engineer.

3. Sub-Engineer will then check the plans for their correctness, works out the demarcation fee @ Rs.250/-per F.P.Number.

4. Application has to contact the Sub-Engineer for payment of fees and for fixing the date of demarcation in consultation with the concern S.E. (Survey).

5. Head Clerk of the respective section will prepare necessary challan for payment of fees.

6. Fees will be accepted at City Engineer's Dept. counter at 5th floor between 1.00 a.m. to 3.00 p.m.

7. Papers will then forwarded to Jr. Engineer /Sub-Engineer.

8. On site applicant must be able to show Final Plot Point / Boundaries in the absence of City Survey representative when original C.T.S. plan incorporating F.P.Boundaries is submitted.

9. Jr.Engineer, Sub-Engineer and S.E. (Survey) will then carry out demarcation for D.P.Provisions on site and will show their boundaries with respect to the F.P.Points on site in presence of applicant or his representatives.

10. Office copy of the Demarcation drawing will be prepared by the Sub-Engineer / Jr. Engineer, which will be checked by S.E. (Survey) and also acknowledged by the applicant. The same also must be signed by City Survey Office representatives in case if he is present on site for demarcation.

11. Five more copies of this office copy will be prepared by the applicant and submitted to concern Sub. Engineer for issue.

12. Sub Engineer will write draft of T.P.Demarcation and will get it typed.

13. Sub-Engineer will check the marked plans and typed letter of demarcation and this will be again checked concerned Asst. Engineer.

14. Demarcation will be finally got approved from the Executive Engineer.

15. Demarcation will be issued by the dispatched section.

Time limit : About 15 days but not more than 1 week after demarcation is completed on site.

Format of Application for T. P. Demarcation

(to be reproduced on applicants letterhead)

Date : Ref. :

To,
The Executive Engineer,
Town planning
Municipal Corporation of Gr Mumbai,
Mumbai - 400 001.

Sub : Demarcation of T. P. Road / Reservation at CTS No..... Of

Village .....of TPS ..... at .....

Sir,

Please find enclosed herewith copy of T. P. remarks along with accompanying plan. You are requested to demarcate the reservations T. P. Road at site as per same and issue demarcation certificate with plan.

Thanking you,

Yours faithfully,

(.....)

Encl : 1) T. P. Remarks with plan.

2) Six copies of block plan / location plan.

Section 88 of MR & TP Act.

On and after the day on which a final scheme comes into force.

a] All lands required by the Planning authority shall unless it is otherwise determine in such scheme, vest absolutely in the planning authority free from all encumbrances.

b] All rights in original plots which have been reconstituted shall determine and reconstituted plots shall become subject to the rights settled by the Arbitrator.

c] The Planning Authority shall handover possession of final plots top the owners to whom they are allotted in final scheme.

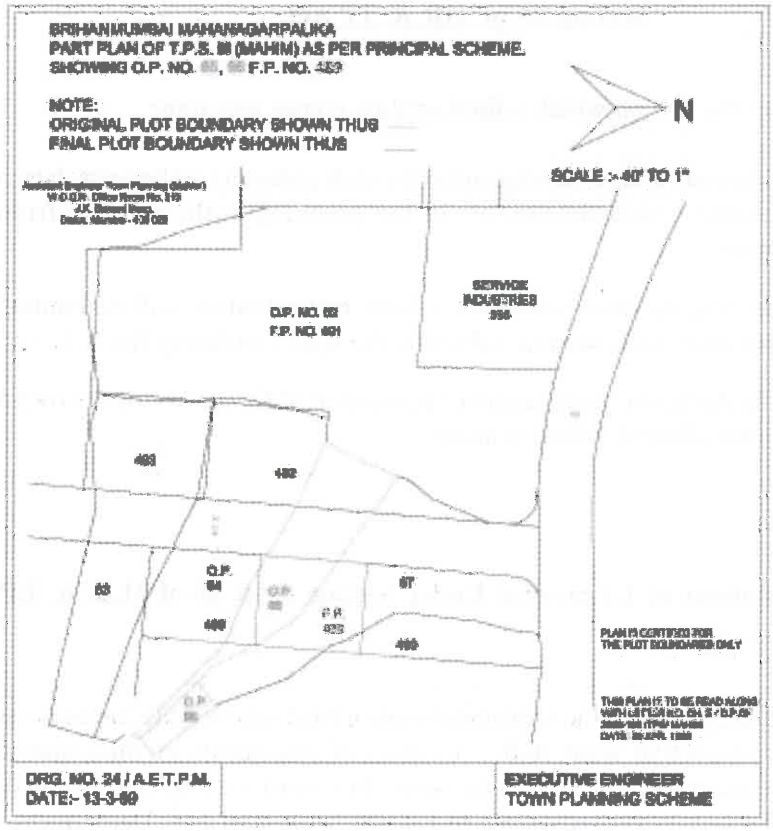
Implementations of T.P.Scheme Under Section 89 & 90 of M.R. & T.P.Act 1966.

As per the policy in force the implementation of final sanctioned scheme is carried out by the respective ward staff. A copies of documents of final sanctioned scheme are required to be sent to the respective ward for implementation of the sanctioned scheme. It is advisable that T.P.Scheme staff D.P. Department shall help to respective ward staff in implementation of the final sanctioned Town Planning Scheme.

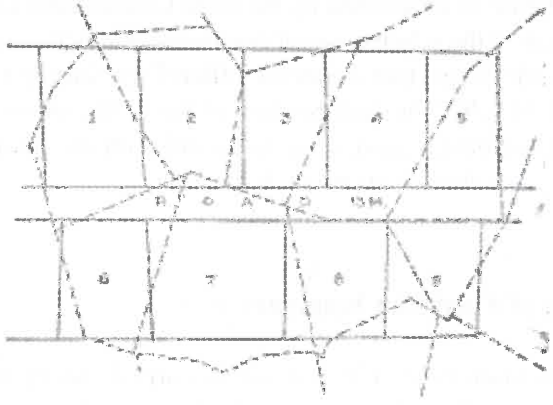
After final scheme is sanctioned by the State Government along with the date of implementation of the scheme, set of document of sanctioned scheme is required to be sent to the respective collector office/City Survey Office. Since as per clause 144 of M.L.R.C. it shall be duty of the Collector to alter the boundaries already fixed and demarcated, so as to accord with the final plots, reconstituted or laid out or consolidated under such scheme.

Demarcation of Final Plot Boundary :-

Since implementations of T.P. Scheme is carried out by the waved staff, the demarcation of F.P Boundary is given by the respective ward staff.



Annexure E 2



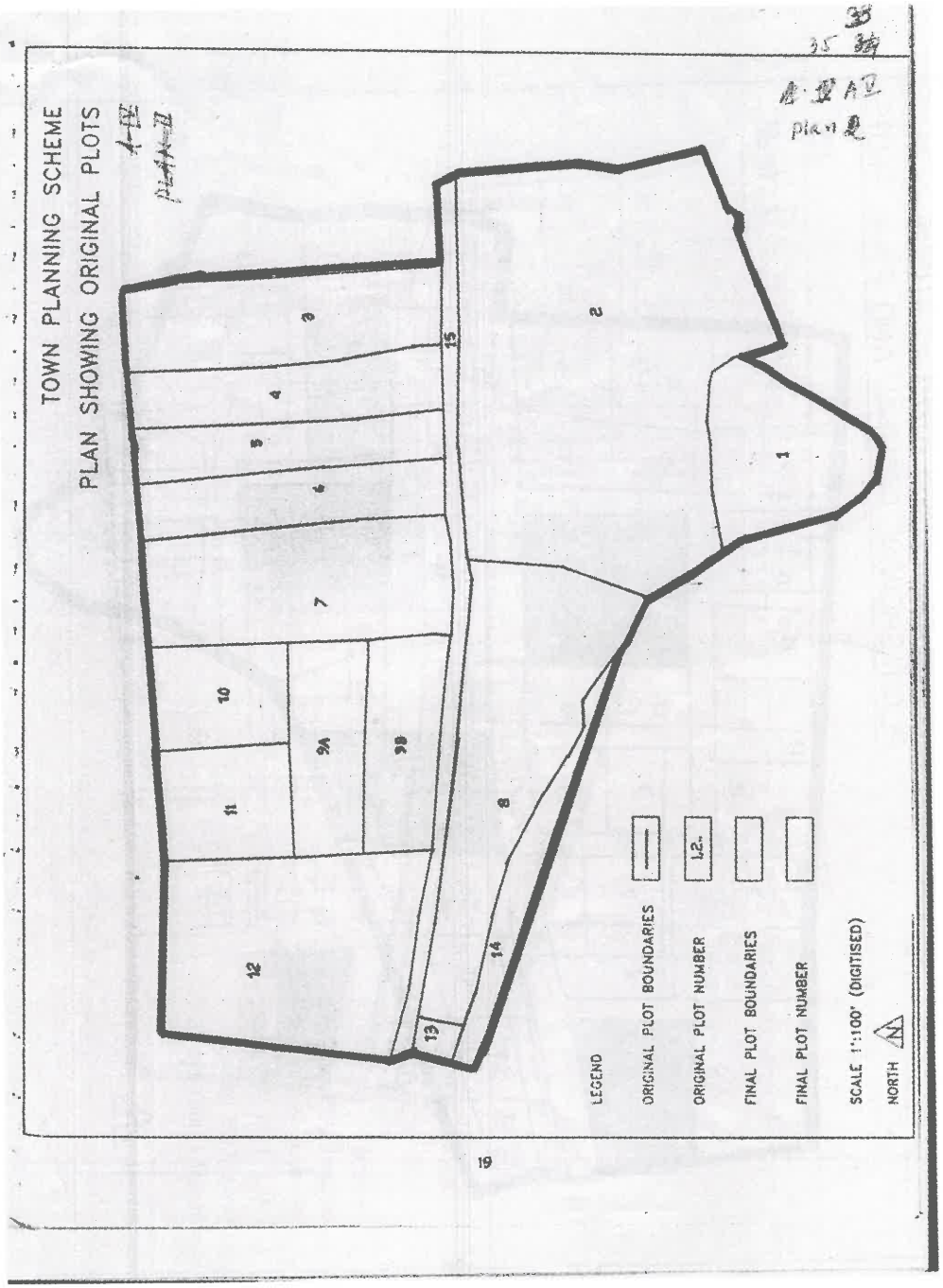
RECONSTITUTION OF PLOTS IN T. P. SCHEME

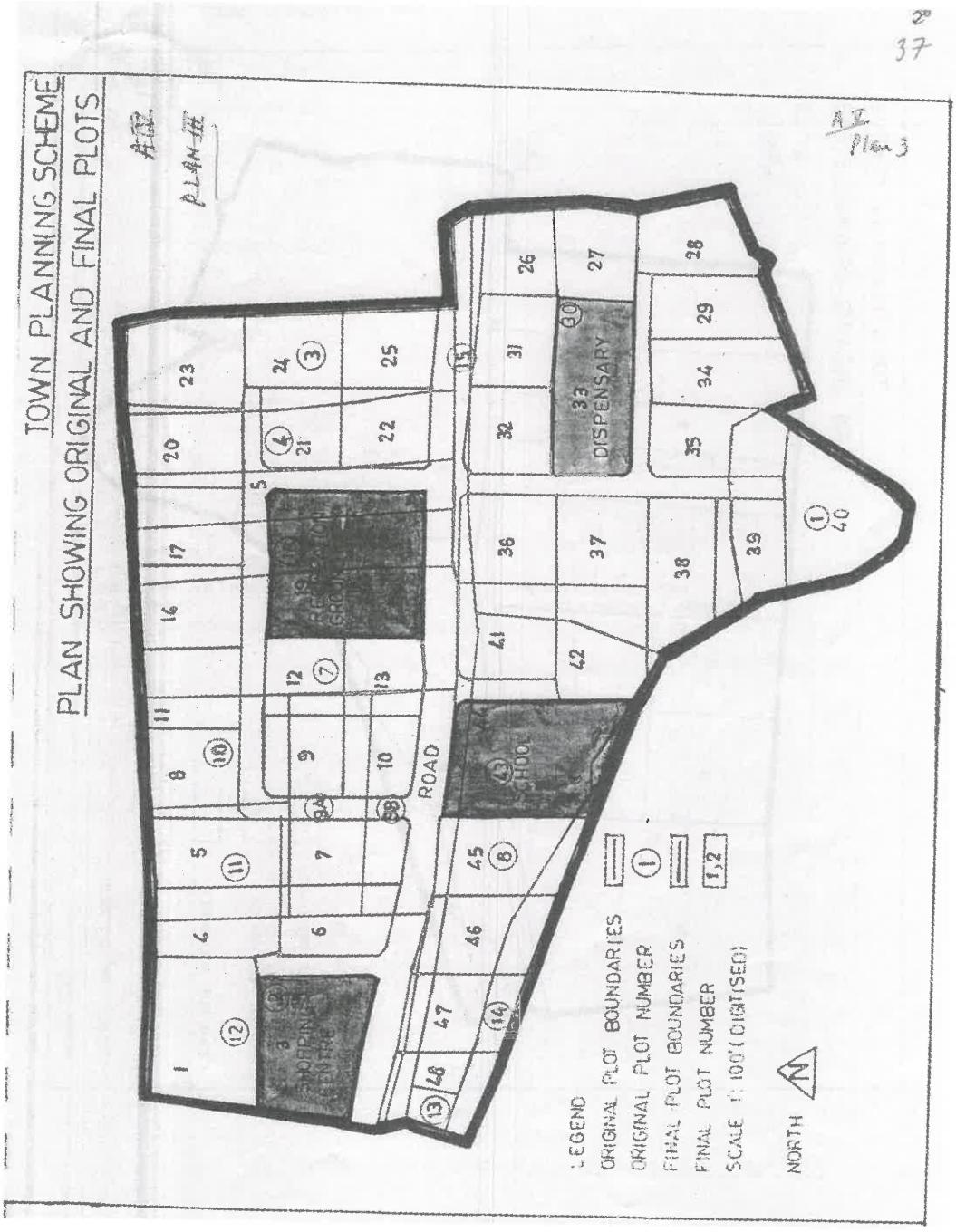
NOTE:-

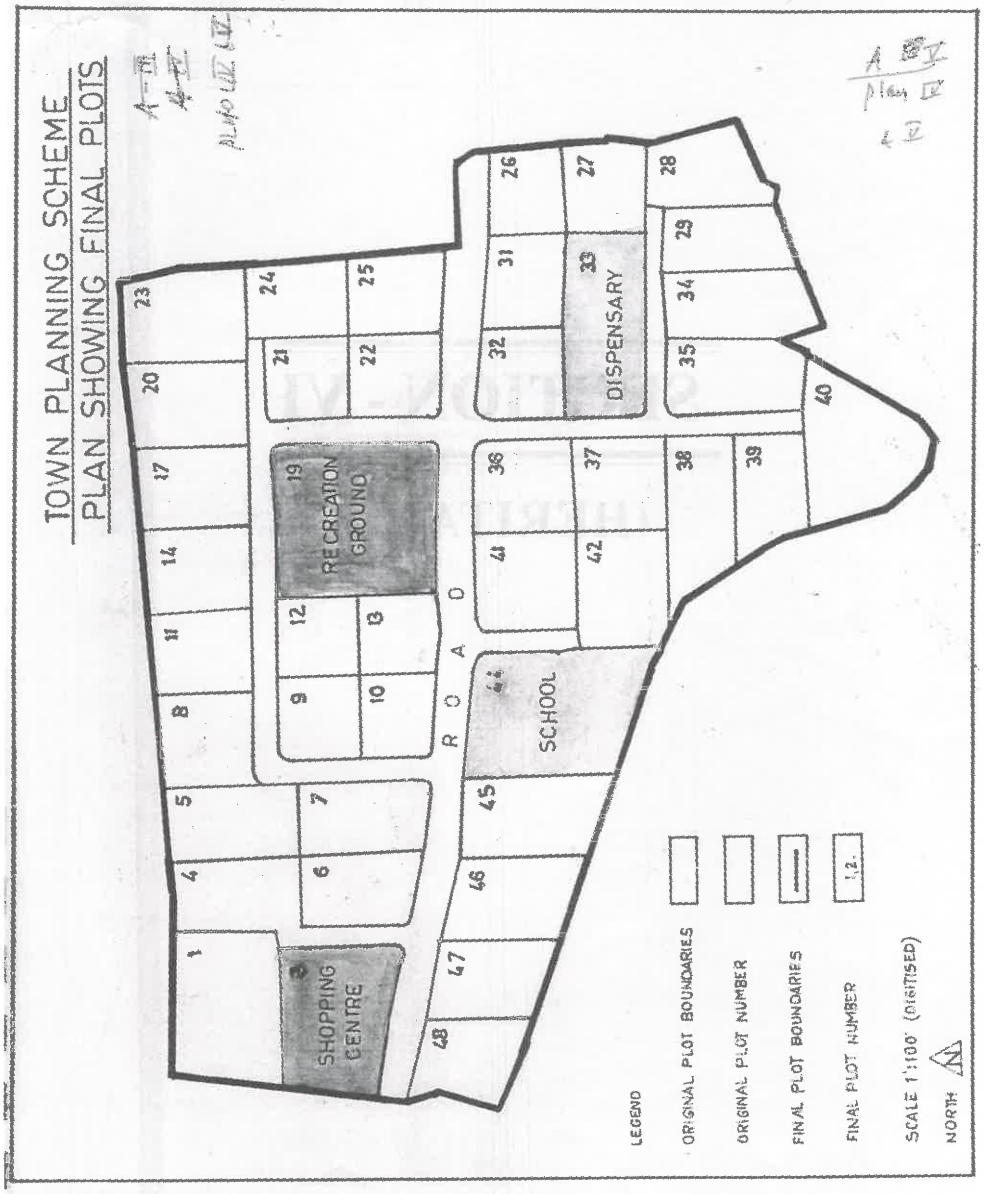
ORIGINAL PLOTS ARE SHOWN THUS.....

FINAL PLOTS ARE SHOWN THUS.....

FIG.13


TOWN PLANNING SCHEME
PLAN SHOWING ORIGINAL PLOTS
1
2
3
4
5
6
7
9A
9B
10
11
12
13
14
15
LEGEND
ORIGINAL PLOT BOUNDARIES
ORIGINAL PLOT NUMBER
FINAL PLOT BOUNDARIES
FINAL PLOT NUMBER
SCALE 1":100' (DIGITISED)
NORTH
19


TOWN PLANNING SCHEME
PLAN SHOWING ORIGINAL AND FINAL PLOTS
ROAD
DISPENSARY
SCHOOL
LEGEND
ORIGINAL PLOT BOUNDARIES
ORIGINAL PLOT NUMBER
FINAL PLOT BOUNDARIES
FINAL PLOT NUMBER
SCALE 1:1000 (DIGITISED)
NORTH


TOWN PLANNING SCHEME
PLAN SHOWING FINAL PLOTS
SHOPPING CENTRE
RECREATION GROUND
SCHOOL
DISPENSARY
ROAD
LEGEND
ORIGINAL PLOT BOUNDARIES
ORIGINAL PLOT NUMBER
FINAL PLOT BOUNDARIES
FINAL PLOT NUMBER
SCALE 1:1100 (DIGITISED)
NORTH

21

SECTION - VI

(HERITAGE)

SECTION – VI

(HERITAGE REGULATIONS)

1. Introduction:

'What is DCR 67 (Heritage Regulations)?'

The Government of Maharashtra in the Urban Development Department first published the Heritage Regulations (DCR-67) as a draft list of old structures / conservation areas having distinctive architectural / aesthetical / historical / cultural values as part of DCR 67. The structures included in the heritage list are called "Heritage Structures", and the group of structures / areas having typical unified characteristic / features are collectively called as "Heritage Precincts"

The said list comprised about 633 Heritage Structures / Precincts. After reviewing the suggestions / objections, received on the said draft Heritage list / Regulations, the Government of Maharashtra finally sanctioned and published the DCR-67 (Heritage Regulations) in 1995 under Notification No. DCR 1090/3197/RPD/ UD-11 dated 21.04.1995 and fixed 01.06.1995 for DCR 67 to come into force.

The Classification / Criteria for Listing the Heritage Building / Precincts are briefly given along with DCR 67. The list of such Classification / Criteria is reproduced in **Annexure "H-I"**.

2. Applicability of Heritage Regulations :

As per the provisions of sanctioned Heritage Regulations DCR 67(2) it is mandatory to obtain the prior N.O.C. of the Mumbai Heritage Conseration Comittee, before allowing / commencing any development, redevelopment, engineering operation, additions and alterations, repairs, renovations, painting of buildings, plastering demolition of the whole or any part of any listed Heritage building, and or any building included in the Heritage Precinct, (except for redevelopment / reconstruction of cessed buildings under 33(7), (8) & (9) in Heritage Grade – III and in precincts, where special permission from Municipal Commissioner is required for buildings proposing height exceeding 24 M, excluding stilts).

3. MHCC – Mumbai Heritage Conservation Committee:

a) Constitution & Terms of Reference:

To ensure proper implementation of DCR 67 the Government constituted the Mumbai Heritage Conservation Committee (referred to as **MHCC**) to advise the Municipal Commissioner on all matters pertaining to DCR 67. The main terms of the reference of the M. H. C. C. are:

i) To recommend to the Municipal Commissioner about granting development permission under DCR 67 and the conditions thereof.

ii) To prepare a supplementary list of heritage buildings, precincts, areas, artefacts structures etc.

iii) To advise whether any relaxation, modification, alteration or variance of any of the Development Control Regulations of Greater Mumbai, 1991, is called for under Regulation No.67(4)

iv) To advise the Municipal Commissioner in the operation of DCR 48, regarding advertisement, bill board, hoarding etc.on the facade and to recommend to the Municipal commissioner guidelines to be adopted by the private parties whoes sponsers beautification schemes at public inter-sections.

v) To advise whether to allow office user in the Island city and when to terminate the same.

vi) To advise whether Development Right Certificate may be allow to be consumed in a Heritage precinct.

vii) To advise the Municipal Commissioner to evacuate the cost of repairs required to be given to the owners to bring the existing buildings in the original shape. For this purpose the committee may also try to help the Municipal Commissioner to raise funds through private resources.

viii) To prepare special designs and guidelines for listed/cessed buildings and non-cessed buildings, control of height and essential facade characteristics such as maintainence of special type of balconies and other heritage items of the buildings and suggest suitable designs adopting new materials for replacements keeping the old form intact to the extent possible.

ix) To prepare guidelines relating to design elements and conservation principles to be adhered to and to prepare other guidelines for the purpose of Regulation-67.

x) To frame special regulations for heritage precints and to advise the Municipal Commissioner regarding the same.

xi) To advise the Municipal Commissioner on any other issue required in the overall interest of the Heritage Conservation.

xii) To appear before Government either independently or through or on behalf of the Municipal Commissioner in cases of appeals under section 47 of M.R.&T.P. Act, 1966 in cases of listed buildings and heritage buildings and listed precincts / heritage precincts.

The qualification of members of MHCC and its terms of reference were first notified on 25.04.95. The present Committee is functioning under the Chairmanship of Shri D. K. Afzullpurkar, since July 2008. The tenure of this Committee is for the period of 3 years.

The present list of members of MHCC is annexed as **Annexure – H-II**.

The Mumbai Heritage Conservation Committee comprises members who are experts in their respective fields such as; (i) Architects, (ii) Structural Engineers, (iii) Environmentalists & (iv) City Historians. Following Government / MCGM officials also form a part of the Committee viz, (i) Director, Prince of Wales Museum – Member. (ii) Chief Architect, Government of Maharashtra, PWD – Member, Ch. Eng.(D.P) M.C.G.M. Member Secretary. The MHCC is empowered to co-opt upto 5 additional members as required by them.

b) Role of MHCC.

The MHCC is an advisory / recommendatory body and the recommendations of the Committee as per DCR67(2)(1) the Commissioner shall act on the advise of/ in consultation with the Heritage Conservation Committee. In exceptional cases, for reasons to be recorded in writing, the Municipal Commissioner may overrule the recommendation of the MHCC provided that the power to overrule the recommendations of MHCC shall not be delegated by the Commissioner to any other officer.

4. Heritage List & Grading

In the sanctioned and published Heritage list of structure(s), buildings, Heritage Precincts, Grade I, IIA, IIB & III have been indicated. The meaning of these Grades and basic guidelines for development permissions are explained below:

The grades of structures / Precincts have been decided on the basis / merits of their architectural, historical, cultural values, period, design and use etc. In all there were 633 nos. of structure (s) / precincts listed in the Draft Heritage List. After reviewing the suggestions / objections, (and deleting some of the original

entries) a final sanctioned Heritage list was published in 1995, comprising 574 structures and 14 precincts.

4(a). Heritage Structures

Grade I	:	48	Nos.
Grade IIA	:	145	Nos.
Grade IIB	:	121	Nos.
Grade III	:	260	Nos.
Total		574	Nos.

4(b) Sanctioned Heritage Precincts as per Heritage List published in 1995.

1.	Dabul Precincts	@ Sr. No. 298
2.	Raghavji Road Precincts (West)	@ Sr. No. 369
3.	Banganga Precinct	@ Sr. No. 384.
4.	Opera House Precinct	@ Sr. No. 401.
5.	S.Gadre Chowk Precincts	@ Sr. No. 406
6.	Gamdevi Precinct	@ Sr. No. 432
7.	M.L. Dahanukar Marg Precinct	@ Sr. No. 449
8.	Mahalaxmi Precinct	@ Sr. No. 442 (V).
9.	Khotachiwadi Precinct	@ Sr. No. 508
10.	Matarphakhadi Precinct	@ Sr. No. 522
11.	Khodadad Circle Precinct	@ Sr. No. 543
12.	Five Garden Precinct	@ Sr. No.548
13.	Bandra Village Precinct	@ Sr. No. 612
14.	Fort Prcnt. With 14 sub-precincts	@ Sr. No. 633
	i) Gateway Precinct	
	ii) Majestic Precinct	
	iii) Museum Precinct	
	iv) University Precinct	
	v) Esplanade Precinct	
	vi) Fountain Precinct	
	vii) Horniman Precinct	
	viii) Naval Dock Precinct	
	ix) Ballard Pier Precinct	
	x) Bazargate Precinct	
	xi) V.T. Precinct	
	xii) B.M.C. Precinct	
	xiii) Crawford Market Precinct	
	xiv) Oval Precinct	

Thereater following precincts were extended.

- Five Garden precinct.
- Gamdevi precinct.
- Matharpakhadi precinct.

MHCC has also proposed following new Precincts :-

1) Marine Drive precincts with 2 sub-precincts
   (a) Mantralaya sub-precinct.
   (b) Babulnath sub-precinct.

2) Colaba Cantonment precinct.

3) Old Cuffe Parade precinct.

Vide order No. TPB-4302/3055/CR-333/2007/UD-11 dated 21/02/2008, there is a supplement / addition to the sanctioned list of DCR 67 regarding sites / buildings / structures on Cotton Textile Mill Lands in Mumbai. Primary items include chimneys and water bodies in Private & NTC Mills. A copy of Notification dtd. 21/02/08 is added hereafter as Annexture - **XIII.**

4(c) Grading & Scope of Development of Heritage Structures :

Heritage Grade – I comprises of buildings and precincts 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. They have been and are The Prime Landmarks of the City. The Heritage Grade – I richly deserves careful preservation.

The list of Grade – I structures includes Victoria Terminus, Gateway of India, Prince of Wales Museum. Bombay University, Mani Bhavan, Oval Maidan, Sion Fort, etc.

Scope of Development : No interventions would be permitted either on the exterior or interior unless it is necessary in the interest of strengthening and prolonging, the life of the buildings or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in accordance with the original.

(i) Vista of Grade – I : All development in areas surrounding Heritage Grade – I, shall be regulated and controlled, ensuring that it does not mar the grandeur of or views from, Heritage Grade – I. The M.C. vide circular MC.CHI/2069/DPB PC dt. 30.10.2007 has defined the vita as area within a radius of 100 mts. from a heritage site.

(ii) Heritage Grade – II Scope (Modified vide GR dated 16/9/2003) :

A. Scope –

Heritage Grade-II comprises building / precincts of regional or local importance, possessing special architectural or aesthetical 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.

B. Objective —

Heritage Grade-II deserves intelligent conservation.

C. Scope for development —

Grade-IIA :- In additional 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 harmony with (and shall not detract from) the Grade-IIA 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 taking to ensure the conservation of all special aspects / features of the Grade-IIA building concerned.

The list of Grade II A structures includes Municipal Head Quarters, Yacht Club, all buildings facing Dr. D. N. Road, Times of India Building, Horniman Circle and surrounding buildings , building in Ballard Estate, Haji Ali Dargah Complex etc..

.

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.

The list of Grade-II B structures includes Veer Jijabai Udyan (Victoria Gardens and Church), Police Commissioner's office (old Council Hall / Sailors Home), Taraporewalla Mansion, J.J. Institute of Art Complex, Anjuman-e-Islam High School, court of small causes, Bombay Gymkhana, Mumbadevi Temple Complex etc

Grade III :

Heritage Grade III : Comprises of buildings and precinct of importance for town scape; they evoke architectural aesthetic or sociological interest through not as much as in Heritage Grade – II. These contribute to determine the character of locality, and can be representative of life style of a particular community or region and, may also be distinguished by setting on a street line, or special character of the façade and uniformity of height, width and scale. Heritage Grade III deserves intelligent conservation (though) on a lesser scale than Grade – II and special protection to unique features and attributes. The list of Grade III structures includes Dhanraj Mahal, Khodadad Circle with buildings, Wilson College, Reserve Bank of India, Birla House, The Cairn (Former J.R.D Tata's residence), Buckley Court, Five gardens with residential Houses, etc.

Scope of Development : External and internal changes and adaptive reuse would generally be allowed. Changes can include extensions, additional buildings in the same plot or compound provided that extension / additional building is in harmony with and does not detract from the existing heritage building / precincts especially in terms of height and / or façade. Reconstruction may be allowed when the buildings is structurally weak or unsafe or when it has been affected by accidental fire or any other calamity or if reconstruction is required to consume the permissible FSI and no option other than reconstruction is available. However, unless absolutely essential, nothing should spoil or destroy any special features or attributes for which it is placed in the Heritage List.

Salient features of the various grades of Heritage Structures / precincts and the scope of the development permissible is graphically represented in tabular from as per Table Annexed as **Annexure H-III**:

4(d) Heritage Precincts

Heritage precincts are area comprising a group of Heritage structures / open areas, having similar / typical architectural / aesthetical / social character. Generally the buildings included in the heritage precincts, posses similar height, mass and elevational characters. Some of the listed precincts are Khotachiwadi, Matar-Pakhadi and Bandra Village precinct, (popularly known as village precincts). Similarly the oval precinct comprises four open maidans namely Oval, Cooperage, Cross and Azad Maidan.

Scope of Development : Repairs, demolition, re-construction, redevelopment, etc. are permissible in the Heritage precinct. However, as per the provisions of DCR 67(7) the redeveloped buildings shall maintain the sky-line in the precinct (without any high-rise development) as may be existing in the surrounding areas, so as not to diminish or destroy the value and beauty of the said listed Heritage Building / Heritage Precincts.

5. Additional Restrictions / Amendments into DCR 67:

A. The Government has issued directive No. DCR 1090/3197(RDP)/UD-11 dated 25.4.1995, wherein the following **additional restriction** have been imposed.

i) Height of buildings in 'A' Ward : The height of the building after reconstruction shall be limited to the existing height of the buildings of the similar age in the surrounding area. Similarly any new building shall confirm to the general height pattern of the surrounding locality.

Note : This above directive is applicable to all buildings in 'A' ward, whether included in the heritage list or not but exclusive of Backbay Reclamation Blocks where MMRDA is the special planning authority.

ii) Special Regulations for Precincts : The development permissions in the Heritage Precincts shall be granted in accordance with the special regulations prescribed for respective precincts, which shall be drafted by the Commissioner in consultation with the Heritage Committee and got approved from Government from time to time.

iii) Road Widening Line : Road widening line shall be so prescribed under the BMC Act 1888, so as to preserve and not detract from the said Heritage Precincts and if there are any new roads or road widening line proposed then Commissioner shall consider the Heritage provisions while considering application for development permission in these precincts

iv) Sanctioned RDP reservations: If there are any sanctioned RDP reservations shown on listed heritage buildings, then same shall not be implemented unless they are absolutely necessary.

v) Road Widening: No Road widening of the existing road shall be allowed under BMC Act in such a manner so as not to affect the existing Heritage Building of any grade as per the list sanctioned by the Government even though they are not included in the precincts.

B. **Modified 67(2) of 25.01.1999**: As per the provisions of the said modification, the provisions of the Heritage Regulations are not applicable for the reconstruction / redevelopment under D.C.R. 33(7), (8) & (9) of cessed buildings / properties included in Heritage Grade – III and in Heritage Precincts. However, if the height of the said redeveloped buildings is proposed more than 24.00 Mts, ((excluding stilts on ground floor) the special permission from the Municipal Commissioner is essential. Further, vide CHE/289/Gen of 30/05/2005.

C BUILDINGS OF NATIONAL IMPORTANCE / MONUMENTS :-.

Vide CHE/DP/23 of 2007-08 it is decided that if the property under development is situated within 100 mt. from any Grade-I heritage building / structure, then N.O.C. from MHCC shall be obtained prior to approval of plan, so that appropriate cognizance of the existing Grade-I heritage buildings of National importance can be ensured. Copy of aforesaid circular is at Annexure - **XIV.**

D. There are eight Nos. of centrally protected monuments of National importance in the Mumbai City and Mumbai Suburban Dist. A list of monuments is enclosed as **Annexure H-IV**, as per Archaeological sites & Remains Act, 1958. No construction is permitted within 100 mtrs of these monuments.

6. HERITAGE TDR :

After the submission of a development proposal for consumption of the full / balance FSI potential in respect to any heritage property, if the M. H. C. C. restricts its development or imposes conditions which deprive the owner of any unconsumed FSI, the said owner is compensated by way of granting Heritage DRC to the quantum/ balance FSI as restricted by the M. H. C. C. subject to approval of Government. The said DRC (TDR) may be utilized / consumed in the same ward in the island city or in the suburbs. This DRC is granted only if the proposal is otherwise approvable from the other D. C. Regulations point of view.

Procedures for grant of DRC for Heritage TDR is laid out vide Circular Dt. 14.05.1998 as reproduced in **Annexure H-V.**

7. PROCEDURE FOR APPROVAL:

Prerequisite for submission of proposal.

a. SUBMISSION

Any development proposal to which provisions of DCR 67 (Heritage Regulations) are applicable should be submitted for seeking the 'Heritage NOC' to the Heritage cell of the Chief Engineer – D.P.'s Office, which is headed by Dy. Ch. Engineer-(D. P.). The format of application is prescribed in **Annexure H-VI.** The documentation required being submitted along with the application based on the grade and development work proposed is shown in **Annexure – H-VII**. The Heritage proposal is processed by the office of the Dy. M. A. (D. P.) comprising of the senior Architect, Architects and sub-engineer (Architect). A flow chart of the procedure is shown below:

Processing Steps for Heritage Proposal

[Time Frame : 15 days]

Submission to Dy. M. A. (D.P.)'s office.

↓

Site Inspection Visit.

↓

Pre-scrutiny Report.

↓

Scrutiny Report. (Within 15 days)

↓

Submission to M.H.C.C
[Time Frame : 30 days]

Fast Track Sub Committee
[Time Frame : 15 days]

↓

Decision of the M.H.C.C.

↓

Minutes of the M.H.C.C.

↓

Preparation of the Heritage NOC in Certificate Form / Letter Form

↓

Issue of N.O.C with forwarding letter to the concerned architect / applicant from the Dy. Chief Engineer II (D.P.) with intimation to Dy. Chief Engineer – B. P. (City) / Asst. M. C. of concerned Ward.
[Time Frame : 15 days]

Recording the complete file papers.

After the receipt of the proposal the office of the Dy. M. A. (D. P.) examines it and prepare a scrutiny report , (sample format reproduced as **AnnexureH-VIII**) which subsequently is submitted to the M. H. C. C. in its meeting. A copy of the letter written to the application with respect to his application is annexed as **Annexure H-IX.**

b. PROCESSING :

The M.H.C.C. has constituted a sub-committee to deal with fast track / minor proposals, which essentially comprises repairs, strengthening, minor additions / alterations in respect to buildings in Heritage Grade – III or buildings in precincts and also conditionally in certain cases involving works of minor nature in **Grade II A & B**. (without any change in façade, height, etc), then the N.O.C. to such minor proposals is generally issued within 15 days of a submission.

- Note : - For the general / major Heritage proposals it takes about one month for issuing the Heritage N.O.C. However, in both these cases the submitted proposal must be complete in all respect as per the submission requirements stipulated by the MHCC in that regard.

  The M. H. C. C. meetings are convened generally once in a month at the M.C.G.M. – Head office. About fifteen proposals are generally taken on the agenda of the M. H. C. C. meetings.

  The general guidelines followed by MHCC in the scrutiny and processing of the application is given in detail as **Annexure H-X.**

c. **FINAL NOC:**

After the completion of the development work the architect is expected to submit copies of plans/ photograph as executed at site along with the plans, photographs of the proposal submitted at the time of obtaining the NOC prior to commencement of work.

The processing of the same is as follows:
[Time Frame : 30 days]

↓

Submission of the proposal.

↓

Site Visit by the Dy. M. A. (D. P.)

↓

Submission to sub-Committee of the MHCC.

↓

Observation report from Dy. M. A. (D. P.)

↓

Concurrence of the sub-committee.

↓

Approval of the sub-Committee.

↓

Communicating Decision to the concerned Architect by the Dy. M.A. (D. P.) with an intimation to Dy. Chief Engineer – B. P.(City).

A sample format of the MHCC approval and final NOC letters are given as **Annexure H-XI (a to c)** & **Annexure H-XII.**

8. **Complaints and Penalties:**

Complaints regarding any development work in a listed Heritage building or Buildings in a Heritage Precincts, prior to obtaining a formal NOC from the MHCC, is reviewed by the MHCC and based on various factors such as Grade, Approvability, Quantum of work and its implications etc, penalties are recommended by MHCC to the M.C. to be levied on the owner.

9. **Appellate Authority :**

An aggrived applicant can appeal U/s. 47 of DCR 1991 to the Hon. Minister, Urban Development Dept., Govt. of Maharashtra against order passed by the Heritage committee.

ANNEXURE H-I

Abbreviations of Criteria for Listing of Building and Conservation Areas

		Abbreviation
(a)	Value for architectural; historical or cultural reasons..	**A**
	__ architectural	**A(arc)**
	__historical	**A(his)**
	__cultural	**A(cul)**
(b)	The date and/or period and/or design and/or unique use of the building or artifact	**B**
	__ period	**B(per)**
	__ design	**B(des)**
	__ use	**B(uu)**
(c)	Relevance to social or economic history	**C(she)**
(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	
(f)	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**
(g)	Its value as a part of a group of buildings	**G(grp)**
(h)	Representing forms of technological development	**H(tee)**
(i)	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)**
(j)	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**

ANNEXURE - II (A)

MEMBER OF THE CURRENT M. H. C. C.

Heritage Regulations for Greater Mumbai 1995.

Constitution of Committee .... to recommend steps to be taken for conservation of specified building, precincts, areas and artefacts.

GOVERNMENT OF MAHARASHTRA

Urban Development Department
Resolution No. TPB 4398 / 1754 / CR 339 / 98 / UD - 11
Date 30th July, 2008.

RESOLUTION : Government in Urban Development Department vide its Resolution No. DCR 1090 / 3197 (RDP) / UD - 11 dated 21st April, 1995 has sanctioned the Development Control Regulation No. 67 for Grater Mumbai, dealing with conservation of listed buildings, areas, artefacts, structures and precincts of historical, aesthetical, architectural and cultural significance and further vide Resolution No. TPB - 4385 / 2680 / UD - 11 dated 25th April, 1995, have prescried the composition of the Heritage Conservation Committee to advise the Municipal Commissioner on development / redevelopment of Heritage Buildings / Precincts.

Accordingly, Government in Urban Development Department vide its Resolution dated 27th Feburary, 1996, 13th May, 1999, 10th July, 2002 and thereafter vide Resolution daetd 29/7/05 had consituted Heritage Conservation Committee, whose tenure is expected to expire on 31st July, 2008.

Now, therefore, Government is pleased to constitute a new Heritage Conservation Committee under the Chairmanship of Shri D. K. Afazal purkar, Ex-Chief Secretary. The other members of the Committee shall be finalized thereafter.

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

(Abhiraj Girkar)
Under Secretary to Government,

Copy to -

1) The Secretary to the Chief Minister.

2) Private Secretary to Minister of State for Urban Development

3) The Chief Secretary, Maharashtra State, Mumbai

4) Additional Chief Secretary (Revenue), Mantralaya, Mumbai.

5) Secretary, Housing Department, Mantralaya, Mumbai.

6) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra (E), Mumbai - 400 051.

7) Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mumbai.

8) Director (Engineering Services & Projects), Municipal Corporation of Greater Mumbai, Mumbai.

9) Chief Engineer (DP), Municipal Corporation of Greater Mumbai, Mumbai.

10) Director of Town Planning, Maharashtra State, Pune.

11) Deputy Director of Town Planning, Greater Mumbai, ENSA Hutment, Mumbai.

12) Chief Officer, Mumbai Housing and Area Development Board, Bandra (E), Mumbai.

13) Chief Executive Officer, Maharashtra Housing and Area Development Authority Bandra (E), Mumbai.

14) Shri D. K. Afzalpurkar, Chairman, Heritage Conservation Committee, View na Vista, 1st Floor, Jagannath Bhosle Marg, Mumbai.

ANNEXTURE - II (B)

MEMBER OF THE CURRENT M. H. C. C.

Heritage Regulations for Greater Mumbai 1995.

Constitution of Committee .... to recommend steps to be taken for conservation of specified building, precincts, areas and artifacts.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Resolution No. TPB 4398 / 1754 / CR 339 / 98 / UD - 11
Date 21st August, 2008.

Read :- Urban Development Department's Resolution of even No. dated 30th July, 2008.

RESOLUTION : Government in Urban Development Department vide its above Resolution has constituted a new Heritage Conservation Committee under the Chairmanship of Shri D. K. Afzalpurkar, Ex - Chief Secretary.

Government is now pleased to constitute Heritage Committee consisting of following persons for a period of three years with effect from 1st August, 2008.

1 Shri Shailesh Mahimtura, Structural Engineer Member
2 Shri S. G. Joglekar, Structural Engineer Member.
3 Shri Vikas Dilwari, Architect. Member
4 Shri Jayant Vaidya, Architect. Member
5 Shri S. K. Gupta, Environmentalist. Member
6 Shri Cyrus Guzder, City Historian Member
7 Director of Prince of Wales Museum Member
8 Chief Architect to Govt., P. W. D. Member
9 An Officer from MCGM not below the rank of Member Secretary.
Chief Engineer (to be suggested by the Municipal Commissioner)

Notes :

a) The Committee shall have the powers to co - opt upto five additional members, who have special knowledge of the subject matter.

b) Tenure of the Committee members shall be for a period of 3 years.

c) Vice Chairman and Chief Executive Officer, BHADA, MHADA or his representative shall be associated at the time of scrutiny of proposals of cessed buildings.

d) Terms and references of the Committee shall be as per guidelines issued by Government vide Resolution No. TPB 4395 / 2680 / UD - 11 dated 25 / 4/ 199 except as otherwise stated above.

e) Municipal Corporation of Greater Mumbai shall provide, secretarial staff and chamber in the main building of Municipal Corporation of Greater Mumba, to the Chairman, Also reimbursement of local conveyance expense, as decised by Goverment, shall be provided to non-official members of committee, for attending the meetings of the committee.

f) Rs. 500/- (Rupees five hundred only) per meeting attended shall be paid to the Chairman and non-official members of the Mumbai heritage Conservation Committee, as reimbursement of local expenses from the municipal fund of the MCGM for attending the meetings of the committee.

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

(Abhiraj Girkar)
Under Secretary to Government.

Copy to -

1) The Sectretry to the Chief Minister.
2) Private Secretary to Miniter of State for Urban Development.
3) The Chief Secretary, Mharashtra State, Mumbai.
4) Additioal Chief Secretary(Revenue), Matralaya, Mumbai.
5) Secretary, Housing Department, Mantralaya, Mumabi.
6) Metropolitan Commissiner, Mnicipal Corporation of Greater Mumbai, Mumbai.
7) Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mumbai
8) Director (Engineering Services & Projects), Municipal Corporation of Greter Mumbai
9) Chief Engineer (DP) Municipal Corporation of Greter Mumbai
10) Director of Town Planning, Maharashtra State, Pune
11) Deputy Director of Town Planning, Greater Mumbai, ENSA Hutment, Mumbai.
12) Chief Officer, Mumbai Housing and Area Development Board, Bandra (E), Mumbai.
13) Chief Executive Officer, Maharashtra Housing and Area Developmetn Authority, Bandra (E), Mumbai.
14) Shri D. K. Afzalpurkar, Chairman, Heritage Conservation Committee, Beyba Vista, 1st floor, Jagannath Bhosle Marg Mumbai.
15) Shri Shailesh Mahimutura, Structural Engineer.
16) Shri S. G. Joglekar, Structural Engineer.
17) Shri Vikas Dilawari, Architect.
18) Shri Jayant Vaidya, Architect.
19) Shri S. K. Gupta, Environmentalist.
20) Shri Cyrus Guzder, City Historian
21) Director of Prince of Wales Museum
22) Select File.

ANNEXURE - H - III

SCOPE OF DEVELOPMENT GENERALLY PERMISSIBLE FOR VARIOUS HERITAGE GRADES WITH THE NOC OF MHCC

S. No.	Scope of Development	Grade I	Grade II-A	Grade II-B	Grade III	Precinct	Vista 67(10)e of Grade-I	Remarks
1	Restoration of damaged features	☑	☑	☑	☑	☑	☑	Without affecting the structure
2	Internal Repairs	☑ (c)	☑ (c)	☑ (c)	☑	☑	☑	
3.	External Repairs	☑ (c)	☑ (c)	☑ (c)	☑	☑	☑	
4.	Structural Strengthening	☑ (c)	☑ (c)	☑ (c)	☑	☑	☑	
5	Extensive Repairs, i.e. 100%	☒	☑	☑	☑	☑	☑	
6.	Repainting	☑ (c)	☑ (c)	☑ (c)	☑	☑	☑	
7.	Additions / (Internal) Alterations	☒	☑ (c)	☑ (c)	☑	☑	☑	
8	Additional constructions without increase in building height.	☒	☑ (c)	☑	☑	☑ (c)	☑ (c)	
9.	Additional constructions (increase in building height)	☒	☑	☑	☑	☑	☑ (c)	
10	Demolition of existing structure / or part thereof	☒	☒	☒	☑	☑	☑	
11	Reconstruction	☒	☒	☒	☑	☑	☑	
12	Redevelopment	☒	☒	☑ (c)	☑	☑ (c)	☑ (c)	
13	Change of user	☒	☑	☑	☑	☑	☑	
14.	Signage / Hoarding* * Hordings are not allowed in / on any heritage structures / precints.	☒	☑	☑	☑ (c)	☑ (c)	☑ (c)	
15.	Setback / R. L. Acquisition without affecting the structure.	☑	☑	☑ (c)	☑ (c)	☑ (c)	☑	
16	Lift / Antennae / Balcony Enclosure	☒	☑ (c)	☑ (c)	☑ (c)	☑ (c)	☑ (c)	
	(c) denotes conditional / per case basis.							

ANNEXURE - H-IV

LIST OF PROTECTED MONUMENTS
MUMBAI DISTRICT
(As per Dept. of Archeology) of Govt. of India)

S.No.	Name of Monument / sites	Location	District
1.	Whole hill fort of Sion together with all ancient protugese remains of buildings situated to the north, east and south-east sides of the hill	Sion	Mumbai
2.	Monilithic bas relief depicting Siva	Parel Village	Mumbai
3.	Old postuguese churches, tower and caves	Mandapeshwar	Mumbai Suburban
4.	Buddhist Caves	Kanheri	Mumbai Suburban
5.	Jogeshwari Caves	Majas	Mumbai Suburban
6.	Kondivate Caves	Kondivate	Mumbai Suburban
7.	Mandapeshwara Caves	Mandapeshwara	Mumbai Suburban

ANNEXURE – H - V

PROCEDURE FOR GRANT OF DRC FOR HERITAGE TDR
(Ref. : CHE/8/DPTDR/Gen Dt. 14.05.1998)

The procedure to be followed for grant of DRC for Heritage TDR proposal is as mentioned below:

1. The applicant should make an application to the Municipal Commissioner in the prescribed application form.
2. The application should be accompanied by the following copies of documents duly certified by the Architect.
   a. Copy of letter and plans from the Mumbai Heritage Conservation Committee refusing development / recommending redevelopment by imposing restriction due to heritage regulation and thereby specifically recommending grant of TDR for the unconsumed FSI.
   b. Copy of plans approved by the Ex. Eng. B. P. Dept. along with IOD/CC.
   c. Certificate from the Architect regarding BUA permissible, existing BUA if structure is retained as Heritage Structure, BUA sanctioned on plot and the unconsumed BUA due to the Heritage to be utilized as TDR.
   d. Ownership documents i.e. P. R. Cards, Registered Conveyance Deed duly notarized etc. to prove that the applicant is the owner of the land / Heritage Building.
   e. D. P. Remark.

3. On receipt of application, the scrutiny fee as per the schedule shall be recovered from the applicant. The entry shall be taken in the register for Heritage TDR. The separate Folio No. shall be given to the file. The application shall then be scrutinized and further particulars latter may be issued under EEDP's signature for non-compliance of any of the above accompaniments.
4. The concerned EEDP shall then refer the matter to the EEBP and obtain confirmation regarding the extent of unconsumed FSI as per the plans submitted by the Architect. The EEBP shall examine the certificate of the Architect based on the approved plan and issue a certificate of EEDP clearly mentioning the building file no. plot details which should include
   (i) Permissible BUA.
   (ii) Existing BUA if retained as Heritage structure.
   (iii) As well as the extent of unconsumed BUA due to Heritage regulation on this plot both in words and figures.

Additional proforma along with proforma 'A' approved as per Annexure – II shall be incorporated on the plan by EEBP, so that any amendment in plans etc. if submitted by the Architect should be scrutinized after taking into account the certificate of unconsumed FSI already issued by EEBP.

5. The EEDP shall simultaneously on receipt of application for TDR, put up letter to the Secretary, Urban Development Department of the State Government under M. C.'s Signature giving the details of the proposal and seeking the sanction of the state government to grant Heritage TDR as per the provisions of DCR 67(6).
6. On receipt of the certificate from EEBP confirming the extent of unconsumed FSI and also on receipt of NOC from the U. D. fro grant of DRC, a letter of eligibility may be issued to the applicant after verifying the ownership documents if necessary in consultations with Legal Department and also after verifying all the accompaniments submitted by the applicant.
7. A registered deed of declaration-cum-indemnity bond shall be obtained from the applicant in consultation with the legal department as under:

a. Declaring that the land and buildings is owned by the applicant.
b. The Heritage TDR is being claimed by him as he is the owner of the land / building.
c. He will not submit any amended plans to the building proposal department in future for the unconsumed FSI which is being claimed by him as Heritage TDR.
d. Indemnifying the MCGM against any claim, Court matter related to grant of Heritage TDR generated from the abovementioned plot.

8. On compliance of the abovementioned requirements, a detailed report shall be submitted to DIR (ES&P), M.C. for grant of DRC for Heritage TDR.
9. On receipt of approval of DIR(ES&P), M.C., the DRC shall be typed and put up for CH. E. D. P. , M. C.'s approval and issue.
10. Once DRC is issued, the EEBP and A. E. Survey shall be informed along with copy of the M. C. 's sanction and photocopy of DRC by EEDP, to note the extent of unconsumed FSI for which heritage TDR is granted in the building file and survey record.
11. The information regarding grant of DRC shall be conveyed to Mumbai Heritage Conservation Committee and the Urban Development Department for their record.
12. The utilization of Heritage TDR shall be as per the provisions of Appendix VII A of Heritage Regulations for Gr. Mumbai. 1995.
13. The procedure for utilization of Heritage TDR, mentioning of required Registered etc. will be similar to the procedure presently being adopted for Reservation / Road TDR.
14. The SLR in one of the meeting held in the chamber of Jt. M. C. some time back agreed to take note for the SRA scheme on PRC. Similarly, the Secretary (Revenue & Forest Department). Government of Maharashtra will accordingly be requested to direct the SLR for doing the needful as regards taking entry for grant of Heritage TDR. After issue of DRC for Heritage TDR, a reference should be made accordingly to the collector of Mumbai and SLR for incorporating the area of Heritage TDR granted on this plot in the remark columns of the property Registered Card. A copy of the property registered card with such a noting should be subsequently furnished by the Architect / Applicant within one month from the date of issue of DRC.

ANNEXURE – H-VI

FORMAT OF APPLICATION.
MUNICIPAL CORPORATION OF GREATER MUMBAI

A. CASE NO. _____ /2001SR. NO. _____GRADE _____
PRECINCT _____SUB-PRECINCT : _____
LOCATION : _____WARD: _____

B. ARCITECT / APPLICANT : _____
ADDRESS _____
_____PHONE NO. :_____

C. PROPOSAL : _____
_____
_____

D. DESCRIPTION OF THE PROPERTY U/R : _____
(EXISTING STATUS) : _____
HEIGHT / STOREYS : _____
HEIGHT PER FLOOR : _____
ARCH. FEATURES : _____
_____
_____

STRUCTURAL CONDITION: _____
_____

E. DETAILED SCOPE OF THE PROPOSED WORK : _____
_____

F. IMPACT OF PROPOSAL ON THE FAÇADE / HEIGHT etc. :_____
_____

G. IMPACT OF THE PROPOSAL ON THE PRECINCT / SUBPRECINCT: _____
_____

H. CONCESSIONS SOUGHT BY THE ARCHITECT / OWNER : _____
_____

I. CERTIFICATE FROM THE ARCHITECT;
I CERTIFY THAT ALL THE ABOVE STATED INFORMATION IS TRUE/ AUTHENTIC TO THE BEST OF MY KNOWLEDGE. I REQUEST THE MHCC TO EXAMINE THE PROPOSAL
U/R, FROM DCR-67 (HERITAGE REGULATIONS) POINT OF VIEW AND OFFER ITS NOC/REMARKS IN THAT RECORD.

SIGNATURE OF THE ARCHITECT / APPLICANT.

J. OBSERVATIONS / REMARKS OF DY. M. A. (D.P.)'S OFFICE:

a) PROPOSAL IS FOUND NON-OBJECTIONABLE / OBJECTIONABLE FROM
DCR-67 POINT OF VIEW : _____

_____

_____

b) RESTRICTIVE CONDITIONS REQUIRED IF ANY : _____

_____

_____

_____

_____

_____

SUB ENG (ARCH) ARCHITECT (DEV. PLAN) PLAN)	SENOIR ARCHITECT (DEV. PLAN)	DY. MUNICIPAL (DEV.

K. CONSIDERATION OF PROPOSAL IN EARLIER MHCC MEETINGS.

_____

_____

_____

_____

L. DECISION OF THE MHCC:

a) MHCC MEETING DATE :_____

b) DECISION : _____

i) APPROVED : _____

ii) APPROVED SUBJECT TO CONDITIONS : _____

iii) SUBCOMMITEE TO EXAMINE : _____

iv) CONDITIONS RECOMMENDED BY THE COMMITTEE : ____

_____

v) SITE VISIT : _____

vi) POSTPONED : _____

vii) OTHER : _____

Other Remarks :

Chairman

MHCC

Date : _____

ANNEXURE - H - VII

DOCUMENTS REQUIRED FOR SUBMISSION TO M. H. C. C

		Tenantable repairs	Structural Repairs & Tenantable Repairs to Grade (I)	Additional block / Lift	Alterations Floor	Reconstrction	Adapti ve reuse change of user	Demolition	New development	Signage	Iterior Works (*a)
1	Case note: History, etc (*b)	*	*	*	*	*	*	*	*	*	*
2.	Site Inspection report by Dy. M.A. Office	*	*	*	*	*	*	*	*		
3.	Site plan (1:50) + Location plan (1:2500 or 1:4000) (*c)	*	*	*	*	*	*	*	*	*	*
4.	Drawings : (1:50 / 1:100)		*	*	*	*					
	(a) Plan of all floors including roof / terrace		*	*	*	*	*		*		
	(b) Elevations of all sides			*	*	*	*		*		
	(c) Wall section showing full height			*	*	*	*		*		
	(d) General setion incl Section through staircase & lift		*	*	*	*	*		*		
	(e) Enlarged details of architectural features requiring Protection / restoration / replication		*	*	*	*	*				

(* a) (* b) (* c) (* d)

ANNEXURE - H - VII

DOCUMENTS REQUIRED FOR SUBMISSION TO M. H. C. C

		Tenantable repairs	Structural Repairs & Tenantable Repairs to Grade (I)	Additional block / Lift	Alterations Floor	Reconstrction	Adapti ve reuse change of user	Demolition	New development	Signage	Iterior Works (*a)
4.	(f) Identification / mapping of areas under reference & tasks to be carried out (using separate notations and colour shades	*	*	*	*	*	*				
5.	Schematic drawing showing electrical, plumbing A.C & other inerventions being suggested			*	*	*	*				
6.	Photographs of all faces of existing bldg hightlighting special details & features of			*	*	*					
	(a) Interious		*	*	*	*	*	*			
	(b) Exteriors		*	*	*	*	*	*			
	(c) Details affected		*	*	*	*	*	*			
7.	Photo-montage of streetscape (*d)		*	*	*	*		*	*		
8.	Block model showing foot-prints & heights of 4 buildings on either side along & 8 buildings on the opposite street			*	*	*			*		
9.	Site model			*	*	*			*		
10.	Building Model			*	*	*			*		
11.	Material chart / specifications	*	*	*	*	*	*		*		

(* a) (* b) (* c) (* d) (*e)

ANNEXURE - H - VII

DOCUMENTS REQUIRED FOR SUBMISSION TO M. H. C. C

		Tenantable repairs	Structural Repairs & Tenantable Repairs to Grade (I)	Additional block / Lift	Alterations Floor	Reconstrction	Adapti ve reuse change of user	Demolition	New development	Signage	Iterior Works (*a)
12.	Project report -Outline of Proposal details			*	*	*	*	*	*		
13.	Computer renderings			*	*	*			*		
14.	Area / FSI statement			*	*	*	*	*	*		
15.	Architect's appointment letter		*	*	*	*	*	*	*		
16.	Strcutral engineer certificate		*	*	*	*	*	*	*		
17.	Architect's certificate confirming authenticity		*	*	*	*	*	*	*		
18.	D. P. Remarks / Traffic co-ordinators Remarks		*	*	*	*	*	*	*		
19.	P. R. Card / True Extract Plan			*	*	*	*	*	*		
20.	List of concessions sought, if any, in D. C. regulations with proper justifications			*	*	*	*		*		
21.	List of any specific conditions / regulations / co venants affecting Development of the property imposed by any other statutory authority / deptt.			*	*	*	*		*		
22.	N. O. C. from MHADA/ BHAD Board-for Recon -struction (if Necessary)(*e)			*	*	*			*		
23.	Ncessary for Redevelopment (*e)			*	*	*	*	*	*		

(* a) (* b) (* c) (* d) (*e)

(*a) Interior works to listed buildings and all buildings on the main road of Precincts. (If Interior works involve additions / alterations to the facade).

(*b) CASE NOTE: Case Note should provide a concise and systematic description of the main facts of the building such as

i) Name of the Building
ii) Grade of Building
iii) Part of precinct if any
iv) Classification for Grading as per D.C. Regulation Book
v) The Original purpose for which the building was constructed (if known) followed by the present use (if different, eg. Villa now consulate office)
vi) The different dates of construction with the necessary explanation, e.g., Early C18, west wing 1850; or C13 restored 1875
vii) Architect / Craftsman / Patron (if known)
viii) Materials : These should be written in order : structure, cladding, decorative treatment
ix) Architectural Style
x) Façade: The building should be described from the ground up, main frontage first, then storeys, bays/windows, door, roof shape
xi) Subsidiary Features: These are gates, railings, walls, urns, garden features etc.
xii) History: This may be the history of the building, its association with well-known figures or other relevant historical matter
xiii) Extra information: This might be any aspects of the building in the land of townscape. This should only be completed if the information is really relevant if the building is primarily listed for the group value this will be noted here.

(*c) **SITE PLAN** to show existing external elements in the compound (compound wall, gates etc.) & proposed elements or additions (sub-stn, U.G. tank, lighting fixtures).

(*d) **PHOTO MONTAGE**- consisting of all colours elevational photographs of proper size (preferably 4" x 6" or 5" x 7"), of the existing structure / building and also of the 4 buildings adjoining the building on either side and on the opposite side of the building (for ascertaining the architectural character style etc.) The photographs are to be properly mounted on thick colour paper along with a copy of block / location plan and folded correctly so as to fit in a standard office file size (A4 Size). Enlarged detailed photographs of the special architectural features of the building to be submitted separately.

(*e) NOC from CFO.

ANNEXURE H - VIII

FORMAT FOR SCRUTINY REPORT

CASE NO.: SR.NO.: GRADE:_____

BUILDING NAME:

PRECINCT/SUB PRECINCT:_____

SPECIAL FEATURES:

PROPOSAL DESCRIPTION:

ARCHITECT:

BUILDING CLASSIFICATION:

CASE NOTE:

PROJECT REPORT:

ANNEXURE H- IX

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/ DPC/DPWS/ Heritage of

Mumbai Heritage Conservation Committee
C/o. Deputy Municipal Architect (D.P.)
Office of the Chief Engineer (D.P.)
4th Floor, Extn. Bldg. M.C.G.M. Head Office,
Fort, Mumbai - 400 001.

To,

_____

_____

Gentleman / Madam,

Sub.:NOC/ remarks from the M.H.C.C. for the proposal of

_____

_____

With reference to above, I have to inform you that the property / structure / area / under reference is included in the list of Heritage structures buildings / areas / precinct, etc.as published by the Government of Maharashtra, Urban Development Department vide G.R.NO. 1090 / 3197 / RDP / UD - 11, dtd. 24.4.95 or is a part of Heritage Precinct. The Sr.No. of the said property/ structure/ area/ _____ in the Heritage list is _____ and the Heritage Grade is _____. The property/ structure/ area/ _____ is also included in the _____ Heritage Precinct/ _____ Sub - Precinct. As such, it is essential to obtain prior NOC/remarks from the Mumbai Heritage Conservation Committee for any development, redevelopment additions, alternations, repairs, renovation, plastering, painting, replacement of special features, any engineering operation, demolition of the whole work or any part thereof, change of user etc. proposed for the said listed Heritage property/ structure/ area.

However, it is pertinent to note that for scrutinizing and putting the said proposal on the agenda of the Mumbai Heritage Conservation Committee for obtaining the remarks / NOC etc., it is essential that the proposal must be submitted in a proper manner and should also be accompanied by all the necessary submission / requirements as stipulated by the M.H.C.C.

In view of the above you are requested herewith to comply with the following.....

(A) The relevant drawings and documents as per the proposed works, should be submitted as indicated in the Documentation chart attached.

(B) You are requested to arrange for a site inspection visit with this office staff.
It may please be noted that the proposal under referenced will be dealt with further on its merit and after the compliance of <u>all documentation</u> as mentioned above.

(C) Your proposal has been taken on the agenda of the forthcoming meeting of the M.H.C.C. to be held on _____ at item No. _____ (case No._____/_____). You are requested to remain present for the said meeting at ___ a.m. / p.m., at the 3rd floor conference hall, MCGM Head Office, Fort, Mumbai.

This is for your information and further necessary action in the matter.

Yours faithfully,

ANNEXURE – H - X

General Guidelines for repairs / redevelopment proposals in Heritage Precincts :

Step – I :

Identification and gathering data of the Heritage Value / aspects of the precincts:
This shall involve identifying –

A) Typical representative buildings in the precincts and also study of the general layout pattern of the plots/structures, street shape etc.

B) Typical open spaces, plot sizes, overall height, general usage, permissible FSI etc.

C) Architectural features of the typical representative buildings in the precinct i.e. precisely.

   a) Typical Floor Height.

   b) Typical Window / doors and grill details.

   c) Typical ornamental features like cornices balustrades, motifs.

   d) Typical balcony, chajja details.

   e) Typical Color Schemes external glass panels etc.

   f) Typical internal architectural planning of the tenement.

   g) Staircases details i.e. material, sizes, treads, risers etc.

   h) Typical floor finishes i.e. in the habitable room, corridors passage etc.

   i) Typical floor area, overall FSI consumption, balance FSI potential.

   j) Typical Landscape within the plot etc.

   k) Typical roof details, section profile.

Step – II

Identification of the Heritage Proposal under reference : In this case four alternatives could exist i.e.

i) Repairs to the existing structure.

ii) Reconstruction of the partly demolished structure.

iii) Additional floors / extensions.

iv) Redevelopment of the property i.e. demolition of the existing building and reconstruction of the new building.

v) Any new building / structure on the vacant plot in the precincts.

Step – III

Identification and gathering data of the Heritage characteristics of the existing structure on the site / plot under reference (as per Step_I above).

Step IV

Comparison of the Heritage Characteristics / features etc. of the structure under reference with that of the typical characteristics of the representative buildings of the Heritage precincts i.e. as per Step- II above.

Sr. No.	Characteristic Details		Precincts	Proposal
	Step II- B			
1.	Plot Size			
2.	Open spaces	i) Front		
		ii) Side		
		iii) Side		
		iv) Rear		
3.	Overall Height			
4.	FSI Consumption			
5.	Usage / User			
	Step II-C			
a.	Details of Floor Heights			
b.	Windows / doors / grills			
c.	Ornamental features.			
d.	Balcony, Chajja			
e.	Colour Scheme, etc.			
f.	Internal Architectural Planning			
g.	Staircase			
h.	Floor finishes			
i.	Floor area FSI Consumption			
	Balance FSI potential etc.			
j.	Landscape details			
k.	Roof details.			

After this comparison it can be observed that three possibilities can exist in such a cases i.e. The characteristics of the existing building i) Perfectly matches ii) Does not matches with respect to the typical characteristics of the precinct.

Step V :

(A) As per the identification of the proposal as per Step – II for Step – II i) and ii) i.e. for repairs to the existing structure and reconstruction of the partly demolished structure, if the structure is in sympathy with the Heritage characteristics of the precinct, the repair or/and reconstruction shall be proposed in such a way so as to ensure the proper restoration of all the architectural features to their original status.

And if the building does not match with the precinct characteristic then as far as possible the external features shall be redone / redesigned for repairing / reconstructing the structure in such way so as to ensure the appropriate elevational treatment that matches with the precinct can be provided.

(B) As per the identification of proposal as per Step – II, III, i.e. for proposed additional floors (vertical extension) : The additional floors shall be proposed only upto the typical overall height of the structures in the precinct, with the same typical floor height and other architectural features of the precinct as compared in Step- IV above.

In case where the existing building does not matches with the precinct characteristics, the overall height shall be maintained and the appropriate elevational treatment shall be proposed for the façade so as to ensure that the same is in sympathy with the precinct characteristics.

(C) For redevelopment proposals demolition of the existing building shall be proposed only when it is absolutely essential i.e. when i) the building is structurally very weak and it is beyond repairable condition. ii) The building is a recently constructed ordinary building which does not match with the characteristics of the precinct and is in a dilapidated condition. iii) The quantum of the balance FSI potential is a large and there are valid reasons for not permitting utilization of this balance FSI by way of TDR or so.

In redevelopment proposals or for new proposals, the proposed building be in harmony with the characteristics of the existing building (typical characteristics of the precinct) especially in terms of height, floor heights, open spaces, set backs and other individual structure characters of the precinct shall be the same in the proposed new structure. As far as possible all the typical architectural features as mentioned in Step-I (C) shall be proposed in the new building.

Notes :

I. If the proposal is in conformity with the typical characteristics of the precinct and / or with the existing building in to-to, the necessary relaxations in the D. C. Regulations can be recommended by the Heritage Committee if they are so required (as the same will be in the interest of proper Heritage conservation). Some examples of these relaxations are:

i) Condoning excess floor height.
ii) Condoning deficiency in open spaces.
iii) Recommending grant of TDR in case of unutilized FSI potential, which can be used in the same ward from where it is originated or in the suburbs.
iv) Condoning deficiency in the parking spaces.

II In cases where the owner is not in a position to maintain the existing Heritage structure and at the same time due to the restrictions imposed by the Heritage Committee no redevelopment / demolition / construction is permitted, and also when there is no balance FSI potential which can be granted by way of TDR, in such typical cases committee can recommend part/full change of user i.e. from residential to office / commercial on case to case basis, and subject to compliance of other conditions guidelines stipulated by the Committee in such cases.

ANNEXURE H - XI (a):

Format of Covering Letter accompanying MHCC NOC
MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/ DPC/DPWS/ Heritage of

Office of the Chief Eng. Dev. Plan
4th fl, Annexe Bldg,
Municipal Head Office,
Mahapalika Marg,
Mumbai - 400 001.

To,

_____

_____

_____

Gentleman / Madam,

Sub.:

_____

_____

-NOC from the Mumbai Heritage Conservation Committee

Ref: Your letter dtd. _____

Sir,

The Mumbai Heritage Conservation Committee reconstituted by the State Govt. under the Chairmanship of Shri D.M.Sukthankar, IAS (Retired) Ex.Chief Secretary, Govt. of Maharashtra has examined the above said proposal of
from Heritage Conservation point of view only, as per the plans, elevations, sections photographs etc. as submitted and presented by you before the Committee in its _____ meeting held on _____ at the MCGM Head Office.

In this connection, I have by direction to inform you that the Mumbai Heritage Conservation Committee has granted its 'No Objection' to the above said proposal of from Heritage Conservation point of view only, subject to further scrutiny and confirmation of subsequent approval as per the provisions of other D.C. Regulations in force by the concerned Bldg. Proposal Deptt. including confirmation of the provisions of Traffic/D.P.Deptt./C.F.O. etc.

You may now approach the office of Dy.Chief Eng.(Bldg. Proposal)(City) Ex.Eng.(Bldg. Proposal) (City) for further scrutiny and for obtaining necessary permission, who are also being informed separately in the matter.

Yours faithfully,

Dy.Municipal Architect
(Development Plan)

C.C. Dy.Ch.E.B.P.(C) / E.E.B.P.(C)

For information and further necessary action along with the plans, elevations sections etc, recommended by the M.H.C.C. and a copy of the Committee's decision in this case duly certified by the Chairman, MHCC vide No.CHE/ /DPC/ / Heritage of _____ for your scrutiny & subsequent approval for confirmation of the approvability of the said proposal as per the provisions of D.C.R. 1991 in force.

In view of the said NOC granted by the MHCC from Heritage Conservation point of view only, the proposal of_____

_____may

be dealt with further as per the provisions of D.C.R. 1991 in force, it will be necessary to ensure that the work is executed on site as per the proposal cleared by the Her9itage Committee, only if the same is found approvable as per the proposal cleared by the Heritage Committee, only if the same is found approvable as per the provisions of D.C.R. 1991 in force, including the verification of the provisions of other statutory deptts. viz. D.P.Deptt. / Traffic / C.F.O. etc.

Dy.Municipal Architect

(Development Plan)

ANNEXURE H - XI (b):

REGULAR NOC FORMAT

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO.CHE/ /DPC/HERITAGE dtd.

1. Sr.No. of notified list
2. C.S. No./Plot No.
3. Incation / Ward
4. B.P. files No.
5. Name & Address of Architect
6. Type of work
7. Site visit report
   - i) Description of existing status / building
   - ii) Description of the neighbourhood & adjacent Building
   - iii) Proposed scope of work Which is being considered
8. Relaxation sought by the Architect.
9. Relaxation recommended by the Committee.
10. Date of Committee meeting.
11. Modification to the proposal.
12. Final decision of the Committee giving the Details regarding various features, etc. which are to be incorporated in the sanction by the B.P. department.

CHAIRMAN
MUMBAI HERITAGE CONSERVATION COMMITTEE.

ANNEXURE XI (c):
FAST TRACK NOC FORMAT

MUNICIPAL CORPORATION OF GREATER MUMBAI
No.CHE/ /DPC of

Office of the Chief Eng.
Dev.Plan 4th flr., Annexe Bldg.,
Municipal Head Office,
Mahapalika Marg,
Mumbai - 400 001.

To,

Subject : _____
N.O.C. from the Mumbai Heritage Conservation Committee (M.H.C.C.)

Ref.: 1. Your letter dtd._____

Gentleman,

With reference to above & by direction of the Chairman, Mumbai Heritage Conservation Committee, I have to inform you that there is 'no objection', purely from D.C.R.-67 (Heritage Regulations) point of view to be proposal of _____, as per the plans, elevations, sections, photographs etc., submitted by you, subject to the following conditions :

i. that, there should not be any change in the existing floor ht/blfg. ht., roofscape/ roofing material, openings, window type/material etc. during the execution of the proposed work.
ii. that, all the existing elevational features /façade, treatment, ornamental railings etc. should be properly restored / maintained to their original status, during the execution of the proposed work.
iii. that, the existing signage/signboards on the façade should be properly aligned / rearranged with uniform pattern so as to camouflage with the existing façade and should not block any of the existing architectural features of the building.
iv. that, the existing decayed timber posts / beams, of the balconies or wherever visible, if required to be replaced, should be replaced either with a similar type of material or in box type R.S sections (Twin 'C' sections joined together) painted to resemble the existing material.
v. that, the bldg. should be painted in subdued/ pastel colour sheds, in_____ colour shed as in existence.
vi. that, a set of detailed working dwgs/ elevational drawing to the scale of 1:50, incorporating the suggestions made by the Heritage Committee should be submitted to this office, before I.O.D./ C.C , for formal approval & record.

vii. that, the recommended elevational features as per the enclosed elevationl drgs, should be faithfully reproduced during the execution of the proposed work.

viii. that, the authenticity/ approvability of the proposal, from other D.C. Regulations point of view, should be examined & confirmed, by the concerned Building Proposals deptt.

ix. that, the authenticity/ approvability of the proposal, s per the policies of the ward office, should be examined & confirmed, by the Asstt. Commissioner, "_____" Ward Office.

A set of plans duly endorsed by the Chairman, M.H.C.C. is enclosed herewith as a token of 'no objection'.

You may now approach the office of the Dy.Chief Eng. B.P.( ) / Asstt. Commissioner, '_____' Ward, for further processing of the proposal.

This is for your information & necessary action in the matter.

Yours faithfully,

Dy.Chief Engineer - II
(Development Plan)

C.C. To Dy.Chief Engg.B.P.( )/Ex.Eng.B.P.( )

For information/ remarks if any & for further necessary action in the matter please.

Dy.Chief Engineer - II
(Development Plan)

C.C. To Asstt. Commissioner ( ) Ward.

For information/ remarks if any & for further necessary action in the matter please.

Dy.Chief Engineer – II
(Development Plan)

C.C. To Chairman, M.H.C.C.

Sir,

Submitted for information please.
Dy.Chief Engineer - II
(Development Plan)

ANNEXURE H - XII :

FINAL NOC FORMAT

BRIHANMUMBAI MAHANAGARPALIKA :

No.CHE / / DPC / Heritage of

Office of the Ch. Engineer,
Development Plan, 4th Flr,
M.C.G.M. – Head Office,
Mahapalika Marg, Fort,
Mumbai 400 001.

To,

_____

_____

Sub : _____

N.O.C. from the Mumbai Heritage Conservation Committee for the completed work.

Ref : i) Your letter dated / /

ii) N.O.C. from the M.H.C.C. issued under No._____ _____ dated / /

Gentleman / Madam,

With reference to the above by direction of the Chairman – M.H.C.C., I have to inform you that, there is 'No Objection' from D.C.R. 67 (heritage Regulations) point of view only, to the completed work of _____, as per the plans, elevations sections and photographs of the completed work submitted by you, subject to the following conditions :

i) that, the said N.O.C, issued only to the work, which is completed at site as per the approved plans.

ii) that, the balance finishing work of painting, cleaning, etc. should be completed in an immaculate manner before applying for the O.C./ B.C.C.

iii) that, the approvability / authenticity of the completed work should be further examined and confirmed as per the provisions of other D.C. Regulations in force by the concerned B.P. Deptt. / or as per the policies of Ward Office by the Assistant Municipal Commissioner – 'Ward, the Dy. Chief Engineer – B.P. (City / W.S.) / Assit. M.C. _____ ' Ward for processing the matter further.

Yours faithfully,
Dy. Municipal Architect ( )
Development Plan.

C.C. : to Dy. Chief Engineer B.P. ( ) / Asst. M.C. '_____' Ward:
For information / remarks if any and for further necessary action in the matter please.

Dy. Chief Engineer ( ),
Development Plan.

C.C. to the chairman – M.H.C.C

Sir,
Submitted for information please.

Dy. Municipal Architect ( )
Development Plan.

ANNEXURE - XIII

सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, मार्च ४, २००८ / फाल्गुन १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी प्रत्येक विभागाच्या पुरवणीला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग एक – कोकण विभागीय पुरवणी

अधिसूचना

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 21st February 2008

NOTIFICATION

Maharashtra Regional and Tow Planning Act, 166.

No. TPB. 4302/3055/CR-333/2007/UD-11.- Whereas, the Development Control Regulations of Greater Mumbai (hereinafter referred to as "the said Regulations") have been sanctioned by the Government vide Urban Development Department's Notification No. DCR. 1090/RDP/UD-11, dated 20th February 1991, under section 31(*1*) of Maharashtra Regional and Town Planning Act, 1966 thereinafter referred to as "the said Act") to come into force with effect from 25th March 1991;

And whereas, Regulation No. 67 forming part of the said regulations regarding conservation of listed building areas, precincts of historical and/or aesthetical, architectural and cultural value thereinafter referred to as "the said heritage regulation") have been sanctioned by the Government wide Urban Development Department's Regulation No. DCR, 1090/RDP/UD-11, dated 21st April 1995 under section 31 of the said Act to come into force with effect from 1st June 1995;

And whereas, Regulation No. 67(3) of the Sanctioned Heritage Regulations states that "The said list of building, artefacts, structures and precincts of historical and/or aesthetical and/or architectural and/or architectural and/or cultural value to which this regulation applies shall not form part of this Regulation for the purpose of section 37 of the said Act. This list may be supplemented, altered, deleted or modified from time to time by Government on receipt of proposals from the Commissioner or from the said heritage conservation committee or by Government *suo motu*, provided that before the - list is supplemented, altered, deleted or modified; objections and suggestions from the public be invited and duly considered by the Commissioner and/or by Government.

And whereas, the process of listing structures/sites on mill lands was carried out by the Mumbai Heritage Conservation Committee by direction of Hon'ble High Court vide their Order dated 28th October 2005 under PIL Writ Petition No. 1650 of 2005 by INTACH and others;

And whereas, after the Hon'ble Court's direction dated 28th October 2005 the Mumbai Heritage Conservation Committee prepared the supplementary 'List A-1' in respect of sites/structures on NTC Cotton Textile Mill land and 'List A-2' in respect of sites/structures on Private Cotton Textile Mill Lands in Mumbai. The said lists were published by the Mumbai Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said Corporation") under the provisions of sub-regulation (3) of Development Control Regulation 67 to include the said list(s) as supplement/addition to the sanctioned and published heritage list;

And whereas, the said Corporation published notice in the Government Gazette dated 7th April, 2006 and in the newspaper on 22nd April, 2006 for inviting suggestions/ objections from general public;

And whereas, the Committee (hereinafter referred to as "the said Committee") formed by the Municipal Commissioner has granted hearing to the suggestions/objections received on the said published lists and submitted their report to the Municipal Commissioner. The committee was the view that the lists consists of structures like Spinning and Carding Room, Weaving, Shed etc. which are repetitive in almost every mill. These structures being constructed during same period have similar characteristics in terms of Architectural style, construction methodology etc. Most of chimneys are of same face value and just symbolic representation of the mill area. Also most of water bodies were stronge tank meant for use of respective mills. It has also been proposed by the National Textile Corporation and intended by the Government to create a mill museum in the premises of India United Mill Nos. 2 and 3 ;

And whereas, the Committee (hereinafter referred to as "the said Committee") formed by the Municipal Commissioner has granted hereing to the suggestions/objections received on the said publised lists and submitted their report to the Municpal Commissioner. The Committee was of the view that the lists consists of structures like Spinning and Carding Room, Weaving, Shed etc. which are repetitive in almost every mill. These structures being consturcted during same period have similar characteristics in terms of Architectural style, construction methodology etc. Most of chimneys are of same face value and just symbolic representation of the mill area. Also most of water bodies were storage tank meant for use of respective mills. It has also been proposed by the National Textile Corporation and intended by the Government to create a mill museum in the premises of India United Mill Nos. 2 and 3;

And whereas, after considering the report, the Municipal Commissioner has finally recommended only India United Mill No.2 and 3 of NTC as heritage precinct including four structures, one chimney and a water body situated in it's premises having

independent grading. Accordingly, the said Corporation vide letter No. CHE/1457/DP/ Gen, dated 27th November 2007, submitted final list to Government for approval/final sanction and making necessary addition/supplementation to tsanction heritage list of structures/ precincts as per Resolution 67 (3);

And whereas, the Government has accepted the recommendation of the Municipal Commissioner

Now, therefore, in exercise of the powers vested under section 67(3) of the said Regulation the Government hereby, --

(A) Sanctions the list of structures/sites in the schedule attached herewith as the supplementation to the sanctioned heritage list.

(B) Fixes the date of publication of this notification in the Government Gazette as the date of coming into force of this modification.

(C) Directs the said corporation that in the schedule of modification sanctioning the said modifications after the last entry, the schedule referred to as (A) shall be added.

Schedule

LIST OF STRUCTURES/SITES ON TEXTILE MILL LANDS IN MUMBAI PROPOSED FOR INCLUSION IN THE HERITAGE LIST (DCR-67)

Sr. No. (1)	Name of Monuments buildings, precincts etc. (2)	Location (3)	Ownership (4)	Usage (5)	Spical features (6)	Date fication (7)	Classi of Presser vation (8)	State (9)	Grade (10)
1	India United Mills No. 2 and 3 (Precinct)	Tukaram Bhisaji Kadam Marg, Lalbaug	Central Government (NTC)	Industrial	Precinct represents distinctive group of structures which have become an integral part of the textile industry and their contribution to the commercial capital of India, preservation of which will show industrial ethos of that time and its importance.	Above 50 years	A(arc), B(uu), C(seh), G(grp), H(tec)	Fair	
2	Ring and spinning/ structure No. 8.	Tukaram Bhisaji kadam Marg, Lalbaug.	Central Government (NTC)	Industrial	Load bearing structure with wooden truss and mangalore tiles	Above 75 years.	A(arc), B(uu), C(seh), G(grp), H(tec).	Fair	III
3	Ring and spinning/ structure No. 14	Tukaram Bhisaji Kadam Marg, Lalbaug.	Central Government (NTC)	Industrial	Wooden beams seen supporting the flat roof.	Above 75 years.	A(arc), B(uu), C(seh), G(grp), H(tec).	Fair	IIB
4	Semi auto loom and sizing department/ structure No. 16	Tukaram Bhisaji Kadam Marg, Lalbaug.	Central Government (NTC)	Industrial	Load bearing structure with wooden truss and mangalore tiles.	Above 50 years. H(tec).	A(arc), B(uu), C(seh), G(grp),	Fair	IIb
5	Spinning/ strucutre No. 19	Tukaram Bhisaji Kadam Marg, Lalbaug.	Central Government (NTC)	Industrial	Load bearing structure with wooden truss and mangalore tiles.	Above 75 years.	A(arc), B(uu), C(seh), G(grp), H(tec).	Fair	IIB
6	Chimney	Tukaram Bhisaji Kadam Marg, Lalbaug.	Central Government (NTC)	Industrial	Chimney with stone masonary plinth and load bearing brick super structure with wrought iron straps on the super structure and wrought iron tension roads at the base which is elaborately plastered with stucco detailing approx. Height of 40 mt.	Above 75 years.	A(arc), B(uu), C(seh), G(grp), H(tec), J.	Fair	IIA
7	Water Body	Tukaram Bhisaji Kadam Marg,	Central Government (NTC)	Industrial	Large size reservoir of water with natural source rendering unique natural beauty to the environ around the mill structure.	Above 75 years.	I(sec), G(grp) J.	Fiar	III

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

ABHIRAJ CIRKAR

LIST OF PROTECTED MONUMENTS
MUMBAI DISTRICT

Sr.No.	Name of Monument / sites	Location	District.
1	Whole hill fort of Sion together with all ancient protugese remains of buildings situated to the north, east and south-east sides of the hill.	Sion.	Mumbai
2	Monolithio bas relief depicting Siva.	Parel village	Mumbai
3	Old Portuguese churches, tower and caves.	Mandapeshwar	MumbaiSuburban
4	Buddhist Caves.	Kanheri	MumbaiSuburban
5	Jogeshwari Caves.	Majas	MumbaiSuburban
6	Kondivate Caves.	Kondivate	MumbaiSuburban
7	Mandapeshwara Caves.	Mandapeshwar	MumbaiSuburban

LIST OF PROTECTED MONUMENTS
THANE DISTRICT

Sr.No.	Names of Monuments & Sites	Location	District.
1)	Temple of Ambarnath.	Ambarnath.	Thane
2)	Fort	Arnala.	Thane
3)	Fort and Portuguese remains.	Bassein.	Thane
4)	Tank by the west side of the road from Umarale village to Bolinj.	Bolinj	Thane
5)	Mound locally known as "Sonar Baht"	Gas	Thane
6)	Caves on Barad Hill.	Khunwada	Thane
7)	Mahuli Fort.	Mahuli.	Thane
8)	Mound locally known as "burud kot" Mardes.	Mardes	Thane
9)	Brahmanical Caves.	Polu Sonala	Thane
10)	Carved stones.	Vada	Thane

HERITAGE SECTION
GOVERNMENT OF INDIA
ARCHAEOLOGICAL SURVEY OF INDIA
MINI CIRCLE, MUMBAI,

Date :-20/6/2005

F.No. 24/1/MISC/MCM/Monts-04-05/332.

To,
The Dy.Chief Engineer,
(Building Proposal) City,
M.C.G.M., Mumbai.

Subject :-List of building of National Importance / Monument in Mumbai City-reg.

Sir,

With reference to your letter No. Dy.Ch.E. B (C)/1268 Gen / Estt. Dated 15/6/2005 on the subject cited above I have the honour to enclose herewith a list of Centrally Protected Monuments / Sites of National Importance coming under Archaeological survey of India in Mumbai City, as desired by you.

I am also enclosing a list of Monuments / Sites of National Importance under 'Thane" district along with a copy of the notification issued in 1992 declaring Prohibited and restricted area for your kind reference.

In this connection I request you to kindly ensure that no permission is granted for construction other activities upto a distance of 300mtrs. from the protected limits without obtaining NOC from this office.

Your kind co-operation is highly solicited.

Encl :- As above.

Yours faithfully,

Superintending Archaeologist.

LIST OF PROTECTED MONUMENTS
MUMBAI DISTRICT

Sr.No.	Name of Monument / sites	Location	District.
1	Whole hill fort of Sion together with all ancient protugese remains of buildings situated to the north, east and south-east sides of the hill.	Sion.	Mumbai
2	Monolithio bas relief depicting Siva.	Parel village	Mumbai
3	Old Portuguese churches, tower and caves.	Mandapeshwar	MumbaiSuburban
4	Buddhist Caves.	Kanheri	MumbaiSuburban
5	Jogeshwari Caves.	Majas	MumbaiSuburban
6	Kondivate Caves.	Kondivate	MumbaiSuburban
7	Mandapeshwara Caves.	Mandapeshwar	MumbaiSuburban

LIST OF PROTECTED MONUMENTS
THANE DISTRICT

Sr.No.	Names of Monuments & Sites	Location	District.
1)	Temple of Ambarnath.	Ambarnath.	Thane
2)	Fort	Arnala.	Thane
3)	Fort and Portuguese remains.	Bassein.	Thane
4)	Tank by the west side of the road from Umarale village to Bolinj.	Bolinj	Thane
5)	Mound locally known as "Sonar Baht"	Gas	Thane
6)	Caves on Barad Hill.	Khunwada	Thane
7)	Mahuli Fort.	Mahuli.	Thane
8)	Mound locally known as "burud kot" Mardes.	Mardes	Thane
9)	Brahmanical Caves.	Polu Sonala	Thane
10)	Carved stones.	Vada	Thane

PUBLISHED BY :

Municipal Corporation of Greater Mumbai
Head Office, Mahapalika Marg,
Mumbai - 400 001.

and

Practising Engineers Architects &
Town Planners Association (India)
4 Nagree Terrace, Sonawala Agiary Road,
Mahim (West), Mumbai - 400 016.

Note : Municipal Corporation of Greater Mumbai reserves the rights to amend / revise any of the information / procedure as mentioned in this Development Plan Hand book, without giving any prior intimation.

(For Private Circulation only)

PRINTED BY :

Practising Engineers Architects &
Town Planners Association (India)
4 Nagree Terrace, Sonawala Agiary Road,
Mahim (West), Mumbai - 400 016.
Tel. : 24445998, 24442897