

Maharashtra Regional and Town planning Act, 1966.

Regarding sanction to incorporating special regulation provisions in respect of "Urban Renewal Schemes" in the Regulation No.165 of the Development Control Regulations-1994 for the Thane Municipal Corporation Area, u/s. 37 (1 A A) (c) of Maharashtra Regional and Town Planning Act, 1966.

**GOVERNMENT OF MAHARASHTRA**  
**URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai-400032.

Date : 5<sup>th</sup> July, 2017

**NOTIFICATION**

**Maharashtra Regional and Town planning Act, 1966** No. TPS/1213/2726/CR-24/14/UD-12:- Whereas the Revised Development Plan of the city of Thane (hereinafter referred to as "**the said Development Plan**") has been sanctioned by the Government in the 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. TPS/1297/1319/CR-148/97/UD-12, Dt. 4<sup>th</sup> October, 1999 which has come into force with effect from 22<sup>nd</sup> November 1999, and the Excluded Parts (EP) of the said Development Plan has been sanctioned vide Government Notification No. TPS/1201/274/CR-28/2001/UD-12, Dt. 3<sup>rd</sup> April 2003 which has come into force with effect from the 14<sup>th</sup> May, 2003;

And whereas, the Revised Development Control Regulations of Thane Municipal Corporation (hereinafter referred to as "**the said DCR**") has been sanctioned by the Government in Urban Development Department, under Section 31(1) of the said Act vide Notification No. TPS/ 1294/ 1259/ CR- 222 /94 / UD-12, dated 28<sup>th</sup> April, 1995 which has come into force with effect from the 1<sup>st</sup> June, 1995;

And whereas, the **Regulation No.165** of the said DCR deals with the special provisions in respect of developments for Economically Weaker Sections, Slum Areas and Redevelopment Schemes etc. (hereinafter referred to as "**the said Regulation**");

And whereas, the Government, is of the opinion that, in order to have planned and controlled redevelopment of large number of old, dilapidated and unauthorised buildings in Thane city, it is necessary to suitably modify the said Regulations urgently in the **larger public interest**, so as to incorporate appropriate provisions for implementation of Urban Renewal Schemes in the city;

And whereas, in pursuant to above Government of Maharashtra, under section 37 (1 AA) (a) of the MRTP Act, 1966, issued Notice no. TPS/1213/2726/CR-24/14/UD-12, dated 04/03/2014 which is published in Maharashtra Government Gazette extra ordinary supplement Konkan Division on 4<sup>th</sup> March, 2014 at page no.1 to 15 so as to incorporate the new provision of Implementation of Urban Renewal Schemes in Regulation no.165 as Appendix-R1 of the said DCR (hereinafter referred to as "**the said proposed modification**");



And whereas the Govt. of Maharashtra has appointed Joint Director of Town Planning, Konkan Division, Konkan Bhavan, for carrying out the legal procedure for the said proposed modification and to submit his report to the Government;

And whereas, the Joint Director of Town Planning, Konkan Division, Konkan after following the legal procedure on the said proposed modification as mentioned in section 37 (1 AA) has submitted his report to Government on 21.07.2014;

And whereas, Hon'ble High Court, Mumbai has directed in PIL No.61/2014 to submit Impact Assessment Report before finalising the said proposed modification;

And whereas, Thane Municipal Corporation has prepared Impact Assessment Report and the same was submitted to the Hon'ble High Court by Government with request to allow implementation of the said proposed regulation;

And whereas, Hon'ble High Court in the PIL No.61/2014 on 9<sup>th</sup> June, 2017, vacated the stay in the matter and allowed the Government to implement the said proposed regulation;

And whereas after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, and after getting the Impact Assessment Report from Thane Municipal Corporation, the Government is of the opinion that the **said proposed modification** should be sanctioned with certain modifications as mentioned in **Schedule-A**;

Now therefore, in exercise of the powers conferred **Under Section 37 (1 AA)** (c) of the Said Act, the State Government **hereby accords Sanction** to the **proposed modification** as specifically described in the **Schedule - A** appended hereto.

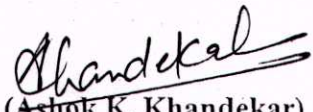
a) The date of publication of this notification in the Maharashtra Government Gazette is fixed as the date of coming into force of this sanctioned modification.

b) The said modification is made available for inspection by the general public during working hours on all working days at the following offices, for a period of 1 Month :-

- i) The Commissioner, Thane Municipal Corporation, Thane.
- ii) The Joint Director of Town Planning, Konkan division, Konkan Bhavan, Navi Mumbai.
- iii) The Assistant Director of Town Planning, Thane Branch, Thane.

This notification shall be published on the Government Website at [www.maharashtra.gov.in](http://www.maharashtra.gov.in)

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

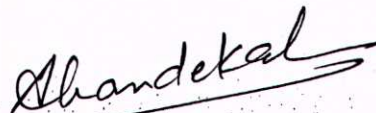
  
(Ashok K. Khandekar)  
Section Officer to Government

Schedule 'A'

Proposed Modification to incorporate Regulation for Urban Renewal Scheme(s).  
(Accompaniment to the Government Notification No.  
TPS/1213/2726/CR-24/14/UD-12 dated 5<sup>th</sup> July, 2017.)

Sr. No.	Regulation No.	Existing Provision in the said DCR	Sanctioned Modification
1	165	Special provisions in respect of developments for economically weaker sections, slum areas and redevelopment schemes etc.-  Rules for controlling developments mentioned in this Regulation shall be as specified in the Appendices Q to U	Special provisions in respect of developments for economically weaker sections, redevelopment of slum areas, reconstruction / redevelopment, "Urban Renewal Scheme (s)," etc.-  Rules for controlling developments mentioned in this Regulation shall be as specified in the Appendices Q to U. However, New Appendix R1 regarding Regulation for Urban Renewal Scheme(s) is added after the existing Appendix R.

By order and in the name of the Governor of Maharashtra,

  
(Ashok K. Khandekar)  
Section Officer to Government

Appendix R-1 of Regulation No.165.

**Regulation for Reconstruction or Redevelopment of Cluster(s) of buildings by implementing Urban Renewal Scheme(s).**

(Accompaniment to the Government Notification No. TPS/1213/2726/CR-24/14/UD-12 dated 5<sup>th</sup> July, 2017.)

Reg. No.

Sanctioned Modification

1. A) **“Urban Renewal Scheme” (URS)** means any scheme for redevelopment of a cluster or clusters of buildings and structures in **Thane Municipal Corporation Area(TMC)**, over a minimum area of 10,000 Sq.meters, bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. accessible by an existing or proposed D P road which is at least 18 mt. wide and identified for urban renewal:-

However, in specific cases, in which URS is not bounded by roads, nallas and railway lines, then the boundary of the cluster can be decided / finalised by Municipal Commissioner, in consultation with high Power Committee (H.P.C).

In case of demonstrable hardship such as natural sub division by roads, nallas, river, railway lines, the area of the cluster can be allowed up to an area of 8000 sq. mtrs. which shall be allowed by Municipal Commissioner in consultation with H.P.C.

However no forest land shall be included in such URS

**B) Such URs may be;**

a) Under the Development Plan (DP) , where the DP contains such well defined Clusters; or

b) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Commissioner, who may revise the same, as and when required; or

c) By the Promoter of the Urban Renewal Scheme over a cluster or clusters of buildings, where such clusters are not shown on the DP and the URP is yet to be prepared. If such plans are submitted and approved, these shall mean to be URP within the meaning of this Regulation.

**C) Building Age Criteria for URC shall be as under;**

The Urban Renewal Cluster (URC) may consist of a mix of structures of different characteristics such as -

- (i) Unauthorized buildings which are at least 30 years of age;
- (ii) Authorized dilapidated buildings, as determined by the Committee specified in Clause (1)(a)(ii)(b) of Appendix-R of the D C Regulations;
- (iii) Authorized buildings which are at least 30 years of age;



- (iv) Buildings belonging to the Central Government, the State Government, Semi-Government Organizations and Thane Municipal Corporation(TMC), as well as Institutional Buildings, Office Buildings, tenanted Municipal Buildings, Staff Quarter Buildings of TMC, that are at least 30 years of age with prior consent of the respective Authority;
- (v) Any land belonging to the State Government, any Semi-Government Organization, TMC and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II, provided that if built upon, these building shall be at least 30 years of age;
- (vi) Any other buildings which may be less than 30 years of age but which by reasons of dis-repair or because of structural / sanitary defects, are unfit for human habitation or by reasons of their bad or sub-optimal configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Committee specified in Clause (1)(a)(ii)b) of Appendix-R of the D C Regulations;
- (vii) Slum areas declared as slums under section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or slums on Public lands prior to 1.1.1995 or such other reference date notified by the Government. However such slum area shall be maximum 25% of cluster area;
- (viii) The lands belonging to MIDC can be included in the URS after obtaining necessary clearance from Industries Department.

**Explanation - 1:** Age of a building shall be as on the 1<sup>st</sup> of January of the year in which URC involving such building, complete in all respect is submitted to the Commissioner or prepared and notified by the Commissioner and shall be calculated from the date of occupation certificate or, where such occupation certificate is not available, from the date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation.

**Explanation-2:** Whenever any authorized building, more than 30 years of age, is included in a URC, the same shall not be done without evaluation of its state of dis-repair by TMC and if such building is found in a state of disrepair, only after giving the owner/occupier(s) thereof, a notice of three months to cause any repairs needed. At the end of three months, if such building is found to be habitable and safe, such building shall be treated at par with authorized buildings which are less than 30 years of age. If at the end of three month, such building is found and certified by the Committee specified in Clause (1)(a)(ii)(b) of Appendix-R of the D C Regulations as dilapidated and unsafe for habitation, such building shall be included in the URC without the requirement of consents.

**Explanation- 3:** If some authorized buildings which are less than 30 years of age or buildings which are developed or in the process of development, under the different provisions of the DCR, are required to be included in the URC for the purpose of wholesome planning, they may be so included, provided the area under such buildings does not exceed 40% of the total area of URC.



If any such building is included in the URC without the requisite consent of 70% of all title holders of such building, the Commissioner shall retain such building while designing/ sanctioning URS and area of such building shall be excluded from calculation of FSI under this Regulation.

However, the area under slum mentioned in 1(C)(vii) and area under authorised structure mentioned above shall not be more than 50% in aggregate.

**Explanation 4:-** When any private land owner / developer submits such scheme will be given priority while implementation.

2. **Eligibility for Urban Renewal Cluster (URC) –**

**(A) For Buildings outside Slums -**

Every occupant of every building falling under a URC on the date of publication of the Notice u/s 37(1AA) regarding this Regulation in the Official Gazette (herein after referred to as the cut-off date), shall be eligible for rehabilitation and relocation under the Scheme, in accordance with the provisions of Regulations 4 and 5 of this Appendix, subject to the ineligibility criteria mentioned herein below.

a) No new Tenancy, occupancy or any other right created after the cut-off date shall be taken into account in any illegal or unauthorized construction. No unauthorized construction made after the cut-off date in any existing building or in the form of new building shall be considered while doing computation of existing FSI or liability of rehabilitation on the URC.

b) Any occupant, who has been allotted any subsidized housing in the Mumbai Metropolitan Region by any public or semi-public authority in the past, shall not be eligible for subsidized rehabilitation under a URC as mentioned in Regulation 5 of this Appendix. For this, a self declaration in the form of Registered Affidavit shall be considered sufficient which, if ever found to be false, shall render the concerned allottee liable for eviction and prosecution as per law.

c) Subject to the forgoing provisions, only the actual occupants fulfilling the eligibility criteria mentioned under this Regulation shall be held eligible for rehabilitation, and any person, other than the actual occupant, claiming rights as owner/ promoter/ developer/lessee over any land/ building/ structure included in the URC, shall have no right whatsoever to rehabilitation under the URC in the reconstructed tenements against such land/building/structure. In case of an unoccupied building or a building occupied illegally, no one shall have right whatsoever to rehabilitation under the URC, against such building/structure.

**(B) For Slum Areas:**

Whenever a Slum area or part thereof is included in a URC, eligibility of the hutment dwellers of such slum area for rehabilitation under the URC, shall be governed by corresponding provisions of Appendix S. Eligibility of any hutment dweller of a Slum area included in the URC shall be certified by the Competent Authorities as notified under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971). For slum dwellers not covered under Appendix-S, the eligibility for rehab area shall be the same as under Appendix-S.

3. **Determination of eligibility and requirement of Rehabilitation and Relocation areas under URS:**

(i) Municipal Commissioner shall initiate the process for determination of eligibility and requirement of alternative area of Rehabilitation and relocation of each occupant under any URS, along with determination of rights over lands falling under the Urban Renewal Cluster(s) and the consideration thereof.

(ii) Municipal Commissioner shall designate officer(s), not below the rank of Assistant Municipal Commissioner, who shall be called Authorized Officer(s) and shall cause to be done the survey required for the purpose mentioned in Clause (i) above and declare and publish the list of buildings/structures and their owners/lessees, occupants/ tenants etc., for inviting suggestions and objections along with relevant records, within one month of such publication for determination of entitled area and the consideration to be offered to the owners/lessees and other right-holders as well as eligibility and admissible area for the occupants, in accordance with the provisions in this Regulation. Authorized Officer(s) shall, after due enquiry and hearing, finalize the said list(s) and cause the same to be published. Appeal against any decision leading to finalization of the said list shall lie with an officer not below the rank of Deputy Municipal Commissioner who is authorized in this regard by the Municipal Commissioner, in writing.

4. **Entitlement of Rehabilitation:**

(i) All the eligible occupants of the building(s)/slums undergoing redevelopment under a URC shall be rehabilitated in the redeveloped building(s).

Provided that the Municipal Commissioner may also rehabilitate, in the rehabilitation buildings of the URC, one or more persons declared eligible for allotment of tenement under any other Scheme or Project of the Government or Corporation, Project Affected Persons, outside the area of URC.

(ii) Each eligible residential occupant, other than occupants of Slums included in URC, shall be rehabilitated on a carpet area equivalent to the area occupied by such occupant in the old building. However in case of residential occupants, such carpet area shall not be less than 30.00 Sq.mt and in case of commercial, such carpet area shall be as per actual area in possession.

(iii) Any occupant of a slum structure included in URC, either residential or commercial, whether eligible under Appendix- S or not but eligible under this Regulation, shall be entitled for a carpet area as prescribed in Appendix-S.

(iv) All the eligible occupants shall be rehabilitated in the redeveloped buildings of URC as far as possible. However at the request of or with the consent of an occupant, he may be allotted alternative rehabilitation in a location outside URC, up to the extent of his eligibility, at the discretion of the Municipal Commissioner. Request or consent under this provision shall however be irrevocable.

**Explanation:** Though Commissioner shall endeavour to make provision for rehabilitation areas as per the entitlement of each and every eligible occupant, whenever such area, whether for residential user or non-residential user, within a range of 10% of the individual entitlement of any occupant, is not available in the

URC, he shall be entitled for rehabilitation in an available tenement of immediately next higher area, subject to the allottee paying for the differential area.

If the beneficiary refuses to pay the specified amount towards such differential area, he will be entitled for an available rehabilitation tenement of immediately lower area, without any consideration towards such reduction in area.

5. **Terms of Allotment of Rehabilitation Tenements -**

- (i) Allotment of rehabilitation tenements for occupants belonging to authorized buildings shall be free of cost and without any consideration for the original area and up to 25% of area may be allowed for the occupants of the authorised buildings, however, the cost of which will have to be paid by the occupant as per the rate of construction mentioned in corresponding ASR.

If any non-residential unit holder demands residential unit against his non-residential previous holding, such request may be considered by Commissioner in consultation with HPC. However to consider such request shall not be obligatory on the part of the Commissioner:

- (ii) Allotment of rehabilitation tenements to occupants belonging to unauthorized / illegal buildings and slums shall be at a consideration in accordance with the following Table :

Minimum Carpet Area of Rehab Tenement	Type of Rehab Tenement	Consideration (i.e. Amount payable by the Allottee to TMC)
(1)	(2)	(3)
<b>For Slum Area</b>		
25 Sq. M	Residential	Zero Payment if eligible under Appendix-S. Or else Construction Cost as per ASR rates or as per any policy decided by the Government of Maharashtra under the Slum Act, 1971.
<b>For Non-Slum Area</b>		
30 Sq. M	Residential	<b>Free of Cost</b>
>30 Sq. M. but ≤ 50 Sq. M.	Residential	Up to 30 Sq. M as above. Beyond 30 Sq.M, at Construction Cost as per ASR rates.
> 50 Sq. M	Residential	Up to 50 Sq. M as above. Beyond 50 Sq. M, at Full Market Rate as per ASP.
<b>Non-Residential/Commercial Area</b>		
16.75 Sq. M	Non-Residential/Commercial Area	Free if eligible under Appendix-S. Or else, Construction Cost as per ASR rates.



>16.75 Sq. M but ≤ 40 Sq. M	---do---	Up to 16.75 Sq. M as above and beyond 16.75 at 100% of Construction Cost as per ASR rates.
> 40 Sq. M	---do---	Up to 40 Sq. M as above and beyond 40 Sq. M at 100% of market rate as per ASR.

(iii) If an eligible occupant finds it financially unaffordable to pay the amounts as mentioned herein, Commissioner may allot him a tenement of immediately lower area. If any eligible beneficiary finds it financially unaffordable to pay even the amount required for the minimum area, or fails to make payment as per the Schedule of payment given by the Commissioner, the Commissioner may allot him a tenement of minimum area on hire-cum-purchase basis, till such allottee pays the requisite amount in one or more instalments or through EMI payments. Rent in such cases would be decided by Thane Municipal Commissioner and EMI shall be calculated for such number of years at such rate of interest as may be fixed by Thane Municipal Commissioner.

iv) Any existing amenity in the URC on the date of coming into force of this Regulation which is under control of a private person/ organization and Charitable Trust/ religious organization shall be entitled for an area equal to the existing area of such amenity, subject to the following:

- a) for an amenity being used for non-residential activities and under the control of private person(s)/ organization(s), allotment of equivalent area under URS shall be at 50% of ASR Rate for commercial area up to 40 Sq. Meters and at 100% of ASR Rate for commercial area above 40 Sq. Meters;
- b) for an amenity being used for non-residential and in control of any Charitable Trust or religious organization for purpose of raising fund for public welfare activities, such allotment shall be free for area up to 40 Sq. meters and at 50% of ASR Rate for construction above 40 Sq. Meters.
- c) for an amenity having users like (e.g. Educational / Health-care facility etc.) and under control of private person(s)/ organization(s) such allotment shall be at 25 % of ASR Rate for constructed area up to 40 Sq. Meters and at 50% of ASR Rate for constructed area above 40 Sq. Meters.

**v) Process of Allotment to Beneficiaries and Conditions thereof:**

(i) Process of allotment of tenements to beneficiaries, lease conditions including those pertaining to transfer, formation of co-operative housing societies and policy of maintenance of common amenities of buildings and layout as well as policy regarding any other relevant matter shall be as determined by Corporation from time to time.

(ii) Allotment of rehabilitation tenements for owners and beneficiaries and allotment of non-rehabilitation component shall be on lease for a period of 30 years, which shall be renewable for further periods of 30 years at a time. This provision shall not apply for the authorised building constructed on private land.

- (iii) Rehabilitation tenements allotted to beneficiaries shall not be transferable for first fifteen years, except with prior permission of Commissioner, who may grant such permission in case of hardship, on payment of premium as below:
- (a) For the transfer of Rehabilitation tenements allotted to Occupants belonging to the authorised buildings, no premium shall be charged;
  - (b) For carpet area less than 30.00SqM, premium shall be 10% of the differential amount calculated as per clause (d) below;
  - (c) For the transfer of Residential and non-residential Rehabilitation tenements other than those covered under (a) and (b) above, premium shall be 25% of differential amount calculated as per explanation below.
  - (d) Differential amount for the purpose of clause (b) and (c) shall be equal to difference in the Annual Statement of Rates (ASR) valuation in the year of transfer and the original consideration paid for the allotment of a Tenement brought forward to the year of transfer through capital inflation index.

*Provided that,* In case of unauthorized transfer of any Rehabilitation tenement, the Commissioner may regularize the transfer by charging double the premium as mentioned above, with 12% interest from the date of transfer.

*Provided further that,* If the transferee refuses to pay the premium demanded within 3 months of demand, the Commissioner shall initiate process of vacating the premises, though in cases of willingness but hardship, Commissioner may grant instalments with 12% interest rate.

6. **The permissible FSI for URC:**

a) Total Permissible Global FSI over the area of a URC shall be double the value required for the rehabilitation of occupants as per their eligibility under this Regulation, or 4.00 whichever is higher. FSI shall be calculated over the gross area of the URC. Deducting area falling in CRZ and Forest areas if any. However, if the area in CRZ-II is upto 25% of the URC then the FSI shall be allowed to be used in non CRZ area however no FSI shall be allowed for the area form CRZ-I. Out of the construction area allowed as per Global FSI, FSI that cannot be actually utilized in URC, due to constraints imposed by different provisions of DCR, or otherwise, shall be converted into Urban Renewal TDR (URT) which shall be utilisable on a receiving plot in any sector irrespective of provisions in TDR Regulations, in lieu of as well as, over and above the Base TDR otherwise permissible as per relevant provisions of DCR, subject to the limits given in the Table below -

Plot fronting on road width	Maximum permissible TDR loading on plot area		
	Plot area		
	Upto 1000 sq.mt.	1000 to 4000 sq.mt.	4000 sq.mt. and above
1	2	3	4
9.00 mt. and above but less than 12.00 mt.	0.20	0.30	0.40

12.00 mt. and above but less than 18.00 mt.	0.30	0.50	0.65
18.00 mt. and above but less than 24.00 mt.	0.30	0.60	0.90
24.00 mt. and above but less than 30.00 mt.	0.30	0.80	1.15
Above 30.00 mt.	0.30	1.00	1.40

- (b) URT may be utilized in any Sector as per the relevant regulations of TDR.
- (c) The URT may be released by the Commissioner in stages to be decided by him but URT released at any point of time shall never exceed construction done in URC with respect to buildings where Occupation Certificates have been granted and 50% of construction done in URC with respect to buildings where Occupation certificates are not granted.
- (d) The FSI for an Urban Renewal Scheme in CRZ area shall be governed by the MOEF Notifications issued from time to time, and the same shall be taken into account while computing permissible FSI as per Clause 6(a).

Plot area, considered after deducting the area of URC falling in CRZ / Forest area and area under unbuildable reservations, etc. shall be primarily used for rehabilitation of existing occupants and development of buildable reservations and public amenities with required FSI. After the said development, if there are any eligible occupants left who could not be rehabilitated due to inability to construct the requisite area for rehabilitation and relocation, owing to constraints imposed by DCR, shall be rehabilitated in any nearby URS or in the PAP tenements available with the Corporation; as per the policy guidelines decided by the Corporation.

- (e) If after construction of rehabilitation tenements and other areas of entitlement as per the provisions of this Regulation, there is still some building potential left as per the ceiling of 4.0 FSI, construction can be done for free sale, either in independent buildings, or on sub-plots or in composite buildings or in undivided plots along with rehabilitation component.
- (f) When the FSI available in URC is more than double the FSI required for Rehabilitation, 50 % of the difference in FSI shall be constructed in the form of EWS/LIG tenements and shall be handed over to the Commissioner. Commissioner may use these tenements preferably for transit accommodation, PAP tenements or staff quarters. However if tenements are not needed for above purpose then TMC shall after realisation of proceeds from disposal of these tenements, deposit such proceeds in Shelter Fund setup under this Regulation.

7. **Development of Reservations contemplated in Development Plan falling in the area of URC:-**

- (a) All the reservations in the Development plan falling in the area of URC shall be provided and may be rearranged/ relocated, under URS as follows:
- (i) Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.
- (ii) Any land under non-buildable reservations, admeasuring only upto 500 sq.mt. may be cleared by shifting the existing tenants from that site.
- (iii) If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to TMC, subject to minimum of 500 sq.mt. and remaining land shall be allowed for development. The said provision is subject to Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Govt. of Maharashtra).
- (iv) For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Corporation or to any other Appropriate Authority. Such built up area to be handed over shall be free of FSI.
- (v) For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Municipal Corporation or to the Appropriate Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks, depending on the area and nature of such reservations and Municipal Commissioner may permit composite development of reservations in case of such reservations. However, if the HPC/Planning Authority requires built-up area under any designation / reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation F.S.I. and incentive FSI as admissible under this Regulation shall be permissible.

Provided that in case of development of reservations of PH/HDH & HD under the Urban Renewal Scheme, built-up area equal to 30% of the zonal permissible FSI shall be handed over to the Municipal Corporation free of FSI and free of cost, in addition to the rehabilitation of the existing tenements or users if any.

- (vi) Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under this Regulation for the area of the road may be given in the same Scheme.
- (vii) a) Built up area required for development of public amenities/ reservations shall not be counted while computing permissible FSI under URS. If URS

includes areas falling under CRZ and Forest, subject to NOCs of the concerned Authority, these areas may be considered against the compulsory open space to be kept as per DCR.

- (b) If the area under non-buildable reservation except Play Ground in the URS area is more than 2000 Sq.M. minimum 50% of the area of such reservation or 2000 Sq.M. whichever is more shall be developed for the said purpose.

8 **Preparation and Approval of URS:-**

(1) Subject to the provisions of Development Plan and the URP prepared and notified by the Commissioner, the Commissioner may prepare detailed plan, for one or more URCs contained therein, showing proposals for development/ reconstruction of cluster of buildings and /or structures, which in the opinion of the Commissioner should be developed or redeveloped under a URS. Such plan shall include -

- (a) Plan for overall development / Redevelopment of specific areas for urban renewal.
- (b) Strategies and plan for dealing satisfactorily with areas of bad layout, obsolete development and slum areas and relocation and rehabilitation of population.
- (c) Open spaces, gardens, playgrounds and recreation areas.
- (d) Area or areas required for making the implementation of such plan for Urban Renewal viable.

(2) After preparation of detailed plans of URC(s), the Commissioner shall place the same for approval of a **High Power Committee (HPC)** constituted under this Regulation as follows :

Municipal Commissioner, TMC	-	Chairman
Collector, Thane	-	Member
DCP (Traffic), Thane	-	Member
Joint Director Town Planning, Konkan Division	-	Member
Chief Officer, Konkan H & AD Board	-	Member
Assistant Director Town Planning(TMC)	-	Member Secretary

After approval of detailed plans of URC(s) as aforesaid, the Commissioner shall proceed to select an Implementation Agency for executing URS in the manner described herein. Proposal to finalise Implementation Agency shall be put to HPC which will forward the same with the recommendations to the State Government for final approval.

(3) **Entitlement for consideration under URS:** Anyone having any legal rights over any parcel of land falling under URS shall, after establishment of his rights, be offered consideration for such land as per the following provisions which, if declined by any rights holder (s), shall give liberty to the Commissioner to initiate process of acquisition of such rights under appropriate law. Implementation of URS shall be regarded as a public purpose.

(4) **Consideration for Land falling under URS.**

(1) Person(s) having legal rights in any land required for URS under this Regulation shall be offered monetary compensation for constructed area or TDR for the entitled area as provided here in after.

(2) Basis for determination of entitled area towards consideration under URS Scheme shall be as follows:-

2.1 Person(s) in legal possession and ownership of unencumbered land: - Entitled area collectively against this parcel of land shall be equivalent to the area of the land.

2.2 Person(s) in legal possession and ownership of encumbered land where authorized buildings have consumed FSI less than the permissible FSI :- If liability of rehabilitation of the occupants of the building (s) / Structure (s) on the land in question is being taken on URS, entitled area collectively against such parcel of land shall be 25% of the area of encumbered land plus difference of FSI available on such parcel land and the encumbrance; if the occupants of the building(s) are being independently rehabilitated/ compensated by the person(s)/ rights holders in legal possession and ownership of the land, and not being rehabilitated in URS, entitled area collectively against such parcel of land towards consideration shall be equal to FSI available on the vacated land area.

Provided where the area of rehab is less than the component of free sale, the component for free sale could be enhance upto 30% by the Municipal Commissioner in consultation with HPC.

2.3 Person(s) in possession and ownership of authorized encumbered land where buildings have consumed FSI more than permissible FSI:- If liability of rehabilitation of the occupants of the building(s)/Structure (s) in question is on the land being taken on URS, entitled area collectively against such parcel of land shall be 25% of land area, if the occupants of the building(s) / Structure (s) are being independently rehabilitated/ compensated by the person(s)/ rights holder (s); in possession and ownership of the land, and not being rehabilitated in URS, entitled area collectively against such parcel of land towards consideration shall be equal to FSI available on the vacated land area.



2.4 Person(s) having right over unauthorizedly encumbered land: - Entitled area collectively against this parcel of land shall be calculated at 50% of entitled area calculated as per clause 2.2 and 2.3 above, except when occupant(s) of building(s) are being rehabilitated/ compensated by such Person(s) and are not being rehabilitated in URS, entitled area towards consideration shall be equal to FSI/ TDR available on the vacated land area.

**(3) Consideration for Acquisition of land under URP**

3.1 Consideration for any land required to be procured for URP shall be either in terms of payment due for entitled area collectively against that parcel of land, as calculated in subsection 8(4) (2) above as per ASR, along with 100% solatium, as applicable for the year of possession, along with 12 % annual compounded interest from date of possession to date of payment, or in terms of TDR equivalent to the entitled area or in terms of equivalent area constructed in URS. Concerned person(s) shall have option to choose from amongst these three modes of consideration. The option once chosen shall be registered and shall be irrevocable.

3.2 Once consideration as above, has been accepted by a person having any interest in the land on which any unauthorised construction exists or existed, the Commissioner may consider such person eligible for Compounding of any offence under relevant provisions of MRTP Act with respect to the concerned land/ plot.

3.3 Wherever any person having demonstrable legal rights over any area falling under URP rejects the consideration being offered, the Commissioner shall forward the proposal for Land Acquisition under "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013". In such an eventuality, the Commissioner may move the competent authority for advance possession of the land(s) so as to ensure smooth implementation of URS and shall pay requisite advance, rent etc. under the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013", as determined by the Competent Authority. If, however there is any dispute only about apportionment of consideration among person(s) having demonstrable legal rights over any land falling under URS, the Commissioner shall ask the disputing parties to approach Competent Civil Court to get their disputes resolved and to settle apportionment of consideration as offered under this Regulation. Till the final decision in this regard is received, in order to ensure that URS does not get delayed and adversely affect other parties to the URS; the Commissioner shall cause an area, equivalent to the entitled area corresponding to such land, to be constructed as part of URS and in case the claimant(s) of ownership finally declared eligible by the Competent Court decide upon an option other than constructed area and exercise such other option, as mentioned in sub-section 8(4)(2), the Commissioner shall pay consideration as per such option exercised and such reserved constructed area in URS shall vest with the Corporation.

3.4 In any proposed URC, any open plot is included and if the concerned owner is not willing to participate in URC, the compensation payable shall be as per Land Acquisition, Rehabilitation and Resettlement Act.



3.5 In case of buildings or lands belonging to the Central Govt., the State Government, Semi-Government Organizations and TMC or MHADA or any Local Government or any Corporation or Company owned by the Central/State Government or any Local Government (hereinafter collectively referred to as Public Authority), prior consent of such Public Authority shall have to be obtained for their inclusion in the URS. For such lands or buildings, the Commissioner may either offer Market Price, to be decided by mutual consent, subject to ratification by the Municipal Corporation, or may offer constructed area, in-situ or ex-situ, in a composite or independent building or may, alternatively, offer equivalent TDR as per TDR regulations or may offer an exchange of suitable land as per mutual consent, subject to ratification by the Municipal Corporation and thereafter such land(s) / building(s) shall vest with the Thane Municipal Corporation and shall form the part of URS.

9. **Planning for Rehabilitation and Free Sale Plots in URS:-**

- (i) Net area of URC shall be calculated after deducting the area under CRZ and Forest, if any. Out of total net area of the URC, maximum of 50% area in terms of one or more plots, to be called Free Sale Plots, shall be carved out for raising resources to cover the cost of construction of rehabilitation component and development of all the reservations and amenities. While carving out Free Sale Plots, due weight-age shall be given to the fact that the higher is the percentage of these plots in terms of area, the more dense is the Rehabilitation Area, and in exceptional cases, Commissioner may reduce these Free Sale Plots to zero. The percentage of the free sale plot may be enhanced upto 50% subject to approval by the HPC by considering 100% in-situ Rehabilitation with consumption of minimum FSI of 2.5 and if net plot area excluding Recreation Ground area is more than 8000 Sq mt under URS. Constructed area available on this Free Sale Plot collectively shall be equal to that available over the whole URC minus that required for rehabilitation and relocation. If Free Sale Plots, are more than one, the Commissioner may distribute the available free sale construction area under URS over such plots, as he may deem fit. Such Free Sale Plots shall be deemed to belong to C1/C2 Zone for the purposes of permissible users thereon.
- (ii) After the development of reservations, any occupants who could not be settled due to non-buildability of required construction area for rehabilitation and relocation, owing to constraints imposed by DCR, shall be rehabilitated in the nearby URS or PAP tenements available with the Corporation; as per policy guidelines decided by the Corporation.

10. **Selection of Implementation Agency:**

If an owner or group of owners, either directly or through a Power of Attorney Holder, collectively owning more than 70% of the area of URC or a part thereof, come forward for implementation of URS as per the Detailed Plan prepared by the Commissioner for such URC, within 3 months of declaration of the detailed plans of URC, or within such extended period as may be granted by the Commissioner, they may be selected as Implementation Agency for implementation of URS on such URC. In such a case, an Infrastructural charges at the rate of 10 % of construction cost as per prevailing ASR to be received by the Corporation. In case owners, owning more than 70% of whole or part area of URS as mentioned above fail to come together, selection of an implementation agency for the URS shall be done through a transparent bid process.



11. **URS by Private Promoters/ MHADA/ Co-operative Housing Societies:**

- (i) Whenever there is no URP made by Commissioner or wherever there is no URS floated by the Commissioner over one or more URCs falling under URP made by Commissioner, any Private Promoter, MHADA, Cooperative Housing Society etc. may approach Commissioner with consent of owners of 70% of any area requiring Urban Renewal, for implementation of URS thereon and Commissioner may, after satisfying himself that conditions mentioned herein, which make an area fit for redevelopment under URS are met, decide to implement URS thereon and, subject to other conditions and processes mentioned in this Regulation, appoint such applicant as implementation agency at the Base Premium.
- (ii) In case where there are some owners (pertaining to less than 30% area) who have not given their consent to the Private Promoter, MHADA, Cooperative Housing Societies etc. for URS, who are appointed as per Clause (i) above by Commissioner as Implementing Agency, the Commissioner shall offer remaining owners and right holders consideration for their rights as mentioned in the provisions for URS being designed and implemented by Commissioner, and if these considerations are rejected by these dissenting owners or right holders the Commissioner shall forward proposals for Land Acquisition to competent authority. In such cases, if final compensation is in terms of money, the same shall be recovered from the Implementation Agency and if final compensation is in terms of TDR, market value of such plots as per ASR rates shall be recovered from the Implementation Agency, in addition to the Base Premium.
- (iii) A Surcharge on Development undertaken by the promoter/Developer at the rate of 100% of Development charge shall be leviable, before commencement of work. This surcharge shall not be applicable to the built up area to be handed over to TMC or any Public Authority in lieu of any reservation and also to the amenity areas to be handed over to the TMC as per the requirement indicated by the TMC or the High Power Committee.

**Explanation 1:** In case of inclusion of a Slum in URS, any person / agency having consent of more than 70% eligible Slum dwellers shall be construed to be appropriate person / agency to deal with the issues regarding the whole area of Slum for the purposes of this sub-section only. i.e. for the purposes of decision about Implementation Agency.

**Explanation 2:** Base Premium shall be same as that calculated for URS being implemented by the Commissioner.

12. **Transit Camps** - For smooth implementation of the URS, construction of temporary transit camps may be permitted on the same land or a land situated elsewhere as given here-under:
- a. Irrespective of its land-use classification under Development Plan, construction of temporary transit tenements made of light detachable material such as tubular/ prefabricated light structures shall be allowed up to an FSI of 4.0 on any nearby vacant site without any reservation in the Development Plan, with the consent of the land-owner.

- b. The temporary transit camp shall be provided on or close to the site of URS itself. However in exceptional circumstances to be recorded in writing construction of Temporary Transit Camps may be permitted on the area of open space required to be kept in accordance with D.C Regulation No. 75 on the plot.
- c. Multi-storeyed temporary transit tenements may be allowed to be constructed with 4.00 FSI on the site of URS.
- d. The area of temporary transit tenements shall be excluded from the computation of FSI, but structural safety of such tenements shall be ensured.
- e. Building permission for Temporary Transit Tenements shall be given within 45 days from the date of application but only after approval to the URS failing which such permission shall be deemed to have been granted.
- f. If a site, reserved in Development Plan for any public purpose is vacant, partly encumbered, or it happens to be the unused portion of such public purpose for which such site is reserved, and there is no other option for locating temporary transit tenements, then such site or unused portion may be utilized for building temporary transit tenements, with the permission of the Commissioner, on payment of such rent and subject to such conditions as the Commissioner may prescribe.
- g. Temporary transit camp erected, under this Regulation shall have to be demolished by the Developer within 30 days from grant of Occupancy Certificate to the Rehabilitation buildings and the land there under shall be brought back to the original state.

13 **Non-conforming activities** - All activities which are existing shall be allowed to be re-accommodated regardless of the non-conforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has already been provided elsewhere by the Promoter/ Developer / Municipal Corporation.

14 **Relaxation in Building and other requirements:-**

- a) The calculation of FSI for all purposes shall be on gross area i.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical open space in terms of keeping aside the said recreational open space on site as per the prevailing D.C. Regulations.
- b) The provisions in DCR 80(iii) relating to balcony shall apply to the URS with the modification that there shall be no restriction on Zone and balcony shall not reduce marginal open space to less than 3.00 meters. However, at ground level, clear margin of minimum 4.5 mt shall be maintained. Enclosed balconies shall be included while calculating the entitled area.
- c) Areas of common passages not exceeding 2.00 mt in width provided in the rehabilitation component to give access shall not be counted towards FSI.

- d) Front and marginal open spaces: For a building in the Rehabilitation Component or composite building having height upto 25.0 mt., front and marginal open space shall be 4.5 mt and for buildings having height more than 25.0 mt., the same shall be 6.00mt.
- e) Notwithstanding the provisions in DC Regulation Appendix N (Table 12A) where the plot abuts a DP Road having width of 18.0mt and above, the front marginal open space shall not be insisted upon beyond 4.5 mt, provided such road is not a Highway.
- f) Where the plot abuts a trained nalla, the marginal open space along the nallah shall not be insisted upon beyond 4.5 mt from the edge of the trained nallah Or as per requirement of SWD Department of TMC, whichever is greater.
- g) The distance between any two rehabilitation buildings shall not be less than 6.00 mt.
- h) If the height of a building in URS is more than 25 mt, 6 mt wide marginal open space or marginal open space as per the requirement of CFO, TMC, whichever is greater, shall be considered.
- i) A Composite building shall contain at least 50 percent of the built up area as Rehabilitation Component.
- j) The means of access shall be normally governed by the provisions of DC Regulation No.47. However, in the URS, wherever the design of the buildings up to 25 mtr height in the same land requires some relaxation, the same may be given. Buildings having height exceeding 25 mtrs. shall be permissible only on access having width of 9 mtrs. or more.
- k) Even if the recreational open space is reduced to make the URS viable, a minimum of at least 10 percent of the area of URC shall be provided as recreational open space. In addition to this, 10 percent of URC area shall be earmarked for amenity space which can be adjusted against the DP reservation (excluding roads), if any provided the area of such reservation exceeds 25% of the area of the URP.
- l) Amenities not available in the periphery of 400m from boundaries of URC shall be developed on Amenity Plot as per Table 4A of Regulation 63 of D C Regulations, subject to the minimum area specified for such amenities under this Regulation and handed over free of cost to the Corporation without any consideration.
- m) Area to be excluded from computation of FSI shall be as per D C Regulation 82. Notwithstanding anything contained in D C Regulations, Premium at the concessional rate shall be charged by the Municipal Commissioner for exclusion of staircase and lift well etc.
- n) In order to make the URS viable, the Municipal Commissioner shall be competent to sanction any relaxation in the parking requirements and marginal open spaces, except for front marginal open spaces, wherever required on account of bonafide demonstrable hardship and for reasons to be recorded in writing, which shall not affect general safety and fire safety requirements.

- o) All relaxations outlined hereinabove shall be admissible only to buildings in the Rehabilitation Component of URS and also to the composite buildings therein. Premium at the concessional rate shall be charged by the Municipal Commissioner for all or any of the relaxations given hereinabove or for any other mentioned in DC Regulation 82.
  - p) The parking in the URS shall be provided as per the provisions of DC Regulations.
  - q) Any aspect of development under URS, which is not specified under this Regulation shall be governed by the relevant provisions of the D C Regulations.
  - r) In order to facilitate redevelopment and to decongest the redeveloped area in the URC, the Commissioner may insist on additional road width, over and above that prescribed in the sanctioned D.P. or the width of the existing roads.
  - s) Provisions of Public amenities and roads under the URS shall be considered at par with reservations and the roads in the Development Plan.
  - t) Portion of URC falling under No Development Zone, Buffer Zone, CRZ- I & III and Private Forest shall form a part of the required Recreational Area in the URS.
- 15 The approving / sanctioning authority for the building plans under the URS shall be the Municipal Commissioner as per the MRTP Act, 1966, even if the URS partly consists of declared slums or slums on Municipal / Govt. lands, existing prior to 1.1.1995 or such other reference date as may be notified by the Government.
- 16 Religious structures existing on the site of URS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Government from time to time; following such redevelopment, shall not have area exceeding their area prior to redevelopment.
17. Heritage buildings of Grade-I and II may be included in the area of Urban Renewal Cluster, but have to be kept as they are, along with land appurtenant, but shall not be considered for FSI under this Regulation. As regards such Heritage Structures, the Promoter / Developer shall have to contribute Heritage Cess at 5% of ASR Rates on the basis of built-up area of the Heritage structure. Existing provisions under these Development Control Regulations shall apply to Heritage Buildings of Grade-III. However, before granting the approval for such buildings, the HPC shall consult the Heritage Committee appointed for that purpose.
18. If HPC approves areas for amenities such as Fire Stations/ Hospitals/ Police Stations/ Schools, etc. other than reservations/ designations as per Development Plan, such amenities shall be handed over to the concerned Authority, free of cost and the built up area of such amenity shall be considered as rehabilitation F.S.I. and incentive FSI as admissible under this Regulation shall be permissible.

The decision of HPC shall be appealable, as if, it is an appeal under section 47 of the MRTP Act, 1966.



19 **Formation of Cooperative Housing Societies, and their Federations for buildings in URS:**

Commissioner shall cause formation of Cooperative Housing Society for each and every building, either separately or collectively as he may deem fit and shall cause to be deposited 25% of the amount of consideration received from the allottees of such building, in a "Building Maintenance Fund" to be utilised by the Co-operative Housing Society of the allottees of such Building, as per the guidelines framed by the Corporation. In addition, the Commissioner shall cause to be deposited 25% of the amount of consideration received from the allottees of each and every rehabilitation and relocation in URC building, in another Maintenance Fund called "URC Maintenance Fund" to be set up, by the Commissioner, for the dedicated use of maintenance of common facilities/ amenities in the URC by the Corporation. The utilisation of the URC maintenance Fund shall be in accordance with the guidelines framed by the Corporation.

20. **Formation of Shelter Fund:**

Commissioner shall cause to be deposited 50% of amount of consideration received from the allottees and amount received from bidding process in a separate fund to be named as "Shelter Fund", which may be used as per the policy to be formulated by the Corporation for payment of consideration for acquisition of land falling under URC, providing financial assistance to beneficiaries under URC, procurement of land for creation of affordable Housing, and promoting affordable housing in the city limits of Thane.

By order and in the name of the Governor of Maharashtra,



(Ashok K Khandekar)

Section Officer to Government