

CHE/DP/25/Gen  
2015-16

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. CHE/21605/DP/GEN, Dtd.

17 JUL 2015

Sub :- Development of public Parking Lot as per D.C. Regulation no. 33(24)

Ref :- Notice u/s 37 (1AA) (a) under M.R. & T.P. Act, 1966 dtd. 18.4.2015

Reference is requested to this office report u.no. CHE/20796/DP/GEN, dtd. 9.7.2015 on the subject matter & Hon'ble M.C.'s orders thereon u.no. MCP/6129, dtd. 15.7.2015.(Copy enclosed)

In view of above, the copy of the report & Hon'ble M.C.'s orders thereon is circulated herewith for necessary action & processing the proposals of development of public Parking Lot as per D.C. Regulation 33(24).

To protect the interest of MCGM in the event of final notification, a Registered Undertaking shall be taken from the developer/owner for compliance of 1 & 2 as per Hon'ble M.C.'s orders.

*[Signature]*  
16.7.2015  
Dy.Ch.Eng.(D.P.)-I

Ch.Eng.(D.P.)/Ch.Eng.(Roads)

Dy.Ch.Eng.(D.P.)-I/II

Dy.Ch.Eng.(B.P.) - City/W.S.-I/W.S.-II/E.S./Special Cell

Dy.Ch.Planner(D.P. Revision)

E.E.(D.P.)-P/City/W.S.-H&K/W.S.-P&R/E.S./T.P.

E.E.(B.P.) - City/W.S.-I/W.S.-II/ES/Special Cell

E.E.(B.P.)

N/1

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

**No. CHE/ 020796 /DP/ Gen Dt 09 JUL 2015**

- Sub: 1) Development of Public Parking Lot as per D.C. Regulation No.33 (24).  
2) Notice u/s 37 (1AA) (a) under M.R.& T.P. Act, 1966 dt. 18.4.2015.

c/11 Reference is requested to the copy of notice u/no. TPB/4313/929/CR-82/2013/Part II/UD-11 dt. 18.4.2015 has been published u/s 371AA (a) in the newspaper by Under Secretary, Urban Development Department, Govt. of Maharashtra.

c/14 In this regard, reference is also requested to the copy of notice u/s 371AA published in the past dated 19.3.2012 under No. TPB 4310/948/CR-289/2010/UD-11 dt. 19.3.2012 wherein similar modifications regarding recovery of unearned income was proposed to be shared/apportioned by the PPL owners with the MCGM.

In the past. Ch.Eng. (Roads) being the Member Secretary of the Committee governing the Regulation No. 33 (24) for PPL site selection and earmarking PPL for application of 33 (24), had dealt with the issue.

In the light of modification proposed now u/s 371AA (a) of MRTP Act published on 18.4.2015, it has become necessary to decide regarding the applicability of the modification. Section 46 of MRTP Act stipulates that the planning authority in considering the application for permission shall have due regard to the provisions of any Draft or final plan or proposal published by means of notice submitted or sanctioned under the same.

The notice u/s 371AA (a) has been published by the Under Secretary to the Government or the same is not yet submitted to Govt. after hearing suggestions and objections with respect to the proposed modification and further planning Authority has also to form its Say to the government on the copies of all such objections and suggestions received.

From the above, it is clear that the proposal is not yet submitted to Government under this Act. Therefore, there is no enabling provision to recover the additional amount of premium in anticipation of sanction or

planning authority the provisions of the proposed modification before sanction of the same by the Government. In this regard, reference is also requested to the Circular issued by Dy. Secretary, U.D.D., GOM under No. C/13 TPB 1809/2852/CR-1995/09/UD-13 dated 27.5.2011 wherein it has been directed that unless <sup>Final</sup> official sanction is received for the proposed modification initiated u/s 37, the same shall not be implemented as it may be contrary to the provisions of Law.

Under the circumstances, the provisions of proposed modification published vide notice dt. 18.4.2015 cannot be implemented unless the final sanction of the Government is received. However, as an abundant precaution, a registered undertaking as per the draft to be finalized by the Law Officer for payment of additional premium that may become applicable by virtue of sanction of proposed modification will be insisted so as to comply with the modification as may be sanctioned by the Government. In the meanwhile, existing Regulation of 33 (24) provisions shall only be applicable as lastly modified on 6.8.2014.

In view of above, Hon. M.C.'s sanction is requested to portion sidelined "X" above.

Submitted please.

*[Signature]*  
8/7/2015

Ch. E. (D.P.)  
Hon. M.C.  
Sir,

submitted please. Dy.Ch.Eng. (DP) I

*[Signature]*  
08/07/15  
CHEDP/IC.

बृहन्मुंबई महानगरपालिका  
आयुक्तांचे कार्यालय  
9 JUL 2015  
समय ११, १२, १३, १४  
१५, १६, १७, १८  
घडनांक 11/7/15

The final notification is not received hence there is no legal right or basis to collect enhanced fees however to protect interest in the event of final notification the following shall be followed.

1. As and when the final notification comes the difference will be deposited within 30 days.
2. In any eventuality the difference amount shall be recovered before the C.C. of incentive F.S.I. component.
3. Hence write to get to expedite the matter so as to end uncertainty.

*[Signature]*

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

NO. CHE/21605/DP/GEN, Dtd.

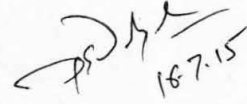
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no. 33(24)

Ref :- Notice u/s 37 (1AA) (a) under M.R. & T.P. Act, 1966 dtd.  
18.4.2015

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16.7.15

**Dy.Ch.Eng.(D.P.)-I**

**Ch.Eng.(D.P.)/Ch.Eng.(Roads)**

**Dy.Ch.Eng.(D.P.)-I/II**

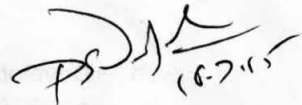
**Dy.Ch.Eng.(B.P.) - City/W.S.-I/W.S.-II/E.S./Special Cell**

**Dy.Ch.Planner(D.P. Revision)**

**E.E.(D.P.)-P/City/W.S.-H&K/W.S.-P&R/E.S./T.P.**

**E.E.(B.P.)-City|W.S.-I|W.S.-II|ES|Special Cell**

A.O.(D.P.)-I is requested to circulate copy of this office report & Hon'ble M.C.'s orders thereon to the staff mentioned above & preserve the file by taking the note in the register.

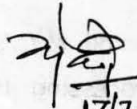


**Dy.Ch.Eng.(D.P.)-I**

**A.O.(D.P.)-I**

H.C.(D.P.) Gom.

Pl. circulate.



17/7/15  
A.O.D.P.-I