

01/A
2013

MUNICIPAL CORPORATION OF GREATER MUMBAI

CE/31131/I

Dated 05-Jan-1983

Subject : Training of Nallas : Major & Minor development of the properties abutting nallas.

CE-61 (Dev.7)
1982-1983

It is observed that a uniform policy in respect of training of nalla is not being followed while considering the proposals of the owners to develop the properties. The main points to be considered are regarding responsibilities of training these nalla and allowing utilization of F.S.I. of the land under the nalla whether trained or otherwise. Under the provisions of D.C. Rule no. 47, there are restrictions laid down regarding allowing development in the vicinity of these nallas. No development is permissible within 25'-0" on either side of the minor watercourse and within 50'0" on either side of major watercourse. It is also further laid down that while considering proposals for allowing development of the property, the owner may be allowed to restrict or divert the watercourse to an alignment and cross section as determined by the Commissioner. Nothing specific is mentioned about the utilization of the F.S.I.

In order to have a uniform policy regarding training of nallas and utilization of F.S.I. etc., the following policy has been decided and the same shall be followed strictly while considering the proposals on the land affected by nallas.

Training of Nallas

1. As regards the training of nallas, even though they are vesting in the Corporation, we may follow the policy as is being followed in case of development plan roads viz., that if the Corporation has no priority to train these nallas and if the owner comes forward to develop the property before hand, then as per plan and design given by Dy.C.E.(SWD), the owner should train the nalla completely at his cost.
2. If as per the priority, the nalla has already been trained before the owner comes forward to develop the plot, we may not ask the owner to bear any expenditure thereof. This will be at par in respect of construction of D.P. Roads and the laying of the services wherein we do not recover the cost incurred if the development of the plot follows the construction of roads and the laying of the services.

Development of Properties :-

1. Wherein the ownership of the nalla land is vesting in the Corporation and the property does not bear any C.S. No. there is no question of allowing any benefit of F.S.I. to the Private Developer.
2. If by documentary evidence it is proved that the land affected by the Major/Minor nalla is vesting in the Private Owner-ship, then the complete cost of training the nalla will have to be borne by the private developer and if the owner comes forward to claim the F.S.I. as the owner-ship will be vesting in him, there should be no objection to grant the benefit of F.S.I. thereof. Further, as this nalla will be considered as a part of the Private holding and the owner-ship thereof will be continued with the owner the liability of repairing the nalla, as and when required will be vesting in the private owner.
3. The plots sub-divided due to passing of nalla belonging to State Government or Corporation should be treated as independent plots for the purpose of application of D.C. Rules on part with such sub-divided plots created due to Development Plan Roads.
4. If additional land from the Private holding is taken for widening of existing nalla the benefit of such additional land taken for widening, may be given for F.S.I. purposes.
5. The F.S.I. of the Nalla land thus availed of by the Private Ownership, shall be distributed proportionately on the sub-divided plots or in case of layout over the proposed buildings in proportion to their areas.
6. If the nalla is already trained or proposed to be trained, regular open spaces required as per provision under D.C. Rule no. 11 (iv) may be allowed and the provision under D.C. Rule no. 47 may not be insisted upon.

Sd/- B.B. Parikh
26.12.82
Dy.C.E.(DP)

Sd/-S.M. Parulkar
31-12-82
C.E.

Sd/-J.R. Patwardhan
4.1.83
Dir.(E.S.&P.)