

Maharashtra Regional & Town Planning Act, 1966.

- Notification under section 37 (1AA) (e) of the said Act.
- Sanctioned modification to Regulation 33(2-4) of DCR, 1991 for Gr. Mumbai.

GOVERNMENT OF MAHARASHTRA  
Urban Development Department,  
Mantralaya, Mumbai 400 032  
Dated :- 6<sup>th</sup> August, 2014.

NOTIFICATION

No. TPB 4313/929/CR-82/2013-Part-II/UD-11.

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have 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. DCR 1693/RDP/UD-11, dated the 20<sup>th</sup> February, 1991, so as to come into force with effect from the 25<sup>th</sup> March, 1991;

And whereas, the said Regulations contain provisions for both types of Parking (1) Captive Parking to be provided with structures under development as per Regulation No. 36 and (2) Public Parking to be developed on Parking Lots Car Parking Reservations as per Regulation No. 39 Table 41;

And whereas, as per a proposal submitted under Section 37(1) of the said Act by the Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said Corporation") regarding Development of Public Parking Lots by Private Owners/Developers, the Government of Maharashtra in the Urban Development has incorporated a new Regulation No. 33(24) in the said Regulations vide Notification No. TPB 4305/2736/CR-338.05 UD-11, dated the 26<sup>th</sup> October 2008, issued under Section 37(2) of the said Act;

And whereas, the Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice No. TPB 4310/948/CR-289/2010 UD-11, dated 19<sup>th</sup> March 2012 for inviting suggestions/objections from the general public with regard to certain modifications proposed in respect of Regulation No. 33(24) (hereinafter referred to as "the proposed modifications") as specifically described in the Schedule appended to the said Notice and appointed the Deputy Director of Town Planning, Greater Mumbai as the Officer (hereinafter referred to as "the said Officer") to submit a Report on the suggestions/objections received in respect of the proposed modifications to the Govt., after giving hearing to the concerned persons and the said Authority.

And whereas, the said Notice No. TPB 4310/948/CR-289/2010/UD-11, dated 19<sup>th</sup> March 2012 was published in the Maharashtra Government Gazette (Extraordinary) dated 19<sup>th</sup> March 2012 (hereinafter referred to as "the Official Gazette") and the said Officer submitted his Report vide letter dt. 23.11.2012.

the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act.

And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modifications are required to be sanctioned with some changes.

Now, therefore, in exercise of the powers conferred upon it under section 37(1AA)(c) of the said Act, the Government hereby:-

- A) Sanctions the proposed modifications, with certain changes as described more specifically in the Schedule appended hereto.
- B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this sanctioned modification.
- C) Directs the Municipal Corporation of Greater Mumbai that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereunder shall be added.

### SCHEDULE

#### Sanctioned modification to Development Control Regulation 33(24)

The first para of the Regulation is modified as under :-

(24) Development of Multi Storey Public Parking Lot (PPL) :- With the previous approval of the Govt., for development of Multi Storey Public Parking Lots on any plot abutting a road and on a stretch of road, additional FSI (hereinafter referred to as "Incentive FSI") as specified below on built up parking area, created and handed over to the MCGM free of cost, shall be allowed on the land belonging to a private owner, which is not reserved for any public purpose, subject to the conditions contained herein below :-

Clause (vii) is substituted as follows :-

(vii) The Incentive FSI permissible under this Regulation against the built up area of the public parking lot, shall be 50% of the built-up area of the public parking lot, such that the total permissible FSI including the incentive FSI under this Regulation does not exceed 4.0 in the Island City and 3.0 in the Suburbs-Extended Suburbs.

The following Clauses are added after Clause (vii) :-

(vii) Public Parking shall be limited to G+2 and three basements.

(ix) The maximum cap on the built up area per parking space shall be 50.00 sq.mtr for LMVs, 65.00 sq.mtr for LCVs and 120.00 sq.mtr. for HMVs/Buses. The Incentive FSI shall be calculated as per the built-up area of the PPL, based on these norms or the actual built-up area of the PPL, whichever is less.

(x) The developer of the public parking lot (PPL) shall pay "premium", worked out as per the following formula:-

Premium = 40% of [Value of the additional built up area corresponding to the FSI permissible under this Regulation, as per the A.S.R. prepared by

[facilities provided + cost of construction of built-up area corresponding to the incentive F.S.I. admissible under this Regulation]

For the purpose of calculating premium as above, the cost of construction of PPL including amenities (facilities and the cost of construction of built-up area corresponding to the incentive FSI admissible under this Regulation for the financial year 2011-2012 shall be taken as Rs.15,000/- per sq. mtr. and Rs.25,000/- per sq.mtr. respectively. Revised construction costs shall be notified by the Municipal Commissioner of Municipal Corporation of Greater Mumbai every year in April, based on the average increase in Material Price Index of RBI (70% weightage) and Labour Index (CPI) (30 % weightage) during the previous financial year, over the year preceding that.

Provided that all the developments of public parking lots for which letter of Intent has been issued by the Corporation as per the DC Regulations 33(24), published vide Notification dated October 20, 2008, excepting those which have progressed substantially, shall have to follow the provisions of the Regulations 33(24) as amended vide this Notification and shall have to pay the premium at the rate of 50% of what they would have otherwise been required to pay as per the amended provisions.

(xi) The premium shall be paid in two stages - 50% before the issuance of I.O.D. for the PPL and 50% before issuance of C.C. for the Incentive FSI admissible under this Regulation.

Upon Payment of 100% premium as aforesaid, C.C. shall be issued in respect of 50% of the incentive FSI.

In no case shall the remaining 50% Incentive FSI be released without the handing over of the public parking lot, complete in all respects, to the Corporation.

The year in which 50% premium is paid before issuance of I.O.D. for the PPL shall be taken as the year for determination of construction cost as well as ASR for calculation of the premium. Out of the total premium payable, 50% shall be paid to the State Government and the remaining 50% to the Corporation.

(xii) The public parking lots, for which letter of intent has been issued by the Corporation as per the Development Control Regulation 33(24) published vide Notification dated October 20, 2008, but which have not been handed over to the Corporation, may be allowed to retain FSI as approved prior to the coming into force of this amended Regulation, with prior approval of the State Government, provided they pay premium as per provisions of this amended Regulation for the entire incentive FSI.

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

  
(Sanjay Banait)