

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६  
चे कलम १५४ अन्वये निदेश  
बृहन्मुंबई विकास नियंत्रण नियमावलीमध्ये जोखीम  
आधारित (Risk based) इमारत परवानगी मंजूरीच्या  
प्रक्रियेबाबत तरतूदी अंतर्भूत करणे.

## महाराष्ट्र शासन

नगर विकास विभाग

शासन निर्णय क्रमांक :- टिपीबी ४३१७/१०९/प्र.क्र.१४/२०१७ नवि-११

मंत्रालय, मुंबई : ४०० ०३२.

दिनांक - २ मार्च, २०१७

वाचले :- आयुक्त, बृहन्मुंबई महानगरपालिका यांचे पत्र क्र. एमजीसी/एफ/१०८९  
दिनांक २३.१.२०१७

### आदेश

जागतिक बँकेच्या निरीक्षणानुसार Ease of doing Business च्या अनुषंगाने इमारत परवानगी मंजूरी प्रक्रिया सुलभतेने व जलदगतीने होण्यासाठी जोखीम आधारित (Risk based) इमारत परवानगी मंजूरी प्रक्रियेबाबतच्या तरतूदी विकास नियंत्रण नियमावलीमध्ये अंतर्भूत करणे आवश्यक आहे. जागतिक बँक तसेच केंद्र शासनाच्या औद्योगिक धोरण आणि संवर्धन विभागाकडून (Department of Industrial Policy & Promotion) याबाबत आग्रह धरणेत आलेला आहे. यासंदर्भात केंद्र शासनाकडील सचिव स्तरावर झालेल्या बैठकांमध्ये तातडीने कार्यवाही करणेची आवश्यकता विषद करण्यात आलेली आहे. त्यास अनुसरून आयुक्त, बृहन्मुंबई महानगरपालिका यांनी दिनांक २३.१.२०१७ रोजीच्या पत्रान्वये बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ मध्ये Low Risk तसेच Moderate Risk वर्ग प्रकारातील इमारतींसाठी परवानगी मंजूरीच्या अनुषंगाने तरतूदी अंतर्भूत करणेची शासनास विनंती केलेली आहे. सबब, महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम १९६६ चे कलम १५४(१) अन्वये शासन खालीलप्रमाणे निदेश देत आहे.

### निदेश

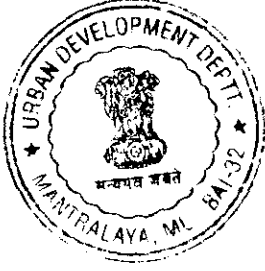
“ बृहन्मुंबई क्षेत्राची सुधारित प्रारूप विकास योजना प्रारूप विकास नियंत्रण नियमावलीसह महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम २६ खाली दिनांक २७.५.२०१६ रोजी प्रसिध्द करणेत आलेली असून वैधानिक तरतूदीनुसार ती मंजूरीसाठी शासनास सादर होणार आहे. सबब मॉडेल बिल्डींग बायलॉज, २०१६ मधील तरतूदी विचारात घेवून सुधारित प्रारूप विकास नियंत्रण नियमावली शासनास मंजूरीसाठी सादर करताना या बाबीच्या अनुषंगाने उचित तरतूदी बृहन्मुंबई महानगरपालिकेने त्यामध्ये अंतर्भूत कराव्यात. मध्यंतरीचे कालावधीमध्ये बृहन्मुंबई महानगरपालिकेने दिनांक २३.१.२०१७ रोजीच्या प्रस्तावानुसार सादर केलेप्रमाणे Low Risk तसेच Moderate Risk वर्ग प्रकारातील इमारतींसाठी, परवानगी मंजूरीच्या अनुषंगाने सोबत जोडलेल्या परिशिष्ट-I व परिशिष्ट-II प्रमाणे तरतूदी बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ मध्ये अंतर्भूत करणेस व त्याचा अंमल देणेस



मान्यता देणेत येत आहे. त्यानुसार महापालिका आयुक्त यांनी परवानाधारक वास्तूविशारद/सर्वेक्षक यांना इमारत परवानगी संदर्भात आराखडे तात्पुरते मंजूरीचे सशर्त अधिकार(Provisional Approval with conditions) देणेबाबत तसेच तद्नंतर महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम ४५ अन्वये औपचारिक मंजूरी आदेशासह प्रारंभ प्रमाणपत्र देणेचे अधिकार प्रभागस्तरावर कनिष्ठतम अधिकारी यांना प्रदान करणेबाबत त्यांचे स्तरावर आदेश निर्गमित करावेत. सदर तरतूदी ह्या मा.उच्च न्यायालयाने जनहित याचिका क्र. २१७/२००९ मधील सिव्हील अपीलेशन २२१/२०१३ मध्ये दिलेल्या आदेशास तसेच यापुढील मा. उच्च न्यायालयाने वेळोवेळी दिलेल्या आदेशास अधीन राहतील व तसेच अन्य कोणत्याही न्यायालयीन निर्णयास बाधा येणार नाही या दक्षतेसापेक्ष राहतील.”

वरील निदेश हे आदेशाच्या दिनांकापासून अंमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावांने



( किराणोर द. गिराल्लो )

महाराष्ट्र शासनाचे अवर सचिव

प्रत आवश्यक कार्यवाहीसाठी

- (१) सचिव, नगरविकास विभाग(२), मंत्रालय, मुंबई.
- (२) संचालक, नगरपालिका प्रशासन, वरळी-मुंबई
- (३) आयुक्त, बृहन्मुंबई महानगरपालिका.
- (२) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण.
- (३) मुख्य कार्यकारी अधिकारी, म्हाडा
- (४) मुख्य कार्यकारी अधिकारी, झोपडपट्टी पुनर्वसन प्राधिकरण.
- (५) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (६) उपसंचालक, नगर रचना, बृहन्मुंबई.
- (७) निवड नस्ती

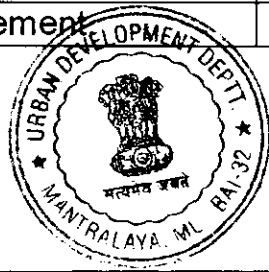
**ANNEXURE- I**

**Approvals of Building / structure, based on Risk Based categorization for Fast Tracking Approval.**

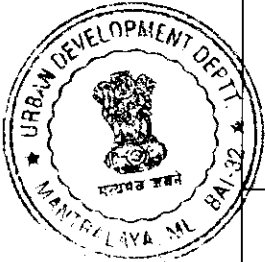
**1. LOW RISK BASED APPROVAL :-** Risk Based Building proposal approval for proposed Residential, commercial, industrial buildings/structures on vacant land, as per risk based classification matrix given in Table – A, below:-

**TABLE- A**

Sr. No.	Parameters/ Category.	Low Risk	Moderate Risk
1	Plot status	Vacant	Vacant
2	Type of structure/building	Ground storied	Ground& one(1) storied
3	Height of proposed Building/Structure - mts.		
a	Residential	2.75 mts. To 3.90 mts.(Single Building)	Above 3.90 mts and up to 7.80 mts.(Single building)
b	Commercial, Non-residential	3.00 mts. to 3.90 mts.(Single Building)	Above 3.90 mts and up to 7.80 mts.(Single building)
c	Industrial	3.60 mts.to 4.20 mts.(Single Building)	Above 4.20 mts and up to 8.40 mts.(Single building)
4	Total Built Up Area(Counted in FSI)	Up to 500.00 sqmt.	More than 500.00sqmt up to 1000.00 sqmt.
5	Front open spaces	4.50 mts	4.50 mts.
6	Side open spaces	1/3 <sup>rd</sup> of building height, with minimum of 3.60 mts for residential building,4.50 mts for commercial building .The minimum open space shall be 4.50 mts &6.00 mts in city and elsewhere respectively.	1/3 <sup>rd</sup> of building height, with minimum of 3.60 mts for residential building,4.50 mts for commercial building The minimum open space shall be 4.50 mts & 6.00 mts in city and elsewhere, respectively.
7	Basement	Without Basement.	Without Basement.



		No podium	No podium
8	Parking adequacy	Adequate.	Adequate.
9	Tree cutting.	Not permitted.	Not permitted
10	Tree replantation.	Not permitted	Not permitted
11	Reservations on plot.	Shall not be under any reservation	Shall not be under any reservation.
12	Type of structure	RCC. Steel frame structure for Industrial building/structure may be considered	RCC. Steel frame structure for Industrial building/structure may be considered
13	Civil Aviation Height permissibility.	As per CCZM plan.	As per CCZM plan.
14	Heritage Structure / Heritage precinct.	Shall not be Heritage structure or in precinct.	Shall not be Heritage structure or in precinct.
15	Experience Criteria for Architect /L.S. for granting Building Completion Certificate cum Occupation Completion Certificate.	Architect registered with Council of Architects /L.S. registered with MCGM	Architect registered with Council of Architects/L.S. registered with MCGM & have obtained at least 10 Occupation Completion Certificate/ Building Completion Certificate or both
15	Prohibited, restricted, buffer zones/ regulations	Shall not be affected by any buffer zone/Restricted Zones.	
Note : - plans shall be in consonance with provisions of Development Control Regulations.			



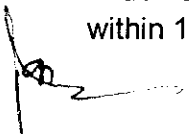
## 2. Procedure

Architect/ License Surveyor (L.S.) (Architect registered with Council of Architecture & License Surveyor registered with MCGM) are empowered to grant provisional approval with conditions to the building proposal plans for Residential building/structure as categorised as **Low Risk & Moderate Risk** in Table –A given above, subject to the following,

- i. The proposal shall be on vacant plot only and shall not affect by any buffer zone/s such as MMRDA, MRDA, Railways, Defense, CRZ, etc.
- ii. The proposal shall comprised of Notice u/s 337/342 of MMC Act, 1888 & application u/s 44/69 of MR&TP Act, 1966 , in format prescribed by Municipal Commissioner, along with documents, undertakings required for the proposal as per regulation & prepared by Municipal Commissioner, time

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- to time. All the documents shall be signed by the Architect /L.S. confirming with the original documents.(Annexure-I)
- iii. The work shall be supervised by the Architect/L.S. and ensure that the same is carried out as per the approval.
  - iv. Confirmation of ownership of premises / land in the name of applicant.
  - v. The building proposal for the proposed building shall be as per the provisions of Development Control Regulation.
  - vi. The Building proposal approval shall be given directly in the form of Commencement certificate for entire proposed work at once.
  - vii. Architect/L.S. shall check the plinth of the approved building/structure and submit the certificate to that effect to the commissioner, before starting the super structure work of the building/structure.
  - viii. Architect/L.S. shall issue the approved plans & approval letters with digital signature.
  - ix. The approval of building proposal will be inclusive of all type of approvals, such as, amended plan approval, commencement certificate, Building Completion certificate cum occupation certificate, for proposed building/structure, after completion of work in all respect, as per the criteria specified in Table-A above.
  - x. Architect/L.S. appointed for the proposal shall submit the periodic site progress & inspection report to the MCGM as desired by the Commissioner, time to time.
  - xi. On completion of work Architect/L.S. shall submit the Building completion certificate to the MCGM for the proposed building/structure. Thereafter, Architect/L.S., shall issue the BCC cum Occupation certificate, as required as per the provision of Acts, to the proposed building/structure.
  - xii. Architect/L.S. shall submit site inspection report along with photographs/video clips, at stages, viz :- While submitting the building proposal, after completion of plinth work, first floor level, second floor/terrace floor level and finally at the time of submitting Building completion certificate.
  - xiii. It will be the responsibility of Architect/L.S., site Supervisor & structural Engineer appointed for the proposed development, jointly or severally to ensure that the work is carried out as per the approval only, any deviation required during the construction shall be approved by Architect/L.S. before execution only.
  - xiv. The remarks, completion, design required for the internal infrastructure facilities such as ,Storm water ,drain, Plumbing, Mechanical & electrical facilities, STP, Parking mauverability, etc. within the plot shall be certified by the qualified consultants appointed by the applicant.
  - xv. The proposal shall be essentially process though online building proposal approval system only.
  - xvi. All documents shall be digitally certified by Architect /L.S.
  - xvii. The junior most Officer at ward level, authorized by Municipal Commissioner Shall grant formal approval and commencement certificate under Section 45 of Maharashtra Regional and Town Planning Act, 1966, within 10 days.





## ANNEXURE-II

### ➤ Documents required to be submitted along with proposals.


- 1) Notice u/s 337/342 of MMC Act, 1888 in prescribed format & application u/s 44/69 of MR&TP Act, 1966 along with complete set of plans (15 sets or as required in) as prescribed in the regulation 5(2) of DCR-1991, indicating therein the prominent roads, landmarks in the neighborhood near the site under reference on the location plan as well as block plan.
- 2) Form of supervision by Architect. / Licensed Surveyor (L.S.)/structural Engineer / Site Supervisor in the prescribed proforma.
- 3) ULC Clearance if necessary.
- 4) Property Register Card in words and in the name of applicant , issued along with City Survey Plan/True Extract.
- 5) Triangulation calculation for area of the plot, & Architect/L.S.'s certificate for area of the plot as prescribed in regulation 5(3 (ii) (c) of DCR-1991.
- 6) Owner/applicants' affidavit for area of the plot.
- 7) Certified copy of General Body Resolution of Society wherever applicable or as the conditions may be.
- 8) In case of GOVT. / MCGM land, NOC from Collector/Concern Authority of Govt. /Estate dept. of MCGM.
- 9) Survey Remarks & or B form from T.P.
- 10) In case plot is to be developed by deriving a "Right of Way", a registered agreement from the concerned owner.
- 11) Copy of approved layout /sub-division/amalgamation along with terms & conditions.
- 12) In case of no cutting of trees, Self-certification by Consultants & Developer for the same along with plan showing the details of tree on plot duly certified by both Architect/L.S. & Developer.
- 13) Formation level of Roads from E.E.(Roads.) dept.
- 14) Invert level of nearby Manhole from E.E. (Sewerage Operation) dept.
- 15) Invert level remarks from E.E. (S.W.D.) dept. /Survey Remarks.
- 16) Nalla Remarks from E.E. (S.W.D.) Dept., wherever required.
- 17) Digitally signed, appointment and acceptance of all consultants appointed by developer, such as,
  - a) Structural Engineer.
  - b) Site Supervisor.
  - c) Licensed Plumber (SWD, Water, SP).
  - d) Public Health Consultant (Rain Water Harvesting/PCO/SWM).
  - e) Mech. & Elect. Consultant.
  - f) Road Construction.
  - g) Fire Safety.
  - h) Traffic/parking.
  - i) Horticulturist.
- 18) Digitally signed, Remarks, design, planning, etc. from the respective consultant for the following.
  - a. Third party certification parking arrangement and maneuverability.
  - b. Internal SWD.
  - c. Internal Water works and Rain water Harvesting.
  - d. Internal Drainage Works.
  - e. Internal Mechanical & Electrical.
  - f. Structural design & plan showing the structural details for the proposed building.



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- g. Detail Plan & Design for Sewerage Treatment Plant from consultant, wherever required.
  - h. Internal Road.
  - i. Horticulture
  - j. Solid Waste Management Plan.
- 19) Registered comprehensive undertaking/declaration from the developer agreeing to the Terms & Conditions of the approval
- 20) Copies of plan showing Demarcation for Regular /sanctioned/proposed lines and reservations through A.E.(Survey) jointly with DILR.
- 21) Identification proforma with PAN Card of Applicant, all consultants, Architects/L.S.



  
( Kishor D.Girolla )  
Under Secretary to Government.