

महाराष्ट्र प्रादेशिक व नगर विकास आयोग, २२, २३
कृ.म.बुई विभाग, नवी मुंबई, महाराष्ट्र, २०००३२
३३(५) मध्य बाणाय ०३/२०१३, शहर विकास विभाग
पे.ब.द.ता.ची सूचना...

25
2013

महाराष्ट्र शासन

नगर विकास विभाग,

शासन क्रमांक : टिपीसी - ४३०९ / १२३ / प्र.क्र. ४७ / २०१३ / नवि-११,

मंत्रालय, मुंबई : ४०० ०३२,

दिनांक : ४ मे, २०१३.

शासन निर्णय - सोवतची सूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार ख निघाने

(सत्य बाणायत)

अवर सचिव, महाराष्ट्र शासन

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव

प्रति,

महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, मुंबई

महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई

प्रधान सचिव, महानगरपालिका विभाग, मंत्रालय, मुंबई

उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, शाळा, मुंबई

मुख्य अधिकारी, उभारत व दुरुस्ती पुरवठा भूखंड, मुंबई

संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे

सह सचिव तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई

उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई

प्रमुख अभियंता (वि.नि.) बृहन्मुंबई महानगरपालिका, मुंबई

व्यवस्थापक, शासकीय मध्यवर्ती मद्रणालय, चर्नीरोड, मुंबई

(त्यांना विनंती करण्यात येते की सोवतची सूचना महाराष्ट्र शासनाचे साधारण राजपत्रात

माम-३ मध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ५० प्रती नगर विकास विभाग, (नवि-११)

मंत्रालय, मुंबई - ४०० ०३२ व उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात

याव्यात)

कक्षा अधिकारी (सामाजिक कक्षा) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई, ४०० ०३२,

(त्यांना विनंती करण्यात येते की सोवतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द

करण्याबाबत आवश्यक ती कार्यवाही करावी.)

निव्वट्टी (नवि-२९)

- Proposed Modification to Regulation 33(5) of DCR for Gr. Mumbai, 1991 under section 37(1AA)

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated : 04th May, 2013.

NOTICE

No. TPB 4313/123/CR-47/2013/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 1090/RDP/UD-11 dated 20th February, 1991 so as to come into force with effect from the 25th March, 1991;

And whereas, the Regulation 33(5) of the said Regulations deals with Low Cost Housing Schemes of the Maharashtra Housing & Area Development Authority (MHADA);

And whereas, the Govt. in the Housing Department has declared the "Housing Policy" for the State (hereinafter referred to as "the said policy");

And whereas, the said policy proposes to allow redevelopment of MHADA colonies by providing higher FSI and to revise the size of old tenements so as to enable the present occupants to have better accommodation as well as to create additional housing stock;

And whereas, the Govt. in the Urban Development Department, vide Notification No. TPB-4308/74/CR-11/2008/UD-11, Dated 6th December, 2008 has modified the said Regulation for enhancing the FSI alongwith other stipulations;

And whereas, the Govt. in the Urban Development Department, vide Govt. Resolution No. TPB-4312/CR-35/2012/UD-11, dated 10/09/2012 has constituted a Study Group (hereinafter referred to as "the said Study Group") to study all the Sub-Regulations under Regulation 33 of the DCR, 1991 with a view to making suitable recommendations for its more effective implementation;

And whereas, the said Study Group after deliberations has submitted its report on Regulation 33(5) of the DCR, 1991 as Part-1 of the said Study Report alongwith the draft of modified Sub-Regulation 33(5);

And whereas, the Govt., after duly considering the Report of the said Study Group, is satisfied that in the public interest, it necessary to carry out urgently a modification to incorporate new Regulation 33(5) in the said Regulations by replacing the existing Regulation 33(5) (hereinafter referred to as "the said proposed modification");

Now, therefore, a draft of modification as per the Schedule appended hereto, which the State Government proposes to make in exercise of the powers conferred by sub-section (1AA) of section 37 of the said Act; and all other power enabling it in this behalf, is hereby published as required by clause (a) of sub-section (1AA) of section 37, for information of all the persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this notice in the Maharashtra Government official Gazette;

The Government is pleased to inform that any objections, suggestions upon the said proposed modification be forwarded before the expiry of one month from the date of publication of this notice in the Maharashtra Government official Gazette to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of section 37.

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



(Sanjay Banait)

Under Secretary to Government

The existing Regulation 33(5) of the said Regulation be substituted by the following new Regulation —

33(5) Development /Redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority(MHADA) :-

- 1) The FSI for a new scheme of Low Cost Housing implemented by MHADA departmentally on vacant lands for Economically Weaker Sections (EWS), Low Income Group(LIG) and Middle Income Group (MIG) categories shall be 3.0 on the gross plot area (exclusive of the Fungible FSI) and at least 60% built-up area in such scheme shall be in the form of tenements under the EWS, LIG and MIG categories, as defined by the Government in Housing Department from time to time.
- 2) For redevelopment of existing housing schemes of MHADA containing (i)EWS/LIG and /or (ii)MIG and/ or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible FSI).

2.1 Where redevelopment of buildings in existing housing schemes of MHADA is undertaken by the housing co-operative societies or the occupiers of such buildings or by the lessees of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows:-

A) Rehabilitation Area Entitlement

- i) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area for an existing residential tenement shall be equal to sum total of—
 - (a) a basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 300 sq. ft. and
 - (b) an additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table-A below:-

Table - A

Area of the Plot under Redevelopment	Additional Entitlement (As % of the Carpet Area of the Existing Tenement)
Upto 4000 sq.m.	Nil
Above 4000 sq.m to 2hect	15%
Above 2hect to 5 hect	25%
Above 5hect to 10 hect	35%
Above 10 hect	45%

Explanation :- The plot under redevelopment, means the land demarcated by MHADA for redevelopment.

Provided that the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit of carpet area prescribed for MIG category by the Govt. as applicable on the date of approval of the redevelopment project.

Provided further that the entitlement of rehabilitation area as admissible under this regulation shall be exclusive of the area of balcony.

ii) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area of any existing commercial / amenity unit in the Residential Housing Scheme shall be equal to the carpet area of the existing unit plus 20% thereof.

B) Incentive FSI : Incentive FSI admissible against the FSI required for rehabilitation, as calculated in (a) above, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR) in Rs/Sqm. of the plot under redevelopment as per the Annual Schedule of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm applicable to the area as per the ASR and shall be as given in the Table B below:-

Table B

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)
Above 6.00	40%
Above 4.00 and upto 6.00	50%
Above 2.00 and upto 4.00	60%
Upto 2.00	70%

Explanation :-

* RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.

Provided that the above incentive will be subject to the availability of the FSI on the Plot under redevelopment and its distribution by MHADA.

Provided further that in case there are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the authority competent to approve it.

C) Sharing of the Balance FSI

The FSI remaining in balance after providing for the rehabilitation and the incentive components, calculated as per (a) and (b) above respectively, shall be shared between the Cooperative Housing Society and MHADA in the form of built-up area, as given in Table C below and the share of MHADA shall be handed over to MHADA free of cost.

Basic Rate (LR/R)	Sharing of Balance FSI	
	Cooperative Society Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and upto 6.00	35%	65%
Above 2.00 and upto 4.00	40%	60%
Upto 2.00	45%	55%

2.2 Where redevelopment of buildings in the existing Housing Schemes of MHADA is undertaken by MHADA or jointly by MHADA alongwith the housing societies or the owners of such building or by the lessees of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows:

A) Rehabilitation Area Entitlement :

The Rehabilitation Area Entitlement shall be increased by 10% of the existing carpet area over and above the Rehabilitation Area Entitlement calculated in (A) of 2.1 above, subject to the maximum of the size of MIG prescribed by the Government in the Housing Department.

B) Incentive FSI : Incentive FSI shall be the same as in (B) of 2.1

C) Sharing of the balance FSI: Sharing of the balance FSI shall be the same as in (C) of 2.1

2.3 For the purpose of calculating the FSI, the entire area of the layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots shall be permissible on the basis of the compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS / LIG categories, the Regulations in Appendix I (excluding I(b)) shall apply.

Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.

2.4 For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.

2.5 For providing the requisite infrastructure for the increased population, an infrastructure charge at the rate of 7% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be chargeable for the extra FSI (excluding the fungible FSI) granted over and above the normal FSI for the redevelopment schemes. 50% of the Infrastructure Charge levied and collected by MHADA shall be transferred to the Municipal Corporation of Greater Mumbai for developing necessary off site infrastructure.

2.6 No premium shall be charged for the fungible FSI admissible as per DCR 35(4) for

(i) construction of EWS/LIG and MIG tenements by MHADA on a vacant plot or
(ii) in a redevelopment project for the construction of EWS/LIG and MIG
tenements towards the share of MHADA, or (iii) for rehabilitation component of
redevelopment project.

- 6) Notwithstanding anything contained in these Regulations, the relaxation incorporate
in Regulation No. 33(10) of these Regulation shall apply to the Housing Scheme
under this Regulation for tenements under EWS/LIG and MIG categories. However
the front open space shall not be less than 3.6 mt.
- 7) a) In any Redevelopment Scheme where the Co-operative Housing Society
Developer appointed by the Co-operative Housing Society has obtained a
Objection Certificate from the MHADA/ Mumbai Board, thereby sanctioning
additional balance FSI with the consent of 70% of its members and where such
NOC holder has made provision for alternative accommodation in the
proposed building (including transit accommodation), then it shall be
obligatory for all the occupiers / members to participate in the Redevelopment
Scheme and vacate the existing tenements for the purpose of redevelopment.
In case of failure to vacate the existing tenements, the provisions of section 5
A of the MHADA Act mutatis mutandis shall apply for the purpose of getting
the tenements vacated from the non co-operative members.
- b) For redevelopment of buildings in any existing Housing Scheme of MHADA
under clause 2.2 hereinabove, by MHADA, the consent of the Co-operative
Housing Society in the form of a valid Resolution as per the Co-operative
Societies Act, 1960 will be sufficient. In respect of members not co-operative
as per approval of the redevelopment project, action under section 95(A) of the
Maharashtra Housing and Area Development Act, 1976 may be taken by
MHADA.
- 8) A corpus fund, as may be decided by MHADA, shall be created by the Developer
which shall remain with the Co-operative Housing Societies for the maintenance
of the new buildings under the Rehabilitation Component.
- 9) The Redevelopment proposals where NOC has been issued by Mumbai Board and
Offer Letter has already been issued prior to the date of coming into force of this
modification (hereinafter referred to as the "appointed date") and which is valid
as on the appointed date, shall continue to be governed by the Regulations
applicable prior to this modification.



(Sanjay Banait)

Under Secretary to Government.