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RNI No. MAHBIL/2009/36619  
Reg. No. MH/MR/South-346/2014-16

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CHE/DP/23  
2014-15

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष ५, अंक ७८(३)]

मंगळवार, मार्च ४, २०१४/फाल्गुन १३, शके १९३५

[पृष्ठे ३, किंमत : रुपये ११.००

असाधारण क्रमांक ३२

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 3rd March 2014

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. DCR.1095/CR-38/2012/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 the 20th February 1991 so as to come into force with effect from the 25th March 1991 ;

And whereas, the Government of Maharashtra, vide Notification of Housing and Special Assistance Department No. SRP. 1095/CR-37/ Housing Cell, dated 16th December 1995, had appointed the “ Slum Rehabilitation Authority ” (hereinafter referred to as “ the said Authority ”) under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, for the purpose of slum rehabilitation in Brihan Mumbai ;

And whereas, according to the provisions of the clause (19) of section 2 of the said Act, the said Authority is the Planning Authority in respect of slum rehabilitation areas for the purpose of implementation of Slum Rehabilitation Scheme in Brihan Mumbai ;

And whereas, the Government of Maharashtra in the Urban Development Department vide Notification No. DCR. 1095/1209/CR-273/95/UD-11, dated the 15th October 1997 which is published in the Maharashtra Government Gazette, dated the 15th October 1997 at page 104 to 133-A, has sanctioned the modification to Regulations 33 (10) and 33(14) of the said Regulations for effective implementation of Slum Rehabilitation Scheme, which have come into force with effect from the 15th October 1997 ;

And whereas, the Government of Maharashtra in the Urban Development Department, vide Notification No. DCR.1095/1209/CR-273/95/UD-11, dated the 30th November 2002 has further modified Regulation 33(10) under section 37(2) of the said Act (hereinafter referred to as “the said modified regulation”);

And whereas, the State Government in the Housing Department intends to rehabilitate the slum dwellers who have been residing continuously for at least one year in protected structures as per the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment ) Act, 1971 and orders issued thereunder.

(१)

And whereas, the Government, in exercise of the powers conferred under sub-section (IAA) of section 37, had issued Notice No.DCR.1095/1209/CR-151/2011/UD-11 dated 31st December 2011 for inviting suggestions/objections from the general public with regard to the modification (hereinafter referred to as the proposed modification) proposed 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 modification to the Government after giving hearing to the concerned persons and the said Authority.

And whereas, the said Notice No.DCR.1095/1209/CR-151/2011/UD-11, dated 31st December 2011 was published in the *Maharashtra Government Gazette* (Extraordinary Gazette), dated 31st December 2011 (hereinafter referred to as " the *Official Gazette* ") and the said Officer has submitted his Report vide letter dated 31st March 2012 through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under section 37(IAA) 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 modification is required to be sanctioned.

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

(A) Sanctions the proposed modification 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 modification.

(C) Directs the Municipal Corporation of Greater Mumbai and the Slum Rehabilitation Authority that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereto shall be added.

#### Schedule

#### SANCTIONED MODIFICATION

Sr. Regulation No.	Regulation No.	Existing Provision	Sanctioned Provision
(1)	(2)	(3)	(4)
1	33(10) I(a)	I. <i>Eligibility for redevelopment scheme.</i> — (a) For redevelopment of slums including pavements, whose inhabitants' names and structures appear in the electoral roll prepared with reference of 1st January 1995 or a date prior thereto, but where the inhabitants stay at present in the structure, the provisions of Appendix IV shall apply on the basis of a tenement in exchange for an independently numbered structure.	(I) <i>Eligibility for redevelopment Scheme.</i> — For this purpose, a person eligible for redevelopment scheme shall mean a protected occupier as defined in Chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.
	33(10) II(vi)	(vi) A structure shall mean all the dwelling areas of all persons who were enumerated as living in that one numbered house in the electoral roll of the latest date, upto 1st January 1995 and regardless of the number of persons, or location of rooms or access.	(vi) A structure shall mean all the dwelling area of a protected occupier as defined in Chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.
	33(10) Appendix-IV Clause No.1.5	1.5 A certified extract of the relevant electoral roll shall be considered adequate evidence to establish the eligibility of a person provided he is found residing in the structure. This is to avoid the possibility of persons who have left the structure coming back to claim free tenement under the scheme even though they have in the normal course left the slum and gone away into a proper non-slum area or	1.5 The eligibility of a person including a transferee, under a scheme of Slum redevelopment shall be established in accordance with Chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.

No. CHE/ 10357 /DP/Gen. dtd. 30/7/14

Ch.E.(D.P.)

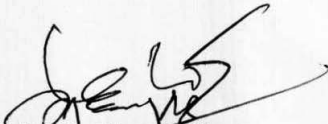

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E.E.(D.P.)City/E.E.D.P.(E.S.)/E.E.(D.P.)W.S.H&K/P&R/E.E.P.to Ch.E.(D.P.)

E.E.(B.P.)City I/II/III/E.E.B.P.(E.S.) I/II/ E.E.B.P.(W.S.) H&K (P&R\_

A.E.(D.P.) ..... / S.E. (D.P.) .....

~~Copy forwarded~~ <sup>Submitted</sup> for information & further necessary action please

  
Administrative Officer  
(Development Plan)  


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*[Handwritten signature]*

(1)	(2)	(3)	(4)
		out of Brihan Mumbai. If hutment dwellers are found resident in the structure, but the names are on the electoral roll on or prior to 1st January 1995 at another slum/pavement site in Brihan Mumbai, they shall be considered eligible but only at the place of present residence. In case of doubt or dispute, the decision of the Competent Authority to be appointed by the Government in Housing and Special Assistance Department shall be final and binding on all the parties concerned.	
33(10) Appendix-IV Clause No.1.9	1.9 <i>Transfer of Photopasses.</i> —	Since only the actual occupant at present will be eligible for redevelopment, there shall be no need to regularize the transfers of photopasses that have occurred so far. A photopass will be given after the new tenement has been occupied	Deleted.
33(10) Appendix-IV Clause No.1.10	1.10. Any persons whose name is enrolled in the non-slum area in Brihan Mumbai but has purchased a hutment and therefore got his name also included in electoral roll for the slum area, i.e. he has his name in the electoral roll at two places, he shall not be held eligible for the scheme.		Deleted.

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

SANJAY BANAIT,  
Under Secretary to Government.

बृहन्मुंबई महानगर पालिका			
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यांचे कार्यालय			
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