

MGR/9911
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CHE (D.P.)

PS. D.M.C.
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CHE/DP/22
2014-15



RNI No. MAHBIL/2009/36619

Reg. No. MH/MR/South-346/2014-16

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष ५, अंक ७८(४)]

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

[पृष्ठे ४, किंमत : रुपये ११.००

असाधारण क्रमांक ३३

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 3rd March 2014

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB. 4313/1267/CR-183/2013/UD-11.— Whereas, the Government in Urban Development Department, *vide* Notification No. TPB. 4308/3709/CR-347/08/UD-11, dated the 14th May 2009, under section 40(1)(c) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as "the said Act") has appointed Mumbai Metropolitan Region Development Authority (hereinafter referred to as its acronym "MMRDA") established under the Mumbai Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) to be the Special Planning Authority for the Chhatrapati Shivaji International Airport (CSIA) Notified area bounded by the Airport Boundary (hereinafter referred to as "the said Notified Area");

And whereas, the MMRDA *vide* its Resolution No. 1207, dated 3rd August 2009 declared its intention under section 23 of the said Act to prepare a fresh Development plan for the said Notified Area and the notice of such declaration was published at Pages No.7 and 8 in the *Maharashtra Government Gazette*, Miscellaneous Part-II, dated the 24th December 2009;

And whereas, the MMRDA after carrying out survey of the entire land of the said Notified Area as required under section 25 of the said Act, prepared the Interim Draft Development Plan for a part of the said Notified Area (hereinafter referred to as the "said Development Plan"), and published a notice under sub-section (1) of section 26 of the said Act in the *Maharashtra Government Gazette*, Extra-Ordinary, Part-II, dated the 6th January 2011 on Pages No. 1 to 4, for inviting objections or suggestions from the general public;

And whereas, the said Act has been amended *vide* Maharashtra Act, (X of 2011) with effect from 5th April 2011 and as per amended provision of section 30 of the said Act, the MMRDA was required to submit the said Development Plan for sanction to the State Government before expiry of one year period from 5th April 2011, after following the legal procedure specified under section 28 of the said Act;

(१)

And whereas, the MMRDA failed to submit the said Development Plan under provision of section 30 of the said Act to the State Government within the stipulated period of one year from 5th April 2011;

And whereas, in accordance with the provisions of sub-section 4 and 4A of the section 21 of the said Act, the Divisional Deputy Director, Town Planning, Konkan Division appointed the Deputy Director of Town Planning, Greater Mumbai as the officer for carrying out the remaining work up to the submission stage of the said Development Plan under section 30 of the said Act;

And whereas, in accordance with the provisions of sub-section (1) of section 30 of the said Act, the Deputy Director of Town Planning, Greater Mumbai, appointed as the Officer under sub-sections 4 and 4A of section 21 of the said Act, has submitted the said Development Plan alongwith the Development Control Rules to the State Government for its sanction, *vide* letter dated the 3rd January 2013;

And whereas, in accordance with sub-section (1) of section 31 of the said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, the State Government has sanctioned a part of the said Development Plan, excluding, the substantial modifications, as specified as EP-1, EP-2 in Schedule-A *vide* Notification No. CMS/TPB. 4312/1/CR-47/2012/UD-11, dated the 17th May 2013;

And whereas, the substantial modifications EP-1, EP-2 were published under the provisions of section 31(1) of the said Act, *vide* Notice No. CMS/TPB. 4312 /1 /CR - 47/2012/II/UD-11, dated the 17th May 2013 in the *Maharashtra Government Gazette*, Konkan Division Supplement, dated the 24th May 2013 on Page Nos. 1 to 4 for inviting suggestions /objections from the general public and the Deputy Director of Town Planning, Greater Mumbai, was appointed as the Officer to give hearing and to submit his Report to the Government;

And whereas, the said Officer, after giving hearing in respect of the suggestions /objections received from the general public regarding the EP-1 and EP-2 has submitted his Report to the Government *vide* his letter dated the 16th September 2013 through the Director of Town Planning, Maharashtra State.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the said Act and of all other powers enabling it on that behalf, after considering the Director of Town Planning, Maharashtra State, Pune, the Government of Maharashtra hereby:—

(a) sanctions the said Excluded Parts No. EP-1 and EP-2 of the said the Development Plan in the Development Control Rules, with certain changes, as specified in the Schedule appended hereto;

(b) fixes the date after one month of the publication of this Notification in the *Maharashtra Government Gazette* to be the date on which the said Excluded Parts No. EP-1 and EP-2, shall come into force.

A copy of modifications showing the Excluded Parts, as sanctioned by the State Government, shall be kept open for inspection by the general public, during working hours for a period of one year at the following Offices during office hours on all working days:—

(1) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra-Kurla Complex, Bandra 400 051.

(2) Deputy Director of Town Planning, Greater Mumbai.

This Notification shall also be made available on the Government website : www.maharashtra.gov.in

Schedule

SUBSTANTIAL MODIFICATIONS SANCTIONED BY THE GOVERNEMENT UNDER SECTION 31 (1) OF THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

(ACCOMPANIMENT TO THE GOVERNMENT NOTIFICATION No. TPB 4313/1267/CR-183/2013/UD-11, DATED the 3rd March 2014)

Sr. No.	Excluded part	Proposals of Draft Development Plan Submitted to the Government for Sanction under Section 30 of the MR & TP Act, 1966	Modifications proposed by Government while Sanctioning the Interim Development Plan under Section 31 of the MR & TP Act, 1966.	Modification sanctioned by the Govt.
(1)	(2)	(3)	(4)	(5)
1	EP-1	<p>Regulation No. 33</p> <p>(4) Building of Starred Category Residential Hotels :— With the previous approval of Government and subject to payment of such premium as may be fixed by Government (out of which 50 per cent shall be payable to the Authority), and subject to such other terms and conditions as it may specify, the floor space indices in Table 14 may be permitted to be exceeded in the case of buildings of all starred category residential hotels in independent plots and under one establishment as approved by the Department of Tourism, by a maximum of 100 percent over the normal permissible floor space index in notified area of CSIA. No condonation in required open spaces, parking and other requirements as in these Regulations shall be allowed in the case of grant of such additional floor space index.</p>	<p>Regulation No. 33</p> <p>(4) Building of Starred Category Residential Hotels and Conventional Center :— In the case of (i) Buildings of all starred category residential hotels on independent plots and under one establishment, as approved by the Ministry of Tourism, Government of India and (ii) Convention Center, The Metropolitan Commissioner may grant additional floor space index upto 1.00, over and above the maximum allowable FSI of 4, on any individual plot in the Notified area of CSIA, where such use is otherwise permissible under these Regulations subject to payment of such premium as may be fixed by the Metropolitan Commissioner (out of which 50 per cent shall be payable to the State Government), and subject to such other terms and conditions as he may specify. No condonation in required open spaces, parking and other requirements as mentioned in these Regulations shall be allowed in the case of grant of such additional floor space index.</p>	<p>Regulation No. 33</p> <p>(4) Building of Starred Category Residential Hotels and Conventional Center :— In the case of— (i) Buildings of any starred category residential hotel on an independent plot and under one establishment, as approved by the Ministry of Tourism, Government of India; and (ii) Convention Center; the Metropolitan Commissioner may allow floor space index to be increased by 1.00, over and above the maximum allowable FSI of 4 on any individual plot in the Notified area of CSIA, where such use is otherwise permissible under these Regulations, subject to the following special conditions :— (a) No condonation in the required open spaces, parking and other requirements, as mentioned in these Regulations, shall be allowed by MMRDA while permitting such increased floor space index (b) Such Starred Category Hotel, utilizing such increased FSI, shall keep reserved and make available, Hotel Rooms corresponding to 5% built area of such increased FSI, for use as directed by the Govt. from time to time, for 30 days in a calendar year and such Hotel Rooms shall be made available free of cost. (c) Such Convention Center utilizing such increased FSI, shall be made available to the Govt. at its request for 30 days in a calendar year, free of cost. (d) The responsibility of administering the aforesaid conditions on behalf of the Govt. and handling the issue of allotment of aforesaid Hotel Rooms and Convention Center for the Govt. shall vest with MMRDA.</p>

(1)	(2)	(3)	(4)	(5)
2	EP-2	Section-B List of Additional Regulations/ Sections of MCGM DCR modified in CSIANA DCR. Regulation/ Section as per MCGM DCR- 51. Purely Residential Zone (R1 Zone)- Ancillary use permitted. <ul style="list-style-type: none"> Regulation deleted - uses permitted as per provisions in Regulation 49. 	Section-B List of Additional Regulations/ Sections of MCGM DCR modified in CSIANA DCR. The provision is proposed to be redrafted as under -- “Permissible uses in Non- Aeronautical zone shall be as per provisions in Table 49-B under Regulation 49 of these Regulations and shall also include uses permissible in R-1 Zone under Regulation No.51 of the MCGM, DCR 1991, but without any restriction on the size of Office.”	Section-B List of Additional Regulations/ Sections of MCGM DCR modified in CSIANA DCR. The provision is redrafted as under -- “Permissible uses in Non- Aeronautical zone shall be as per provisions in Table 49-B under Regulation 49 of these Regulations and shall also include uses permissible in R-1 Zone under Regulation No.51 of the MCGM, DCR 1991, but without any restriction on the size of Office.”

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

SANJAY BANAIT,
Under Secretary to Government.

बृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास नियोजन)			
यांचे कार्यालय			
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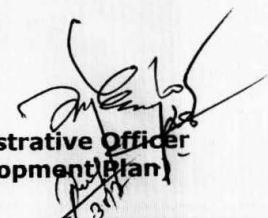
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E.E.(D.P.)City/E.E.D.P.(E.S.)/E.E.(D.P.)W.S.H&K/P&R/E.E.P.to Ch.E.(D.P.)

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

Submitted
Copy ~~forwarded~~ for information & further necessary action please


Administrative Officer
(Development Plan)

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MGR/911
10/11/14
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RNI No. MAHBIL /2009/36619

Reg. No. MH/MR/South-346/2014-16

CHE (D.P.)

PS. G.M.C.
9/3

CHE/DP/22
2014-15



महाराष्ट्र शासन राजपत्र असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष ५, अंक ७८(४)]

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

[पृष्ठ ४, किंमत : रुपये ११.००

असाधारण क्रमांक ३३

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 3rd March 2014

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB. 4313/1267/CR-183/2013/UD-11.— Whereas, the Government in Urban Development Department, *vide* Notification No. TPB. 4308/3709/CR-347/08/UD-11, dated the 14th May 2009, under section 40(1)(c) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as "the said Act") has appointed Mumbai Metropolitan Region Development Authority (hereinafter referred to as its acronym "MMRDA") established under the Mumbai Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) to be the Special Planning Authority for the Chhatrapati Shivaji International Airport (CSIA) Notified area bounded by the Airport Boundary (hereinafter referred to as "the said Notified Area");

And whereas, the MMRDA *vide* its Resolution No. 1207, dated 3rd August 2009 declared its intention under section 23 of the said Act to prepare a fresh Development plan for the said Notified Area and the notice of such declaration was published at Pages No.7 and 8 in the *Maharashtra Government Gazette*, Miscellaneous Part-II, dated the 24th December 2009;

And whereas, the MMRDA after carrying out survey of the entire land of the said Notified Area as required under section 25 of the said Act, prepared the Interim Draft Development Plan for a part of the said Notified Area (hereinafter referred to as the "said Development Plan"), and published a notice under sub-section (1) of section 26 of the said Act in the *Maharashtra Government Gazette*, Extra-Ordinary, Part-II, dated the 6th January 2011 on Pages No. 1 to 4, for inviting objections or suggestions from the general public;

And whereas, the said Act has been amended *vide* Maharashtra Act, (X of 2011) with effect from 5th April 2011 and as per amended provision of section 30 of the said Act, the MMRDA was required to submit the said Development Plan for sanction to the State Government before expiry of one year period from 5th April 2011, after following the legal procedure specified under section 28 of the said Act;

(१)

And whereas, the MMRDA failed to submit the said Development Plan under provision of section 30 of the said Act to the State Government within the stipulated period of one year from 5th April 2011;

And whereas, in accordance with the provisions of sub-section 4 and 4A of the section 21 of the said Act, the Divisional Deputy Director, Town Planning, Konkan Division appointed the Deputy Director of Town Planning, Greater Mumbai as the officer for carrying out the remaining work up to the submission stage of the said Development Plan under section 30 of the said Act;

And whereas, in accordance with the provisions of sub-section (1) of section 30 of the said Act, the Deputy Director of Town Planning, Greater Mumbai, appointed as the Officer under sub-sections 4 and 4A of section 21 of the said Act, has submitted the said Development Plan alongwith the Development Control Rules to the State Government for its sanction, *vide* letter dated the 3rd January 2013;

And whereas, in accordance with sub-section (1) of section 31 of the said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, the State Government has sanctioned a part of the said Development Plan, excluding, the substantial modifications, as specified as EP-1, EP-2 in Schedule-A *vide* Notification No. CMS/TPB. 4312/1/CR-47/2012/UD-11, dated the 17th May 2013;

And whereas, the substantial modifications EP-1, EP-2 were published under the provisions of section 31(1) of the said Act, *vide* Notice No. CMS/TPB. 4312 /1 /CR - 47/2012/II/UD-11, dated the 17th May 2013 in the *Maharashtra Government Gazette*, Konkan Division Supplement, dated the 24th May 2013 on Page Nos. 1 to 4 for inviting suggestions /objections from the general public and the Deputy Director of Town Planning, Greater Mumbai, was appointed as the Officer to give hearing and to submit his Report to the Government;

And whereas, the said Officer, after giving hearing in respect of the suggestions /objections received from the general public regarding the EP-1 and EP-2 has submitted his Report to the Government *vide* his letter dated the 16th September 2013 through the Director of Town Planning, Maharashtra State.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the said Act and of all other powers enabling it on that behalf, after considering the Director of Town Planning, Maharashtra State, Pune, the Government of Maharashtra hereby:—

(a) sanctions the said Excluded Parts No. EP-1 and EP-2 of the said the Development Plan in the Development Control Rules, with certain changes, as specified in the Schedule appended hereto;

(b) fixes the date after one month of the publication of this Notification in the *Maharashtra Government Gazette* to be the date on which the said Excluded Parts No. EP-1 and EP-2, shall come into force.

A copy of modifications showing the Excluded Parts, as sanctioned by the State Government, shall be kept open for inspection by the general public, during working hours for a period of one year at the following Offices during office hours on all working days:—

(1) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra-Kurla Complex, Bandra 400 051.

(2) Deputy Director of Town Planning, Greater Mumbai.

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**(ACCOMPANIMENT TO THE GOVERNMENT NOTIFICATION
No. TPB 4313/1267/CR-183/2013/UD-11, DATED the 3rd March 2014)**

Sr. No.	Excluded part	Proposals of Draft Development Plan Submitted to the Government for Sanction under Section 30 of the MR & TP Act, 1966	Modifications proposed by Government while Sanctioning the Interim Development Plan under Section 31 of the MR & TP Act, 1966.	Modification sanctioned by the Govt.
(1)	(2)	(3)	(4)	(5)
1	EP-1	<p><u>Regulation No. 33</u> (4) Building of Starred Category Residential Hotels :— With the previous approval of Government and subject to payment of such premium as may be fixed by Government (out of which 50 per cent shall be payable to the Authority), and subject to such other terms and conditions as it may specify, the floor space indices in Table 14 may be permitted to be exceeded in the case of buildings of all starred category residential hotels in independent plots and under one establishment as approved by the Department of Tourism, by a maximum of 100 percent over the normal permissible floor space index in notified area of CSIA. No condonation in required open spaces, parking and other requirements as in these Regulations shall be allowed in the case of grant of such additional floor space index.</p>	<p><u>Regulation No. 33</u> (4) Building of Starred Category Residential Hotels and Conventional Center :— In the case of (i) Buildings of all starred category residential hotels on independent plots and under one establishment, as approved by the Ministry of Tourism, Government of India and (ii) Convention Center, The Metropolitan Commissioner may grant additional floor space index upto 1.00, over and above the maximum allowable FSI of 4, on any individual plot in the Notified area of CSIA, where such use is otherwise permissible under these Regulations subject to payment of such premium as may be fixed by the Metropolitan Commissioner (out of which 50 per cent shall be payable to the State Government), and subject to such other terms and conditions as he may specify. No condonation in required open spaces, parking and other requirements as mentioned in these Regulations shall be allowed in the case of grant of such additional floor space index.</p>	<p><u>Regulation No. 33</u> (4) Building of Starred Category Residential Hotels and Convention Center :— In the case of— (i) Buildings of any starred category residential hotel on an independent plot and under one establishment, as approved by the Ministry of Tourism, Government of India; and (ii) Convention Center; the Metropolitan Commissioner may allow floor space index to be increased by 1.00, over and above the maximum allowable FSI of 4 on any individual plot in the Notified area of CSIA, where such use is otherwise permissible under these Regulations, subject to the following special conditions :— (a) No condonation in the required open spaces, parking and other requirements, as mentioned in these Regulations, shall be allowed by MMRDA while permitting such increased floor space index (b) Such Starred Category Hotel, utilizing such increased FSI, shall keep reserved and make available, Hotel Rooms corresponding to 5% built area of such increased FSI, for use as directed by the Govt. from time to time, for 30 days in a calendar year and such Hotel Rooms shall be made available free of cost. (c) Such Convention Center utilizing such increased FSI, shall be made available to the Govt. at its request for 30 days in a calendar year, free of cost. (d) The responsibility of administering the aforesaid conditions on behalf of the Govt. and handling the issue of allotment of aforesaid Hotel Rooms and Convention Center for the Govt. shall vest with MMRDA.</p>

(1)	(2)	(3)	(4)	(5)
2	EP-2	Section-B List of Additional Regulations/ Sections of MCGM DCR modified in CSIANA DCR. Regulation/ Section as per MCGM DCR- 51. Purely Residential Zone (R1 Zone)- Ancillary use permitted. • Regulation deleted - uses permitted as per provisions in Regulation 49.	Section-B List of Additional Regulations/ Sections of MCGM DCR modified in CSIANA DCR. The provision is proposed to be redrafted as under -- under - "Permissible uses in Non- Aeronautical zone shall be as per provisions in Table 49-B under Regulation 49 of these Regulations and shall also include uses permissible in R-1 Zone under Regulation No.51 of the MCGM, DCR 1991, but without any restriction on the size of Office."	Section-B List of Additional Regulations/ Sections of MCGM DCR modified in CSIANA DCR. The provision is redrafted as under - "Permissible uses in Non- Aeronautical zone shall be as per provisions in Table 49-B under Regulation 49 of these Regulations and shall also include uses permissible in R-1 Zone under Regulation No.51 of the MCGM, DCR 1991, but without any restriction on the size of Office."

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

SANJAY BANAIT,
Under Secretary to Government.

बृहन्मुंबई महानगर पालिका
एमएच अखिलाता (निकाश विभाग)

No. CHE/ 10359 /DP/Gen. dtd. 30/7/2014

Ch.E.(D.P.)

Dy.Ch.E.(D.P.)-I / II/Dy.Ch.E.(B.P.)(City)/E.S./W.S.-I/W.S.-II

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 ^{Submitted} ~~forwarded~~ for information & further necessary action please

Administrative Officer
(Development Plan)