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प्र. झामि. (वि.नि)

राष्ट्रिय
महापालिका बाबुस्ता
स्वीय चिह्नीक ३१२

महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ६, अंक १८

गुरुवार, मे २२, २०१४/ज्येष्ठ १, शके १९३६

[पृष्ठ ६, किंमत : रुपये १५.००]

असाधारण क्रमांक ७६

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमांन्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई ४०० ०३२, दिनांक २२ मे २०१४.

अधिसूचना

क्रमांक एलव्यूएन-१२/२०१३/प्र.क्र.१९०/अ-२.— भूमिसंपादन पुनर्वसन व पुनर्स्थापना करताना वाजवी भरपाई मिळण्याचा व पारदर्शकतेचा हक्क अधिनियम, २०१३ (२०१३ चा ३०) च्या कलम १०८ द्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून राज्य शासन याद्वारे खाली नमूद केलेल्या बाबतीतील प्रस्तावित प्रारूप धोरणामुळे बाधा पोहचण्याची शक्यता असलेल्या सर्व व्यक्तींकडून आक्षेप / सूचना मागविण्यासाठी याद्वारे प्रसिद्ध करण्यात येत आहे आणि याद्वारे अशी सूचना देण्यात येत आहे की, महाराष्ट्र शासनाच्या राजपत्रात प्रारूप धोरण प्रसिद्ध केल्याप्रमाणे जनतेला उपलब्ध करून देण्यात आलेल्या दिनांकापासून तीस दिवसांचा कालावधी समाप्त झाल्यानंतर उक्त प्रारूप धोरणाचा मसुदा विचारात घेण्यात येईल.

२. अशा प्रकारे विनिर्दिष्ट केलेल्या कालावधीमध्ये उक्त प्रारूप धोरण मसुद्याबाबत कोणत्याही व्यक्तींकडून ज्या कोणत्याही सूचना व हरकती प्राप्त होतील, त्या राज्य शासनाकडून विचारात घेण्यात येतील.

३. हरकती वा सूचना कोणत्याही असल्यास, त्या उप सचिव (भूमिसंपादन), महसूल व वन विभाग, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई-४०० ०३२ आणि उप सचिव (पुनर्वसन व पुनर्स्थापना), महसूल व वन विभाग, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई-४०० ०३२ यांच्याकडे पाठविण्यात यावेत.

प्रारूप धोरण

शासनाच्या विविध विभागांनी पालन करावे या उद्देशाने भूमिसंपादन पुनर्वसन आणि पुनर्स्थापना यामध्ये योग्य नुकसानभरपाई आणि पारदर्शकता हक्क अधिनियम, २०१३ (२०१३ चा ३०) कलम १०८ खाली धोरण तयार करणे हा शासनाचा उद्देश आहे. त्यामुळे भूमिसंपादन पुनर्वसन आणि पुनर्स्थापना या मध्ये सदर अधिनियमाखाली परिगणना केल्यापेक्षा जास्त नुकसानभरपाई देता येईल. बाधित व्यक्तींचा नुकसान भरपाईचा हक्क सदर अधिनियमाखाली देण्यात आलेल्या नुकसानभरपाई पुनर्वसन आणि पुनर्स्थापना यांच्या पॅकेज पेक्षा सर्वसाधारणपणे जास्त आहे. त्यामुळे बाधित व्यक्ती किंवा त्यांचे कुटुंबिय त्यांची ज्या राज्यात तात्पुरत्या लागू असलेल्या इतर कोणत्याही शासकीय कायद्याखाली संपादित करण्याचे प्रस्तावित करण्यात आले आहे अशा अधिनियमाखाली अशा प्रकारे जास्त नुकसान भरपाई, पुनर्वसन आणि पुनर्स्थापना प्राप्त करू शकतात.

(१)

भाग १ जमिनीचे मूल्यांकन—

(१) संपादित होणा-या जमिनीचे बाजार मूल्य महाराष्ट्र मुद्रांक अधिनियम (१९५८ चा ५९) आणि महाराष्ट्र मुद्रांक (मिळकतीचे रास्त बाजार मूल्य निश्चित करणे) नियम, १९९५ खाली असलेल्या शिष्टसिद्ध गणकाप्रमाणे निश्चित करणे आवश्यक राहील.

(२) ग्रामीण भागात जमिनीच्या बाजार मुल्याला १.०१ या गुणकाने तर शहरी भागात १.०१ या गुणकाने गुणणे आवश्यक आहे (हा गुणक शासनाने मंजूर केलेल्या गुणकापेक्षा किमान १०% जास्त असणे आवश्यक आहे.)

(३) ग्रामीण भागात संपादित करावयाच्या जमिनीची नुकसानभरपाई (बाजार मूल्य \times १.०१ + जमिनीशी जोडलेल्या मतेचे किंवा इमारतीचे मूल्य) + (१००% दिलासा रक्कम) = जमिनीची नुकसान भरपाई किंमत.

शहरी भागात संपादित करावयाच्या जमिनीची नुकसानभरपाई (बाजार मूल्य \times १.०१) + जमिनीशी जोडलेल्या मते किंवा इमारतीचे मूल्य) + (१००% दिलासा रक्कम) = जमिनीची नुकसान भरपाईची किंमत.

(४) जर शहरी करणासाठी जमीन संपादित केली असेल तर, २०% विकसित जमीन राखून ठेवण्यात येईल आणि ती जमीन मालकाला संपादनाचा खर्च आणि विकसनाचा खर्च एवढ्या किंमतीत देऊ करण्यात येईल. संपादनाचा खर्च आणि एकूण जमिनीच्या विकासाचा खर्च वसूल करून पायाभूत सुविधांच्या विकासासाठी आवश्यक असलेली जमीन वागवून निव्वळ जमीन घणनेचे २०% टक्के जमीन राखीव ठेवण्यात येईल आणि देऊ करण्यात येईल. पायाभूत सुविधांसाठी आवश्यक असलेली जमीन आणि अशा सुविधांचा खर्च सार्वजनिक बांधकाम विभाग किंवा जलसंपदा विभाग किंवा ग्रामीण विकास विभाग किंवा महानगरपालिका किंवा शहर आणि औद्योगिक विकास महामंडळ (सिडको) किंवा मुंबई महानगर प्रादेशिक विकास प्राधिकरण (एमएमआरडीए) किंवा औद्योगिक विकास महामंडळ (एमआयडीसी) या विभागांनी / संस्थानी विहित केलेल्या प्रमाणकानुसार निश्चित करण्यात येईल. नियत वाटप करावयाच्या जमिनीची परिगणना करतांना पायाभूत सुविधासाठी प्रत्यक्षात आवश्यक असलेले क्षेत्र विचारात घेतले जाईल.

जमीन मालकासाठी राखीव ठेवावयाची किंवा त्याला देऊ करावयाची निव्वळ जमीन पुढील प्रमाणे असेल :—

पायाभूत सुविधांसाठी आवश्यक असलेली एकूण जमिनीच्या २०% जमीन सार्वजनिक बांधकाम विभाग किंवा जलसंपदा विभाग किंवा ग्रामीण विकास विभाग किंवा महानगरपालिका किंवा महाराष्ट्र शहर आणि औद्योगिक विकास महामंडळ (सिडको) किंवा मुंबई महानगर प्रादेशिक विकास प्राधिकरण (एमएमआरडीए) किंवा औद्योगिक विकास महामंडळ (एमआयडीसी) संस्था / विभाग यांनी विहित केलेल्या प्रमाणकानुसार निश्चित होईल. एकूण २०% विकसित जमिनीसाठीचा संपादनाचा खर्च - भूमिसंपादन, पुनर्वसन आणि पुनर्स्थापना यामध्ये योग्य नुकसानभरपाई आणि पारदर्शकता हक्क अधिनियम, २०१३ अन्वये आणि विकासाचा खर्च सार्वजनिक बांधकाम विभाग किंवा जलसंपदा विभाग किंवा ग्रामीण विकास विभाग किंवा महानगरपालिका किंवा शहर आणि औद्योगिक विकास महामंडळ (सिडको) किंवा मुंबई महानगर प्रादेशिक विकास प्राधिकरण (एमएमआरडीए) किंवा महाराष्ट्र औद्योगिक विकास महामंडळ (एमआयडीसी) या विभागांनी / संस्थानी विहित केलेल्या प्रमाणकानुसार असेल.

स्पष्टीकरण :—

शहर आणि औद्योगिक विकास महामंडळ (सिडको) यांच्या प्रमाणकानुसार पायाभूत सुविधांच्या विकासासाठी ३०% क्षेत्र आवश्यक असते, त्यामुळे जमीन मालकासाठी राखीव ठेवलेली किंवा त्याला देऊ केलेली निव्वळ जमीन पुढील प्रमाणे असेल :—

एकूण जमिनीच्या २०% - पायाभूत सुविधांच्या विकासासाठी आवश्यक असलेले ७% क्षेत्र = संपादित केलेल्या जमिनीच्या १४% - (एकूण २०% जमिनीसाठी शहर आणि औद्योगिक विकास महामंडळ (सिडको) यांच्या प्रमाणकानुसार वसूल केलेला भूसंपादन खर्च आणि विकसन खर्च)

स्थलांतरित व्यक्तीला किंवा त्याच्या कुटुंबियांना प्रत्यक्ष जमीन देण्याऐवजी संपादन मंडळ निव्वळ विकसन झालेल्या जमिनी एवढे मूल्य पैशाच्या रुपान देखील देऊ शकेल.

भाग २ पुनर्वसन आणि पुनर्स्थापना अंतर्गत घटक—

१. जर ग्रामीण भागात घर गमावले तर इंदिरा आवास योजनेच्या निकषानुसार बांधलेले घर किंवा त्याऐवजी रु. १,६५,०००/- देणे आवश्यक आहे.

स्पष्टीकरण.— इंदिरा आवास योजनेनुसार २५ चौ. मीटर घर दिले जाईल. कमी प्रमाणातील निकष लक्षात घेता, बांधकामाचा किमान खर्च रुपये ६००/- प्रति. चौ. फूट असेल त्यामुळे जमीन विकासाचा खर्च वागवून एकूण खर्च रुपये १,६९,४०० असेल.

२. जर शहरी भागात घर गमावले तर सार्वजनिक बांधकाम विभागाच्या निकषानुसार ५० चौ. मीटर जोते क्षेत्र असलेले घर किंवा घराऐवजी रुपये ५.५ लाख देणे आवश्यक आहे.

स्पष्टीकरण:—प्रति. चौ. फुट रुपये १००० बांधकाम खर्च लक्षात घेऊन जमिनीच्या विकसनाचा खर्च वाळून, एकूण खर्च रुपये ५,३८,०० असेल.

३. ज्या कुटुंबात रोजगारासाठी पात्र उमेदवार असेल अशा प्रत्येक बाधित कुटुंबाला ५ लाख रुपये एकदाच दिले जातील.
४. बाधित स्थलांतरीत कुटुंबाला दरमहा रुपये ३००० निर्वह भत्ता स्थलांतराच्या तारखेपासून एक वर्षाच्या कालावधीसाठी दिला जाईल अनुसूचित जाती आणि अनुसूचित जमातीच्या अशा कुटुंबांना अतिरिक्त रुपये ५०,००० दिले जातील.
५. प्रत्येक बाधित स्थलांतरीत कुटुंबाला रुपये ५०,००० वाहतूक खर्च दिला जाईल.
६. ज्या कुटुंबाकडे जनावरांचा गोठा किंवा छोटे दुकान होते. अशा कुटुंबाला एकदाच रुपये २५,००० आर्थिक मदत दिली जाईल.
७. कारागीर, छोटे व्यापारी यांना एकदाच रुपये ५०,००० अनुदान दिले जाईल.
८. घर बदलल्यानंतर एकदाच रुपये ५०,००० पुनर्स्थापना भत्ता दिला जाईल.
९. पुनर्वसन झालेल्या व्यक्तीच्या केवळ पहिल्या व्यवहारासाठी मुद्रांक शुल्क आणि नोंदणी शुल्क हे संबंधित संपादन संस्थेकडून भरले जाईल.

१०. संबंधित संपादन संस्था, पुनर्वसन आणि पुनर्स्थापना क्षेत्रात पायाभूत सुविधा पुरवेल त्यामध्ये रस्ते, मलनिस्सारण व्यवस्था पंचायत घर, टपाल कार्यालय, समाज मंदिर आणि इतर सुविधा ज्यांचा समावेश असेल कि, ज्याचा भूसंपादन, पुनर्वसन आणि पुनर्स्थापना योग्य नुकसानभरपाई आणि पारदर्शकता हक्क अधिनियम, २०१३ च्या अनुसूची ३ मध्ये करण्यात आला आहे. तथापि सार्वजनिक बांधकाम विभाग पुनर्वसन विभाग, किंवा जलसंपदा विभाग, किंवा ग्रामीण विकास विभाग, नगर विकास मंत्रालय किंवा महानगरपालिका किंवा शहर आणि औद्योगिक विकास महामंडळ (सिडको) किंवा मुंबई महानगर प्रादेशिक विकास प्राधिकरण (एमएमआरडीए) किंवा महाराष्ट्र औद्योगिक विकास महामंडळ (एमआयडीसी) विभागांच्या/संस्थांच्या प्रमाणकानुसार प्रत्येक कुटुंबाला अशा प्रकारच्या सुविधा निर्माण करण्यासाठी लागणारा खर्च लक्षात घेऊन संबंधित संपादन संस्था अशा सुविधा ऐवजी त्यांचा मोबदला आर्थिक स्वरूपात देऊ शकेल अशा प्रकरणांत, संबंधित संपादन संस्थेने सद अधिनियमाच्या तिसऱ्या अनुसूची खाली देण्यात येणाऱ्या सर्व सुविधांसाठी प्रति कुटुंब १०% एवढी अतिरिक्त रक्कम देणे आवश्यक आहे.

११. जर त्यावर्षी महागाईचा निर्देशांक ५% पेक्षा कमी नसेल तर प्रत्येक वर्षांत १ जानेवारी रोजी वर नमूद केल्याप्रमाणे निश्चित केलेल्या आर्थिक मुल्यात ५% वाढ होणे आवश्यक राहील.

१२. बाधित व्यक्तीने लेखी स्वरूपात संमती दिली तर वर उल्लेख केलेले पॅकेज अनुज्ञेय होईल.

[टीप.— वर उल्लेख केलेली स्पष्टीकरणे म्हणजे केवळ पुष्टी देणारी माहिती आहेत आणि ती शहर आणि औद्योगिक विकास महामंडळ (सिडको) यांच्या कार्यपद्धतीवर आधारित आहेत त्यांचा मार्गदर्शक तत्वांचा भाग म्हणून समावेश करण्यात येणार नाही.]

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

वृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास नियोजन)			
११	१२	१	२
३	४	५	६
यांचे कार्यालय			
- 5 DEC 2014			
024530			
क्र.प्र.अ.दि.नि.	शहर	पत्र	प. उप
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३	४	५	६

सु. कि. गावडे,
शासनचे उप सचिव.

रूप प्रमुख नि.के (वि.नि.) १२

०६/१२/१४

प्रमुख अभियंता
(विकास नियोजन)

१००१
५६ & ५६
५६/१२/१४

REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 22nd May 2014

NOTIFICATION

No. LQN. 12/2013/C.R.190/A-2.— Whereas, with a view to announce the intention of the Government of Maharashtra to issue Draft of Policy which the State Government proposes to make in exercise of the powers conferred by section 108 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) had issued a notification on the 12th May 2014, calling for objections / suggestions to issuance of the said notification, within a period of 30 days from the date of publication of said notification in *Official Gazette* ;

And Whereas, it is considered expedient to extend the said period of 30 days, so as to enable the persons to have a reasonable opportunity to file their objections / suggestions, if any, in response to the said notification for that is considered expedient to amend the said notification as follows :—

The persons to have a reasonable opportunity to file their objections / suggestions, if any, in response to the said notification, to the Deputy Secretary (Land Acquisition), Department of Revenue and Forest, Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032 and Deputy Secretary (Rehabilitation and Resettlement), Department of Revenue and Forest, Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032 “ within a period of thirty days from the date of publication of this notification in the *Maharashtra Government Gazette*.”

DRAFT POLICY

The State Government intends to frame a policy, for the purpose of the observance by the various Departments of the Government of Maharashtra, under section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(30 of 2013), so as to provide higher compensation than calculated under the said Act, in case of the acquisition of land, rehabilitation and resettlement, whose entitlements are overall higher than the Compensation, Rehabilitation and Resettlement package provided under the said Act so as to facilitate the affected persons or his family to opt to avail such higher compensation and rehabilitation and resettlement under any other State laws for the time being in force in the State under which his land is proposed to be acquired.

Part-1. Land Valuation :

1. The market value of land to be acquired will be determined by ready reckoner value fixed under the Maharashtra Stamp Act (59 of 1958) and the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995.

2. The multiplication factor by which market value of the land is multiplied will be 1.01 in case of rural areas and 1.01 for urban areas. (This factor should be at least 10 per cent higher than the state approved multiplier.)

3. Compensation of the land to be acquired in rural area: (market value \times 1.01) plus (value of assets attached to land or building) Plus 100 per cent. solatium) = Land Compensation Price;

Compensation of the land to be acquired in urban area: (market value \times 1.01) plus (value of assets attached to land or building) plus (100 per cent. solatium) = Land Compensation.

4. In case the land is acquired for urbanization purpose 20 per cent. of the developed land will be reserved and offered to the landowner at price equal to cost of acquisition and cost of development. The net land reserved and offered will be excluding the land required for infrastructure development by recovering the cost of acquisition and cost of development gross

land i.e. 20 per cent. The land required for infrastructure development and cost of the same as per norms prescribed by Public Works Department or Water Resources Department or Rural Development Department or Municipal Corporations or City and Industrial Development Corporation of Maharashtra (CIDCO) or Mumbai Metropolitan Region Development Authority (MMRDA) or Maharashtra Industrial Development Corporation (MIDC). The actual area required for development of infrastructural facilities will be taken into consideration at the time of calculation of land to be allotted.

The net land to be reserved or offered to land owner will be.—

20% of the gross land-land required for infrastructural development as per norms prescribed by Public Works Department or Water Resources Department or Rural Development Department or Municipal Corporations or City and Industrial Development Corporation of Maharashtra (CIDCO) or Mumbai Metropolitan Region Development Authority (MMRDA) or Maharashtra Industrial Development Corporation (MIDC) norms-recovery of cost of acquisition as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and cost of development as per norms prescribed by Public Works Department or Water Resources Department or Rural Development Department or Municipal Corporations or City and Industrial Development Corporation of Maharashtra (CIDCO) or Mumbai Metropolitan Region Development Authority (MMRDA) or Maharashtra Industrial Development Corporation (MIDC) for gross 20% land.

Explanation.— As per the City and Industrial Development Corporation of Maharashtra (CIDCO) norms, the area required for infrastructure development considered is 30%, then the net land to be reserved or offered to land owner will be : 20% of the gross land-7% area required for infrastructure development=14% of the land acquired-recovery of cost of acquisition and cost of development as per City and Industrial Development Corporation of Maharashtra (CIDCO) norms for gross 20% land.

The acquiring body may also give monetary value equivalent of the net developed land in lieu of actually providing the land to the displaced persons or his family.

Part-2. Rehabilitation and Resettlement Components :

1. If a house is lost in rural area, a constructed house shall be provided as per the specifications of *Indira Aawas Yojana* or Rs. 1.65 lacs in lieu of house.

Explanation.— In case of *Indira Aawas Yojana*, a house of 25 sq. mt. will be provided. Considering the low specifications, the construction cost will be minimum Rs. 600 per sq. ft. which gives Rs. 1,61,400 excluding the cost of the developed land.

2. If a house is lost in urban area, a constructed house shall be provided of 50 sq.mt.plinth area as per Public Works Department norms or Rs. 5.5 lacs in lieu of house.

Explanation.— Considering the construction cost of Rs. 1,000 per sq. ft., the cost of house will be Rs. 5,38,000 excluding the cost of the developed land.

3. One time payment of Rs. 5 lacs to each affected family to those who have eligible candidate for employment.

4. Subsistence allowance to the affected displaced families of Rs. 3,000 per month for a year after displacement date. For the families belonging to Scheduled Castes or Scheduled Tribes such families will get additional Rs. 50,000.

5. Transportation cost of Rs. 50,000 per affected displaced families.

6. Those families having cattle shed or petty shops will get Rs. 25,000 one time financial assistance.

7. One time grant for artisans, small traders of Rs. 50,000.
8. One time resettlement allowance of Rs. 50,000 after shifting of house.
9. Stamp duty and registration charges will be borne by Requiring Body for the first transaction of the rehabilitated person only.
10. The Acquiring Body will provide the infrastructure in Rehabilitation and Resettlement area, which includes the roads, drainage, *Panchayatghar*, post office, *Samajmandir* and other facilities as mentioned in the THIRD SCHEDULE of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, if the Requiring Body monetize the amenities as per family costs of constructing these amenities as per cost norms developed by Public Works Department or Rehabilitation Department or Water Resources Department or Rural Development Department or Urban Development Department or Municipal Corporations or City and Industrial Development Corporation of Maharashtra (CIDCO) or Mumbai Metropolitan Region Development Authority (MMRDA) or Maharashtra Industrial Development Corporation (MIDC). In such an eventuality, the Requiring Body shall offer 10% plus the total per family cost of all the amenities to be provided under the THIRD SCHEDULE of the said Act.
11. All monetary value fixed above shall be entitled to be increased by 5% on the 1st January of each year unless the rate of inflation index is less than 5 % for that year.
12. Above package will be applicable if the affected person accepts the same through a written consent.

[Note.—The explanations provided above are only the supportive information on the basis of City and Industrial Development Corporation of Maharashtra (CIDCO) practice and shall not be included part of the Guidelines.]

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

S. K. GAWADE,
Deputy Secretary to Government.

Ch.E.(D.P.)

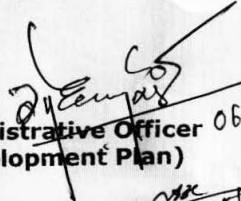
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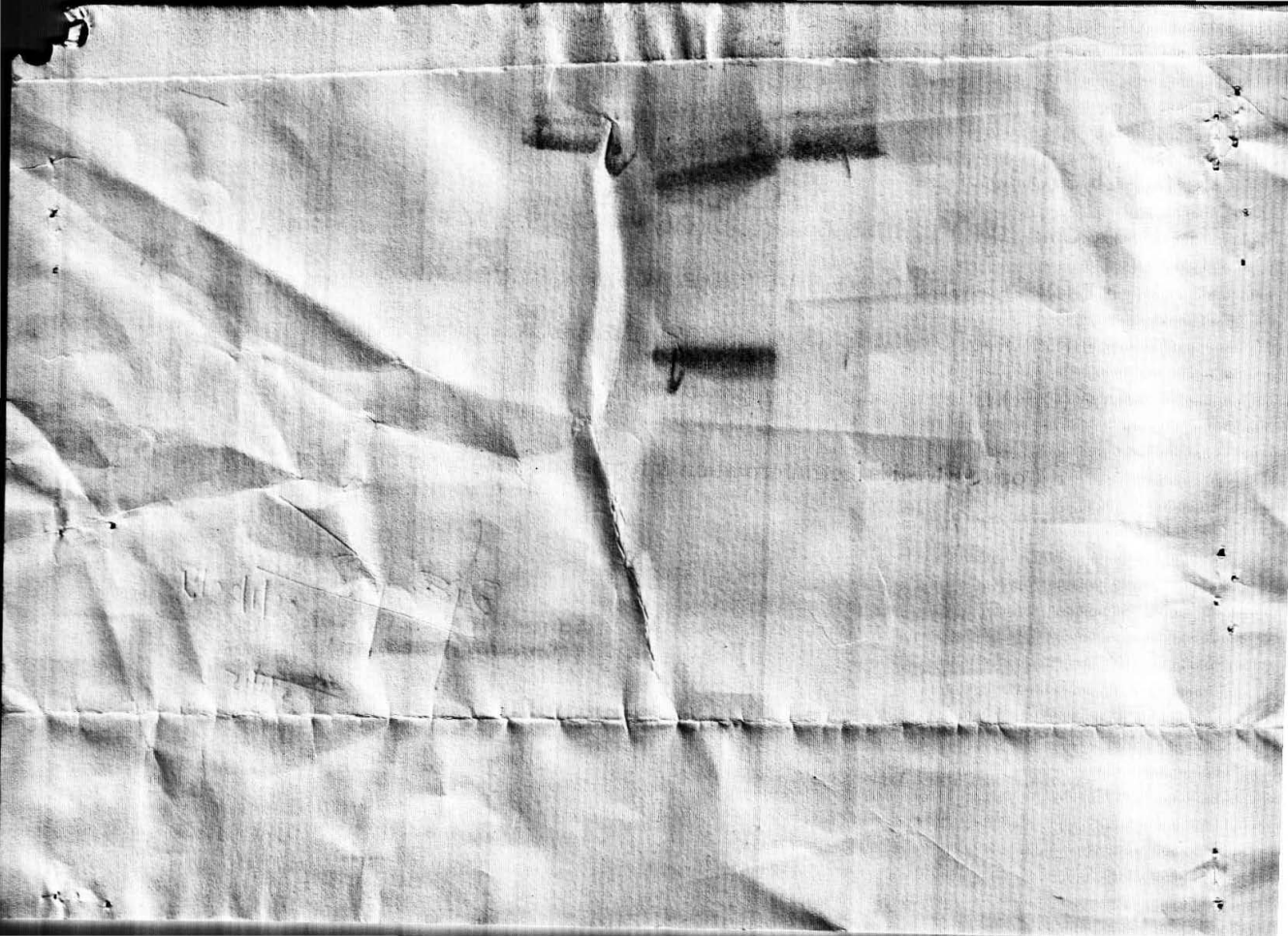
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Copy ~~submitted~~ for information & further necessary action please


Administrative Officer
(Development Plan)

06/1/2015

max 5/1/15



MGR/2556
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CHE/DP/45
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RNI No. MAHBIL/2009/36619
Reg. No. MH/MR/South-346/2014-16

CHE(D.P.)

PS to M.C.
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महाराष्ट्र शासन राजपत्र असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष ६, अंक ३२(९)]

मंगळवार, सप्टेंबर ९, २०१४/भाद्र १८, शके १९३६

[पृष्ठ २० किंमत : रुपये ११.००

असाधारण क्रमांक १०४

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 9th September 2014.

Notice

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No.TPB 4314/626558/CR-168/2014/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 the Mumbai Metropolitan Region Development Authority (hereinafter referred to by 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;

And whereas, the Government in the Urban Development *vide* Notification No. CMS/TPB-4312/1/CR-47/2012/1/UD-11, dated the 17th May 2013, has sanctioned Interim Development Plan for a part of Chhatrapati Shivaji International Airport Notified Area(hereinafter referred to "CSIANA") along with Development Control Regulations, excluding the substantial modifications, specified as EP-1, EP-2 in SCHEDULE-A, appended thereto, and has subsequently sanctioned the said modifications of substantial nature *vide* Notification No. TPB 4313/1267/CR-183/2013/UD-11, dated the 3rd March 2014;

And whereas, CSIANA comprises large areas under slums, which pose a grave security threat, being located in close vicinity of aircraft operations;

And whereas, Hon'ble Minister of Civil Aviation, Govt.of India, *vide* his letter dated the 22nd July 2014 while expressing deep concern about the security threat posed by the existence of slums in close proximity of airport operations at CSIA, has informed the State Government that the Airport Authority of India has given 'in principle' approval for in-situ rehabilitation of slums in CSIANA and requested for formulation and implementation of Airport Specific Slum Rehabilitation Scheme for all slum dwellers in CSIANA.

And whereas, the Govt., in view of the aforesaid request, is satisfied that in the public interest it is desirable to urgently incorporate specific Regulation regarding implementation of slum rehabilitation scheme in CSIANA, for which it is necessary to urgently carry out suitable modification to the Development Control Regulations for CSIANA, as specifically described in the Schedule appended hereto (hereinafter referred to as "the proposed modification").

Now, therefore, a notice regarding the proposed modification, as mentioned in the Schedule appended hereto, which the State Government proposes to make, in exercise of the powers conferred by sub-section (IAA) of section 37 of the said Act; and of all other powers enabling it in this behalf, is hereby published, as required by clause (a) of sub-section (IAA) of section 37, for information of all persons likely to be affected thereby; and it is hereby declared that the said proposed modification 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 Gazette* ;

Any objections/suggestions in respect of the proposed modification may be forwarded, before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period will be dealt with in accordance with the provisions of the said sub-section (IAA) of section 37.

A copy of the proposed modification specifically described in Schedule appended hereto, shall be kept open for inspection by the public in the offices of the following officers on all working days during office hours.

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

2. Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

This Notice shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in

Schedule

(Accompaniment to Notice No. TPB 4314/626558/CR-168/2014/UD-11, dated the 9th September 2014.)

The following new Regulation is proposed to be inserted in the Development Control Regulations for CSIANA

Regulation 68 of CSIA DCR

MIAL may undertake Rehabilitation of all hutment dwellers in the slums located in CSIA Notified Area by implementing one or more Slum Rehabilitation Schemes (SRS) and, if necessary, one or more Contributory Rehabilitation Schemes (CRS) , in accordance with the provisions contained in the Appendix-A to these Regulations.

APPENDIX-A

Part - I

1. Applicability of Provisions

Provisions of this Appendix under Regulation 68 shall be applicable to:-

1.1. The slums which have been declared and notified as "SLUMS" by the Competent Authority under the provisions of Maharashtra Slum Areas (Improvement, Clearance & Rehabilitation) Act, 1971 (hereinafter referred to as 'Slum Act') and also the encroachments on the existing or proposed roads or encroached areas under electric H.T. power lines or Nalla banks and any partially or fully encroached areas, shown towards any buildable or non-buildable amenities of the Layout plan of the CSIA Area; or

1.2. Any area which the said Competent Authority may declare as "Slum Rehabilitation Area"; and to the hutment dwellers in such Slums or Slum Rehabilitation Areas, whose names appear in the Legislative Assembly Electoral Roll of the 1st January 2000, or such other date as may be specified by the Airports Authority of India (hereinafter referred to as eligible hutment dwellers),

2. Definitions

2.1. Terms and expressions other than those specifically defined herein shall have the same meaning as in :—

(i) The Maharashtra Regional and Town Planning Act, 1966,

(ii) National Building Code (2005) as amended from time to time.

2.2 Censused Slum.—Censused Slum shall mean those slums located on lands belonging to AAI/MIAL, and incorporated in the records of the land owning authority as having been censused in 1976, 1980, 1985, prior to 1st January 2000 or the date specified by the Airport Authority of India.

2.3. Slum Rehabilitation Area.—If any area has been enumerated as Slum in the Census or fulfils the condition laid down in section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Rehabilitation) Act, 1971 and is declared and notified as such, the same shall be deemed to be and treated as "Slum Rehabilitation Area".

Slum Rehabilitation Area shall also mean any area declared as such by the Competent Authority for implementation of the SRS and/or any MIAL Area required for implementation of "Slum Rehabilitation Scheme (SRS)".

Any area required or proposed for the purpose of construction of temporary transit camps required for execution of SRS approved by MMRDA shall also be deemed to be treated as Slum Rehabilitation Areas.

2.4. A slum structure shall mean the ground floor dwelling areas of all persons who were enumerated as living in that one numbered house in the relevant electoral roll regardless of the number of persons staying therein, or location of rooms in such structure or number of accesses to that structure.

2.5. Eligible hutment dweller is an actual inhabitant of the slum or slum rehabilitation area referred to in Clause 1 of this Appendix, whose name appears in the Legislative Assembly Electoral Roll with cut-off date of 1st January 2000 or such other date as may be specified by the Airport Authority of India (herein after referred to as the relevant Electoral Roll).

2.6. The Competent Authority referred to hereinafter this Appendix shall mean the Officer appointed under Section 3 of the Maharashtra Slum Area (Improvement Clearance and Redevelopment Act, 1971).

2.7. "Gross Plot Area" shall mean total plot area.

2.8. "Net Plot Area", for the purpose of this Appendix, shall mean the balance area obtained after deduction of area earmarked for buildable amenity spaces under the proposals of development of the Planning Authority.

2.9. "Carpet area" shall mean the net usable floor area, excluding the area that is covered by the walls, including partition walls, if any, in the tenement.

2.10. Floor Space Index (FSI) or Floor Area Ratio (FAR) shall mean the quotient of the ratio of the total built up area on all floors, excepting the areas specifically exempted from computation under CSIA DCR to the gross area of the plot.

2.11. Global FSI means the FSI of the entire area under the SRS, where FSI from one slum pocket may be used at another slum pocket within the area of such SRS.

2.12. Recreation Ground (RG) shall mean any common open space required to be kept in any layout and left permanently open to the sky, having access from any public pathway or public road.

2.13. Hazardous building shall mean any building or part thereof which is used for the storage, handling, manufacture, or processing of any Hazardous Material.

2.14. Receiver plots.—Receiver plots are those plots/pockets of land on which the slum dwellers are rehabilitated. Receiver plots receive slum dwellers for rehabilitation from 'Donor' plots. The Receiver plot(s) need not be encumbered.

2.15. Donor plots.—Donor plots are those plots/pockets of slum which are vacated by relocating the slum dwellers thereon to the 'Receiver' plots. Thus Donor plots are plots within the area of the SRS which get vacated as a consequence of rehabilitation of hutment dwellers onto the Receiver plots and which thereafter are developed as per the plan approved by MMRDA as per the provisions of this Appendix.

2.16. "Rehabilitation Component" shall mean the total construction area computed in the Rehabilitation Building(s)/Composite Buildings(s) for the rehabilitation of eligible hutment dwellers in the Slum Rehabilitation Scheme.

2.17. "Free Sale Component" shall mean the admissible built-up area available by way of incentive in accordance with the provisions of this Appendix. Free Sale Component can be utilised for disposal in the open market.

2.18. "Amenity Component" shall mean the constructed amenities prescribed by MMRDA for rehabilitation of the hutment dwellers in the Slum Rehabilitation Scheme.

2.19. Composite Building.—A composite building shall mean a building comprising both Rehabilitation component and built-up Amenity component or Rehabilitation component and Free-Sale component in the same building.

2.20 "Annual Schedule of Rates (ASR)" is the average statement of rates prepared annually by Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune.

PART-II

3. Slum Rehabilitation Scheme (SRS)

3.1. Slum Rehabilitation Scheme.—Slum Rehabilitation Scheme shall mean an Airport Specific Slum Rehabilitation Scheme for rehabilitation of eligible hutment dwellers of one or more slum areas at CSIANA, in accordance with the provisions of this Appendix and shall include transit camps, infrastructure, amenities, rehabilitation component and free sale component of the development, as permitted on the area of SRS by MMRDA which shall be competent to approve the Slum Rehabilitation Schemes under this Regulation, being the Planning Authority for the CSIA Notified Area.

3.2. Mumbai International Airport Limited (MIAL) may implement one or more Slum Rehabilitation Schemes (SRS) over the slum areas or slum rehabilitation areas under the jurisdiction of MIAL, for rehabilitation of eligible hutment dwellers residing upon such areas, either directly or by appointing a developer.

3.3. MIAL may use any of the following options for rehabilitation of eligible slum dwellers.

3.3.1. Eligible hutment dwellers may be rehabilitated by relocation to another location but within CSIA Notified Area. Such rehabilitation shall take place as per the provisions of this Regulation and subject to the provisions made in Schedule A of this Appendix.

3.3.2. Eligible hutment dwellers may also, at the discretion of the MIAL, be rehabilitated in-situ, within the area under consideration for the Slum Rehabilitation Scheme in the CSIA Notified Area. Such in-situ Rehabilitation shall be carried out by using the concept of 'Receiver plots and Donor plots' as specifically defined in Clauses 2.14 and 2.15 herein above. Such rehabilitation shall take place as per the provisions of this Appendix and subject to the provisions made in Schedule B of this Appendix. The area of SRS may be allowed to be sub-divided into separate Receiver and Donor plots.

3.3.3. Eligible hutment dwellers may also be rehabilitated by relocation to any alternative location, as far as possible within the limits of Greater Mumbai or in the Mumbai Metropolitan Region (MMR). Such ex-situ Rehabilitation shall take place as per the provisions of this Appendix and subject to the provisions made in Schedule C of this Appendix and further subject to the provisions of the Development Control Regulations applicable to such alternative areas.

For the purpose of rehabilitation of eligible hutment dwellers from CSIANA under this option, MIAL may acquire or purchase additional land, adjacent to CSIA Area or elsewhere in the MMR. For ex-situ rehabilitation of eligible hutment dwellers within the limits of Greater Mumbai, MIAL may also take recourse to the provisions of Clause 3.11 of Appendix 4 under Regulation 33(10) of MCGM DCR.

3.4 The procedure to be adopted for the implementation of any Slum Rehabilitation Scheme (SRS) shall be as per the provisions of this Appendix .

4. Eligibility for Rehabilitation under Slum Rehabilitation Scheme

4.1 Inhabitants of the slums or slum rehabilitation areas referred to in Clause 1 of this Appendix, whose names appear in the Legislative Assembly Electoral Roll with cut-off date of 1st January 2000 or such other date as may be specified by the Airport Authority of India (herein after referred to as the relevant Electoral Roll), shall be eligible for allotment of rehabilitation tenement as per the provisions of this Appendix.

4.2 Subject to the foregoing provisions, only the actual occupants of the hutments shall be treated as eligible for rehabilitation under the SRS and any person claiming ownership of such structure who is not other than the actual occupant of the same, shall have no right whatsoever to allotment of rehabilitation tenement even if his name is shown in the relevant electoral role.

4.3 Any hutment dweller whose name appears in the relevant electoral roll and who is an actual occupant of such hutment shall not be held eligible for rehabilitation if his name is also included in any other electoral roll of any other non slum area.

5. Contributory Rehabilitation Scheme (CRS)

MIAL may implement one or more Contributory Rehabilitation Schemes to rehabilitate hutment dwellers not eligible as per Clauses 4, by procuring tenements from the market or buying tenements constructed under any Scheme of the State Government or the Central Government or by constructing tenements as per the provisions of Part III of this Appendix, anywhere in the MMR.

6. Joint ownership of Rehabilitation Tenement with Spouse

The rehabilitation tenement under SRS or CRS shall be jointly owned by the Pramukh hutment dweller and the spouse, if applicable. The details of the ownership including Share Certificate and other relevant documents, shall be so entered and shall be deemed to be entered in the records of the Co-operative Housing Society (CHS), to be formed after the allotment of rehabilitation tenements to the hutment dwellers in the completed Rehabilitation Building(s).

7. Denotification as Slum Rehabilitation Area

Competent Authority for the SRS shall denotify partly or fully the Slum Rehabilitation Area as per provisions of the Slum Act, 1971, on being satisfied that it is necessary to do so or when directed by the State Government.

8. The following provisions shall apply to construction of accommodation for rehabilitation of hutments dwellers/ pavement dwellers under SRS to be executed by MIAL either directly or through a developer.

8.1 Hutment-dweller, in the slum or on the pavement, eligible in accordance with the provisions of this Appendix shall, in lieu of his structure, be given free of cost a residential tenement, having a carpet area of 25 sq. m. (269 sq. ft.), which shall include living room, bedroom, kitchen / alcove, bath and water closet, but shall exclude common areas.

Explanation.—Pavement shall mean any Municipal/Government/Semi-Government pavement, and shall include stretch of the pavement as may be considered viable for the purpose of the SRS.

8.2 The rehabilitation entitlement of hutment dwellers shall be as per Table No : 1 below :—

Sr. No.	Carpet area of existing tenement (sq. m)	Carpet area of Rehabilitation tenement (sq. m)		
		Free of Cost	Purchased at Construction Cost*	Purchased at Market Cost*
1	upto or 25	25	nil	nil
2	more than 25 and upto 37.16	25	12.16	nil
3	more than 37.16	25	12.16	12.84
* to be determined by MIAL				

8.3. Eligible Hutment Dwellers of slum structures having residential area more than 37.16 sq.m. (400 sq.ft) shall be eligible for Residential Rehabilitation tenement of only 25 sq.m. (269 sq.ft.) carpet area free of cost. However; those eligible hutment dwellers, who wish to have benefit of larger area, may be allowed to purchase residential tenements in the Free- Sale component, subject to approval from MIAL, and such eligible hutment dwellers shall be eligible for only 25 sq.m. (269 sq.ft.) carpet area, free of cost, and shall have to purchase the additional area above 25 sq. m. (269 sq.ft.) but below 37.16 sq.m (400 sq.ft) at construction cost. and the area above 37.16 sq. m. (400 sq.ft.), at market cost. However, area only up to 25 sq. m (269 sq. ft) of carpet area shall be considered as 'Rehabilitation Residential Area'. Any area above 25 sq.m shall be considered as 'Surplus Rehabilitation Residential Area' and shall not attract any incentive for the developer.

8.4 All eligible hutment dwellers in the Slum Rehabilitation Scheme shall be rehabilitated according to the provisions in this Appendix and as per the Rehabilitation option exercised by MIAL under clauses of this Appendix, subject to approval by MMRDA.

8.5 Pavement-dwellers and hutment dwellers in the slum situated on lands required for airport development, vital public utility/ purpose or on the hazardous location or on amenity spaces / open spaces plots shall not be rehabilitated in-situ but in other available plots.

8.6 Commercial godowns, Cowsheds/ gothas, scrap godowns/ yards; hazardous users/ structures shall not be permitted in the SRS. These shall be evicted and shall be moved away from the Slum Rehabilitation Area as non conforming uses.

8.7 The SRS submitted by MIAL or a Developer appointed by MIAL shall be strictly in accordance with the provisions of this Appendix and CSIA DCR. The Scheme submitted by MIAL shall be made available to the concerned slum dwellers and their suggestions shall be considered while implementing such Scheme.. The decision of MMRDA in this regard shall be final and binding on all parties concerned.

8.8 For the approval of the SRS, consent of the concerned slum dwellers shall not be necessary. The Competent Authority as notified under the Slum Act, 1971 shall finalise the list of eligible hutment dwellers/ beneficiaries on the declared rehabilitation area with reference to area proposed under the SRS; and it shall be obligatory on all slum dwellers to participate in the Slum Rehabilitation Scheme, once the same is approved by the MMRDA.

8.9 MIAL or developer selected by MIAL shall enter into an individual agreement with the eligible hutment dweller of each structure in the slum area under the SRS after allotment of his respective permanent rehabilitation tenement. The agreement will be in the joint name of Pramukh hutment dweller and spouse, if applicable, for every structure.

9.0 Building Permission under SRS

9.1 Approving Authority: Approval to the Airport Specific Slum Rehabilitation Schemes for CSIA under this Appendix shall be granted by MMRDA.

9.2 MMRDA shall approve the proposal for the SRS alongwith the list of hutment dwellers found eligible by the Competent Authority.

9.3 On compliance with the terms and conditions for approval to the SRS, and the requirements of CSIA DCR, the necessary building permission u/s 45 of MRTP Act, 1966, shall be admissible in accordance with these provisions for constructing the Rehabilitation Component of the SRS as well as the Free-sale Component of the SRS as per the provisions in this Appendix.

9.4 While the building permission for both, the Rehabilitation Component and the Free Sale Component of the SRS shall be given simultaneously, the construction of the Free Sale component shall be linked to the stages of construction of Rehabilitation Component as per Table No : 2 below:—

Sr. No.	Stage of Construction of Rehabilitation Component	Permissible Area of Free Sale Component(%)
(1)	(2)	(3)
1	After completion of rehab plinth work	25%
2	After completion of Rehab R.C.C.work	25%
3	After completion of rehab masonry and plaster work.	25%
4	After completion of all rehab work with Occupancy Certificate and also handing over of the same to MIAL	25%

9.5 MIAL or the developer selected by MIAL shall deposit with MMRDA an amount of Rs. 50,000 or 8% of the cost of construction as per the prevailing Annual Schedule of Rates (ASR) whichever is more for each tenement as well as welfare hall(s) and balwadis (s) in the Rehabilitation Component of the SRS.

9.6 MIAL or the developer selected by MIAL shall pay an amount of Rs. 1000 per sq. m. as "Infrastructure Charge" for the Built-up area under the SRS, over and above the Base permissible FSI of 1.0, for the Rehabilitation Component and Free-Sale component under the SRS shall be paid by the developer.

10.0 Rehabilitation Component and Free-sale Component—

10.1 Admissible FSI for the Slum Rehabilitation Scheme shall include the admissible FSI for the Rehabilitation Component as well as for the Free-Sale Component. The ratio between the two components shall be as mentioned in Clause No.10.4.

10.2 The Rehabilitation component shall mean the total built-up area of all residential tenements as well as non-residential built-up premises required for rehabilitation of the hutment dwellers in accordance with the provisions of this Appendix and CSIA DCR, excluding 10% balcony, but including what is set down in clauses 10.10.2, 13.8.1, 15.2,15.3, 15.4 of this Appendix. Built-up area for Rehabilitation component shall include the total construction area of Rehabilitation component including areas under passages, balwadis, welfare centres, office of the Co-operative Housing Society of slum dwellers.

10.3 The Rehabilitation Component shall include all rehabilitation tenements for Residential/ Residential + Commercial/ Commercial / Industrial users and what is set down in Clauses 13.8.1, 15.2,15.3, 15.4.

10.3.1 For computation of Rehabilitation Component, it shall exclude what is set down in CSIA DCR except 10% Balcony, Meter Room, Pump Room and Fire-Control Room.

10.3.2 For computation of the Rehabilitation Component, the following shall be restricted to 35% of total built-up area of rehabilitation tenements and what is set down in Clause 8.2 :—

1.Common passage as set down in Clause 13.8.1.

2.Community Space for work, as set down in Clause 15.4.

3. Meter room, Pump room and Fire Control room.

Furthermore, any built-up area under this Rehabilitation Component above this limit shall not be eligible for any incentive Built-Up Area. The Free Sale Component shall be as per Clause 10.4.

10.4 For each 10 sq.m of the built-up area under the Rehabilitation Component, incentive built-up area admissible under the Free Sale Component of SRS shall be as per Table No :3

Sr. No.	AAI/MIAL Area	Rehabilitation Area	Admissible Free Sale Area
1	CSIA Notified Area	10.00 Sq.mtr.	10.00 Sq.mtr.

10.5 Maximum FSI admissible on the gross plot area of the SRS shall be 4.00 or the FSI required to construct the Rehabilitation Component, Amenity Component and Free Sale Component under the SRS, whichever is higher.

10.5.1 Maximum FSI Permissible for Consumption on the Plot : Even though the sanctioned FSI may be more than 4.0, the maximum FSI that can be utilised on any slum-site for the SRS shall not exceed 4.0 and the difference between the sanctioned higher FSI and 4.0 if any, will be made available in the form of Transferable Development Right (TDR) in accordance with the provisions of Clause No. 20 of this Appendix.

10.5.2 Notwithstanding the provisions in Clause 10.5.1 above, if on account of constraints such as height restrictions, site conditions, etc, the full 4.0 FSI cannot be used on the same site, TDR equal to balance FSI after deducting the actual consumed FSI from the total admissible FSI of the SRS, may be allowed even without consuming FSI upto 4.0 on the same site.

10.5.3 However, TDR shall be allowed only when the frame work for one complete building under the rehabilitation component is constructed or when 10% of the rehabilitation component has been constructed on site and the said TDR shall not exceed 50 per cent of the construction of rehabilitation component at any point of time till the total rehabilitation component has been completed. It is only on completion of the total rehabilitation component that the balance TDR shall be allowed.

10.6 Subject to approval by MMRDA, the decision of MIAL shall be final and binding on all concerned regarding the proportion and location of the land area to be used for the Rehabilitation Component, Amenity Component and the Free-Sale Component. Any subsequent changes to the same will require approval of MMRDA.

10.7 The admissible FSI and development in CRZ Area shall be governed by the MOEF Notifications issued from time to time.

10.8 The Free Sale component may be distributed over all the donor plots and may be disposed of in open market by MIAL.

10.9 At least 40% of the built-up area in a Composite Building under the SRS shall be towards Rehabilitation Component.

10.10 The maximum permissible FSI for the SRS as per Clause 10.5 herein above, shall depend on the final list of eligible hutment dwellers for the area of the SRS and shall be utilised for construction of :-

- (i) Rehabilitation component
- (ii) Amenity component
- (iii) Free Sale component

10.10.1 The areas exempted from computation of FSI shall be as per provisions of this Appendix and CSIA DCR, and subject to Clause 10.10.2 herein below, while the areas referred to in Clauses 13.8.1, 15.2, 15.3 and 15.4 of this Schedule shall not be included for computation of FSI.

10.10.2 Carpet area admeasuring 25 sq.m of the rehabilitation tenement shall include the area of the balcony, if any, and the same shall be counted towards FSI calculation.

10.10.3 Exemption of areas from computation of FSI shall be restricted to a maximum exemption of area equivalent to 35% of built area of rehabilitation tenement. Furthermore, any Rehabilitation Component Area above this said restriction shall not attract any incentive towards the Free Sale Component area calculation as per Clause 10.4

10.10.4 Minimum tenement density (tenements per hectare T/Ha): Subject to max. height permissible by AAI, it shall be mandatory for the developer to provide minimum density of 500 T/Ha on the net plot area for rehabilitation of hutment dwellers.

10.11 CSIA Plots identified to be part of the SRS shall be available for the SRS in accordance with their 'use' as shown in the CSIA Layout/Interim DP Plan. It shall be permissible to implement SRS on any encumbered CSIA plot, in CSIA Layout plan.

10.12 Amalgamation/Subdivision of Plots and FSI thereon: Any land declared as SRS area shall be notionally treated as one plot, even if it is spread on part or parts of boundary of different C.S Nos. Khasra Nos. or Survey Nos. Separate approval shall not be necessary for such deemed amalgamation and such notionally amalgamated plot shall be treated as a single plot for the purpose of FSI computation. However such an amalgamation shall not include existing nalla, water body or transmission line zone if any.

10.13 All the plots involved in any SRS under which rehabilitation of hutment dwellers is envisaged under Clauses 3.3.1 or 3.3.2 shall be notionally treated as one, for the purpose of computation of FSI.

10.14 Boundaries and measurement of Area Under SRS: The areas of plots under the SRS shall be certified by the Competent Authority after actual on-site measurement of the areas of plots. Such certified boundaries and areas of plots shall be the basis adopted for planning purposes, for calculation of tenement density and FSI and other aspects of planning.

10.15 After approval is granted to the Slum Rehabilitation Scheme(SRS), the land earmarked for SRS area may be further subdivided, if necessary, to carve out separate plots for the Rehabilitation Component, Free-Sale Component and the Amenity Component. Both, the Plot area and the Built-up area of the said plots shall be treated as independent plots and mentioned separately in sq.m. in the lease agreements.

11. Temporary Transit Tenements

11.1 The Temporary Transit Tenements for rehabilitation of slum hutment dwellers may be allowed to be constructed by MIAL or the Developer appointed by MIAL, on Rehabilitation site itself, or on any other land located within CSIA Area or elsewhere in MMR.

"Transit Tenement" shall mean habitable residential accommodation constructed from detachable material such as tubular/ prefabricated light structures or such other material, Such temporary structure must be constructed in such a manner that it ensures safety of the inhabitants. Design criteria for structural elements of transit camps accommodation shall be similar to those of the rehabilitation tenements, however, the area shall remain the same as for regular building components with a minimum carpet area of 16.72 sq. mt. (180 sq. ft.) for each transit tenement.

11.2 Multi-storeyed temporary transit tenements may be allowed to be constructed on any suitable plot within SRS area with prior permission of MMRDA.

11.3 The area of temporary transit tenements shall be excluded from the computation of FSI.

11.4 Building permission for the Temporary Transit Tenements shall be given within 30 days from the date of work order to the MIAL/Developer, subject to the following conditions:—

11.4.1 Building permission for the temporary transit tenements to be erected shall be given by MMRDA on the plot earmarked for such purpose by MIAL (hereinafter referred to as Transit Plot) and the Temporary Transit Tenements shall remain on such plot only for the duration of the SRS as approved by the MMRDA on the basis of the time required for construction of the Rehabilitation tenements.

11.4.2 Rent at the rate of 1% per month of the land value for the area of the Transit Plot as decided by MIAL shall be levied and recovered from the Developer for the area of such Transit Plot.

11.4.3 MIAL/Developer shall provide necessary infrastructure for services like water, electricity, etc. for the temporary transit tenements.

11.5 Construction of Temporary Transit Tenements may be allowed on any existing vacant land within the CSIA Area, including any site of Amenity Space/ Open Space, with the prior permission of MMRDA.

11.6 The Temporary Transit Tenements shall be demolished by MIAL/Developer within the time period prescribed by MMRDA unless such time period is extended further as per Clause 11.4.1 above.

11.7 If the MIAL/Developer fails to demolish the temporary transit tenements as per Clause 11.6, MMRDA shall demolish the temporary transit tenements, in which case, all the costs pertaining to demolition and removal of debris shall be recovered from the MIAL/Developer, along with additional penal amount as determined by the MMRDA.

11.8 If the development in the SRS takes place in a phase-wise manner as per the plan approved by MMRDA requiring repeated use of Temporary Transit Tenements, then for the final phase of implementation of the SRS, only a Provisional Occupancy Certificate shall be given for a period not exceeding 60 days, during which time MIAL/ Developer shall ensure that all the hutment dwellers are shifted from Temporary Transit Tenements to their allotted Rehabilitation tenements. The MIAL/Developer shall also ensure all the Temporary Transit Tenements are demolished and debris and other material, removed from the site. Occupancy Certificate for final phase of implementation of the SRS development shall only be granted when all the Temporary Transit Tenements have been demolished and the Transit Plot site has been cleared to the satisfaction of MMRDA.

12.0 Rehabilitation Entitlements for Industrial/Commercial/ Business/ Office Users

12.1 The built-up area for Commercial/ Industrial user (for example business/ office/ shop) that existed prior to 1st January 2000 or such date as may be specified by the Airport Authority of India, in the Rehabilitation Component, shall be admissible to the concerned person, subject to the provisions in the Clause 12.2 below. In case a hutment dweller has both, residential and commercial premises within the area of SRS without a common wall between such residential and commercial premises, in the slum/ pavement, in respect of which the SRS is being or to be implemented, he shall be eligible for a residential tenement of 25 sq.m. carpet area free of cost, and he shall also be entitled to purchase a commercial unit admeasuring up to 6 sq.mt. at the cost of construction, as determined by MMRDA. The purchase price of such commercial unit shall be paid to MIAL/ Developer. The area of such commercial units shall not be eligible to attract any incentive FSI for MIAL/Developer.

12.2 The existing area under Residential+ Commercial/ Commercial/ Industrial uses shall be computed on the basis of actual measurement and production of official documents such as Licence under the Shops and Establishment Act and Electricity bills or any other document as prescribed by the State Government from time to time. The admissible rehabilitation built-up area for commercial user that existed prior to 1st January 2000 or such other date as may be specified by AAI, shall be based on the actual area under such user but subject to Table No.4 below :—

Existing Carpet Area in range of in sq.mtr.& (Sq.ft.)	Carpet Area to be provided in sq.mtr. & (sq.ft.)			
	Area free of cost as a part of Rehab Component	With construction cost but not as part of incentive sale area		
		With 10% reduction carpet area	With 20% reduction in carpet area	With 30% reduction in carpet area
Upto 25(269)	Actual upto25(269)	Nil	Nil	Nil
25(269) to 92.9(1000)	25(269)	25(269) to 92.9 (1000)	Nil	Nil
92.9(1001) to 139.3(1500)	25(269)	25(269) to 92.9 (1000)	92.9(1000) to 139.3 (1500)	Nil
139.3(1501) & above	25 (269)	25(269) to 92.9 (1000)	92.9(1001) to 139.3(1500)	92.9(1001) to 139.3(1500)

12.3 The beneficiaries i.e. eligible slum dwellers, having existing carpet area up to 25 sq. m. (269 sq. ft.), as certified by the Competent Authority, for commercial/ industrial establishment/ office/ shop/ economic activity that existed prior to 1st January 2000 or the date specified by the Airport Authority of India, shall be entitled to get actual area or 25 sq. m, whichever is less, free of cost under SRS. In case such existing area is more than 25 sq. m. the additional area will be 'Surplus Rehabilitation Commercial Area', to be provided under this category which shall be worked out as per the following provisions. Such surplus area shall be given to the beneficiaries at the construction cost approved by MMRDA and MIAL/Developer shall not be entitled for any incentive for this. In case such existing area is more than 25 sq. m. the additional area up to 10.0 sq.m may be given to the eligible hutment dweller at the construction cost approved by MMRDA. This additional area shall be considered as 'Surplus Rehabilitation Commercial Area' and MIAL/ Developer shall not be entitled for any incentive towards this.

Only non-polluting, non-hazardous industry may be allowed to be re-accommodated under the SRS. However, if the Industrial unit is hazardous or polluting, the concerned person may be provided a commercial unit or built-up area for a conforming, non-hazardous/ non-polluting industrial unit in the Rehabilitation Component.

12.4 Areas mentioned in Clause 12.3 may be allowed to be constructed on any side of the plot abutting minimum 9 m wide pathway and deriving access from minimum 9 m wide pathway. Back-to-back shopping on ground floor shall also be allowed for the purpose of rehabilitation. In case the plot is fully constructed at the ground level as per the provisions above, similar constructions may be permitted on the 1st floor if needed. These provisions may be allowed on the first floor, to the extent found necessary.

12.5 Non-Conforming Activities: All activities which existed as on date of eligibility shall be allowed to be relocated within the area of the SRS, except those activities which are hazardous and polluting (as mentioned in Clause 8.6). Further relocation of such hazardous and polluting activities shall not be permitted within SRS.

13.0 Relaxation in Building and Other Requirements

13.1. The ratio between the length of the pathway and the width thereof shall be as follows:—

	Length	Width
6.1.1.1	Up to 30 m	6.0 m
6.1.1.2	Up to 50 m and above	7.5 m

13.1.1 Between the dimensions prescribed for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall serve as access wherever necessary. The construction of buildings may be permitted abutting the pathways.

13.2 The front and marginal open spaces : For a building having height upto 24 mt. in the rehabilitation component or a composite building, the front and marginal open space shall be 4.5 mt. and in case of such buildings having height more than 24 mt. the minimum marginal open space shall be 6.0 mt. or as may be prescribed by Chief Fire Officer, MCGM.

13.2.1 For the plot abutting a road having width of 18 mt. or above, the front marginal open space shall be at least 6 m., provided the road is not a Classified Road.

13.2.2 The distance between any two Composite buildings in Rehabilitation Component shall not be less than 6 m and subject to Clause 2.3 of Schedule B.

13.3 The following areas, shall not be counted towards the "Open Spaces" :—

- (a) land under Nallas
- (b) land under cart tracts
- (c) land under transmission lines, telephone lines and corridors left for such services

13.3.1. The provisions in CSIA DCR relating to balcony shall apply to the SRS, subject to the condition that the balcony shall not reduce marginal open space to less than 1.5m.

13.3.2. Norms for the clear distance to be kept from water courses shall be governed by the provisions of CSIA DCR and the norms for the clear distance to be kept from HT electric lines shall be governed by the requirements of Central Electricity Authority / Electricity Act 2003, as amended from time to time.

13.3.3. Where the plot abuts a nalla, the marginal open space along the nalla shall not be insisted upon beyond 3 m from the edge of the trained nalla.

13.4. Parking - Common parking lots shall be provided as per the norms specified in CSIA DCR or this Appendix. Any relaxation required may be granted as per the provisions contained therein. However, 25% additional parking lots required for areas in the Mumbai Metropolitan Region may not be insisted upon for the SRS.

13.5 Requirements of parts of buildings shall be governed as per the following provisions

13.5.1 Plinth - The minimum plinth height shall be 45 cm and in flood prone areas, the plinth shall be at least 30 cm higher than the Highest Flood Level.

13.5.2 Habitable Rooms - Size & Width - The minimum size and width for any habitable room shall be as per the CSIA DCR and the following provisions :-

- Living room shall not be less than 7.5 sq.m with minimum width of 2.4 m.
- Bed room shall not be less than 6.5 sq.m with minimum width of 2.4 m.
- Multipurpose room if any, shall not be less than 12.5 sq.m with minimum width of 2.4 m.

13.6 Kitchen: Provision of a separate kitchen shall not be necessary, and an alcove (cooking space with direct access from the main room without a communicating door) will suffice, provided the alcove provided is of size not less than 2.4 sq. m, with a minimum width of 1.2 m. If a separate kitchen is provided, it shall not be lesser than 3.30sq. m in area having a minimum width of 1.8 m.

13.7 Bathroom and Water Closets: Bathrooms and Water Closets shall be governed by the provisions made in CSIA DCR.

13.7.1 In a Water Closet, flushing cisterns may not be essential and toilets without this provision may be permitted. Water closet seat shall be of a minimum length of 0.46m (18 inches).

13.8 Common Areas :

13.8.1 Common Passage -

13.8.1.1 The minimum width of Common Passage in the Rehabilitation Component shall be 1.5 m.

13.8.1.2 Subject to the provision of Clause 10.3.2 of this Appendix, the area of common passage not exceeding 2.0 m in width provided in Rehabilitation Component shall not be counted towards the computation of FSI, provided that total area under such common passage should not exceed 35% of floor area.

13.8.1.3 If podium is proposed, the corridors having a width of 6.0m or less formed under the podium for Rehabilitation Commercial/ Industrial units under Rehabilitation Component and Amenities, may be up to a width of 6.0 m and shall not be counted towards computation of FSI computation. RG required under these Regulation shall not be provided on podium.

13.9 Stairways -

13.9.1 The minimum width of each flight, mid-landing and corridor of the staircase shall not be less than 1.5 m.

13.9.2 No flight shall contain more than 12 risers, but in residential buildings, in narrow plots and High Density Housing a single flight staircase may be permitted.

13.9.3 The maximum height of all risers shall be 15 cm in a residential building.

13.9.4 The minimum width of the tread without nosing shall be 25cm. for any staircase in a of residential building, other than stairs provided in fire escapes.

13.9.5 The minimum head-room in a passage under the landing of a staircase and under the staircase shall be 2.2 m.

13.9.6 The ordinal number of each floor shall be conspicuously displayed, painted in figures of the size of at least 15 cm. on the wall facing the flights of a stairway or at such suitable place as is distinctly visible from the flights.

13.9.7 Handrails or parapet wall having with a minimum height of 0.9 m. from the centre of the treads shall be provided

13.10 Lifts

13.10.1 In case of buildings having a height of more than 24 mt. height, at least two lifts shall be provided, one of which shall be capable of accommodating a stretcher.

13.10.2 Provisions of Lifts for people as well as accommodating stretcher, in any building under the Rehabilitation Component shall be as per the Table No. 5 below:

Sr.No.	Height of Building	Minimum No. of lifts	
		General	Stretcher
1	Up to G+4	—	—
2	Up to G+9	1	—
3	Up to G+15	1	1

13.11 Floor Height - The minimum clear floor height of rehabilitation tenement room shall be 2.75m (finished floor to finished ceiling) and any toilet shall have a clear minimum floor height of 2.40m.

13.12 All regulations mentioned herein above at under Clauses 13.1.1, 13.2, 13.2.1, 13.2.2 shall be applicable to the buildings under the Rehabilitation Component as well as to Composite buildings under SRS.

13.13 Even if the amenity space may be allowed to be reduced to make the SRS technically and/or financially viable, at least 5% of gross plot area shall be provided as public amenity space. Moreover, 10% of gross plot area shall be maintained as recreation ground (RG)/ open space

13.13.1 Recreation Ground/ Open space shall only be used as a Public Ground, Playground, or for Tree Plantation or Landscaping. Construction in any Open space may be allowed by MMRDA as per the provision in CSIA DCR

13.14 In the event of any proposed road widening, the computation of permissible FSI shall be made on the gross plot area, without deducting the area under such road widening.

13.15 Provision for Light and Ventilation shall be governed by the provisions made in CSIA DCR

13.16 Fire Protection Requirements -

13.16.1 The planning, design and construction of any building under SRS shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of Maharashtra Fire Prevention and Life Safety Act, 2006 and the relevant provisions of the National Building Code 2005 as amended from time to time Part IV, Fire Protection Chapter shall apply.

13.16.2 For multi-storeyed, high rise and special buildings, additional provisions relating to fire protection shall conform to the requirement of open space on all sides having minimum width of 6 m. and the layout of such buildings shall conform to the requirements prescribed by the of Chief Fire Officer of MCGM. The aforesaid open spaces shall be free of any obstruction and shall be motorable.

13.16.3 Fire protection requirements for the buildings and structures to be constructed under SRS components shall be governed by the provisions made in of CSIA DCR and the Maharashtra Fire Prevention and Life Safety Act, 2006

14.0 Slums and Layout Amenities :-

14.1 The provisions of this Appendix shall prevail over the corresponding provisions of CSIA DCR, in case of any conflict.

14.2 Existing hutments in the slum pockets occupying lands in dangerous locations such as hill slopes, marshy lands, in close proximity of water bodies, lands abutting Railway tracks and sites immediately required for the public and semi-public projects may be relocated on other suitable locations with the prior approval of MMRDA.

14.3 Existing hutments in the slums shall be allowed to be rehabilitated only where the amenities such as water-supply, sewage disposal, drainage and electricity are available.

Additionally, The Planning Authority may also provide other facilities, if required as a part of the SRS.

14.4 Segregating distance of 23 meters shall be maintained between any proposed non-industrial building under the SRS and the boundary of any existing developed industrial plot.

14.5 Wherever any CSIA Layout road passes through a plot under SRS, entire 100 percent FSI of the such road shall be given for utilisation in the same site, on the remaining area of such plot area.

14.6 In case of two or more number of slums within CSIA area are taken up for rehabilitation as part of Airport Specific Slum Rehabilitation Scheme for CSIA, by the same Developer appointed by MIAL, both the Rehabilitation and the Free-Sale Components of the Slum Rehabilitation Schemes to be or being implemented in respect of such slums may be combined and located on any part of or in any proportion in those plots under such schemes, subject to Clause 10.4, 10.5 of this Appendix.

14.7 In case of a Slum Rehabilitation Area, if the land on which the SRS is undertaken is adjoining railway tracks, a boundary wall of minimum 2.4 m in height shall be constructed on the side of the plot abutting the railway line. The Developer shall be required to furnish a No Objection Certificate (NOC) from the concerned Railway Authority before being granted permission for construction of a building planned under SRS within a distance of 30 m from the railway boundary. Any development on such plot shall be carried out as per the terms and conditions stipulated by the concerned Railway Authority.

15.0 Welfare Hall, Balwadi, Society Office & Religious Structure.

15.1 There shall be one Welfare Centre admeasuring 25 sq.m for every multiple or part of 100 families of hutment dwellers in each SRS as part of the Rehabilitation Component. It shall be located so as to serve all the floors and buildings equitably. Further, two or more such Welfare Centres may be permitted to be clubbed together suitably for their better utility. There shall be a Balwadi and an Office for the Co-operative Housing Society set up under the SRS (hereinafter referred to as Society Office), each admeasuring 25 sq.m for every multiple or part of 100 families of hutment dwellers in any SRS, which also shall be treated as a part of the Rehabilitation Component. Balwadi and Society Office shall also be located so as to serve all the floors and buildings equitably. Further, two or more such Balwadis or Society Offices may be permitted to be clubbed together suitably for, their better utility. In case of misuse of the Welfare Centre, or Balwadi or Society Office, by the members of the Co-operative

Housing Society, it shall be taken over by MIAL, which shall be entitled to allot the same to any other organisation/ institution for public use.

There shall be a Health Centre admeasuring 25 sq.m for every multiple or part of 100 families of hutment dwellers, but located so as to serve all the floors and buildings equitably. There shall be a Multipurpose Community Hall in each SRS as part of the Rehabilitation Component, admeasuring 50 sq.m for every multiple or part of 100 families of hutment dwellers, but located so as to serve all the floors and buildings equitably. There shall be a Neighbourhood Market in each project as part of the Rehabilitation Component, admeasuring 50 sq.m for every multiple or part of 100 families of hutment dwellers and shall be located on ground floor.

Religious structures existing prior to rehabilitation redevelopment, if allowed in accordance with the guidelines issued by the State Government from time to time as part of redevelopment shall not exceed the area that existed prior to redevelopment.

Other social infrastructure like school, Dispensary, and Gymnasium run by Public Authority or Charitable Trust that existed prior to the rehabilitation and certified by the Competent Authority shall be allowed to remain or shift to another location. However, there shall be no increase in the existing built-up area occupying such social infrastructure

Health Centre, Multipurpose Community hall, Neighbourhood Market may be permitted to be clubbed together suitably for their better utility. In case of misuse of the Health Centre, Multipurpose Community hall, Neighbourhood Market, by the members of the society, it shall be taken over by MIAL which will be entitled to allot the same to another organisation/institution for public use.

15.2 Welfare Centre, Society Office, Balwadi, Health Centre, Multipurpose Community hall, Neighbourhood Market and religious structures, in the Rehabilitation Component shall not be counted towards the computation of FSI.

15.3 In addition to amenities such as the Welfare Centre, Balwadi, Society Office, Health Centre, Multipurpose Community hall, Neighbourhood Market and Religious Structures, MMRDA shall have rights to prescribe other necessary social amenities in any SRS, which shall have to be provided by MIAL/ Developer on the rehabilitation site. The area constructed for such amenities shall not be counted towards computation of FSI.

15.4 In addition to the Amenity and Open spaces, Community Work Spaces up to 5% of the area under any SRS may be insisted upon the development for the purpose of facilitating "work from home" activities. Such spaces may be either covered or open to sky. Subject to the provision of clause 10.3.2 of this Appendix, in case such spaces are covered, the area occupied by them shall not be counted towards computation of FSI.

16. Payments to SPA :

16.1 The premium agreed upon between MIAL/Developer and MMRDA for any SRS shall be paid to MMRDA by MIAL/Developer as per the installments and time schedule decided by the MMRDA.

16.2 Land development charges shall be levied on the lands on which Free-Sale component is constructed.

17. Procedure For Determining Eligibility For Rehabilitation :

17.1 A certified extract of the relevant Electoral Roll shall be considered as evidence to establish the eligibility of a person for rehabilitation provided he is found to be occupying any slum 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. In case of doubt or dispute, the decision of MMRDA shall be final and binding on all the parties concerned.

The eligibility of a person including transferees under the SRS shall be established in accordance with Chapter I-B of the Maharashtra Slum Area (Improvement and Clearance and Redevelopment) Act, 1971 and orders issued there under,

17.2 Eligible huts having a physically handicapped person or a widow household shall be given first preference in allotment of tenements to the hutment slum dwellers. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the rest of the eligible hutment dwellers, before grant of OC to the Rehabilitation Building.

17.3 *Transfer of Photo passes.*— Regularisation of any transfers of photo passes that may have occurred so far shall not be necessary. A photo pass shall be given after the new tenement has been occupied.

17.4 *Ownership and Terms of Lease.*— The part of MIAL land on which the Rehabilitation component of the SRS will be constructed and will be leased to hutment dwellers for a period up to year 2036, on lease rent as decided by MIAL from time to time, of Rs.1001 for 4000 sq. m. of land or part thereof, and shall be renewable for a further periods, as per the provisions of OMDA. The said lease deed shall be executed within 60 days from the date of issue of occupation certification.

17.4.1 The part of MIAL land under the Free-Sale component shall be leased directly to the purchasers by MIAL for a period upto year 2036, on lease rent as decided by MIAL from time to time, and shall be renewable for further periods, as per the provisions of OMDA. The said lease deed shall be executed within 60 days from the date of issue of occupation certification.

17.5 Recovery of pending dues such as assessment, compensation, occupational charges, non-agricultural tax/ dues etc. pending with public authorities such as State Government, AAI/ MIAL, Municipal Corporations, City and Industrial Development Corporation, shall not be linked to grant of approval or building permission to the SRS.

17.6 The developer shall register a Co-operative Housing Society for the rehabilitated slum dwellers with the MMRDA immediately after occupation of rehab tenements by the slum dwellers. Stamp duty under Bombay Stamp Act, 1958 for registration of such rehabilitation tenement's document shall be fully exempted.

17.7 After construction of transit camp, the developer shall ensure the shifting of slum dwellers to the transit accommodation. In case of refusal/ objection by the slum dwellers, clause 17.11 below shall be applied to those slum dwellers.

17.8 After the completion of permanently constructed rehabilitation building, the MMRDA shall allot rehabilitation tenements by lottery system publicly. In case of refusal/ objection by the slum dwellers, clause 17.11 below shall be applied to those slum dwellers. Developer shall ensure removal of temporary transit as per clause 11.6 of the Appendix.

17.9 After occupation of rehabilitation tenement, any new hutment or structure reconstructed or occupied by the slum dweller, such unauthorised structure shall be immediately evicted and demolished without giving any notice.

17.10 The developer shall register an Agreement in favour of the rehabilitated beneficiaries for the constructed rehabilitation built up area and land spared for the same, along with common areas, access, marginal spaces left for the building, immediately after the final occupancy of all beneficiaries in the Rehabilitation Component.

17.11 In respect of those eligible hutment dwellers on site, who do not join the project willingly, the following steps shall be taken :

(i) Provision for all of them shall be made in the rehabilitation component of the scheme.

(ii) The details of the actual tenements that would be given to them by the way of draw of lots on the same basis as for those who have joined the project, will be communicated to them in writing by MMRDA.

(iii) In case of dispute, decision of the MMRDA shall be final and binding on all the parties concerned.

17.11.1 Hutment dwellers on site, who do not join the SRS willingly shall be considered as allotment of tenements with due regard to the priority spelt out in clause 17.2 above.

17.11.2 The transit tenements allotted to them shall also be earmarked for those slum dwellers that have not joined the SRS.

The transit tenements that would be allotted to such unwilling hutment dwellers would also be indicated along with the details of the transit accommodation allotted to those who have joined the project.

17.11.3 Action under the provisions of the Slum Act, 1971, including section 33/ 33A and 38 of the said Act shall be taken against any hutment dweller who is not willing to join the SRS within 15 days after approval on site has been granted for the SRS. The hutment of such a hutment dweller shall be removed and it shall be ensured that no obstruction is caused to the Scheme.

In case of any hutment dweller not joining the scheme within 15 days after the approval has been granted to the SRS on a site, the action under the provisions of the Slum Act as amended from time to time, shall be taken and their hutments shall be removed. Further, and it shall be ensured that no obstruction is caused to the scheme if majority of persons who are willing.

17.11.4 After such action under the foregoing clause is initiated, such unwilling hutment dwellers should not be eligible for allotment of transit tenement and they will not be eligible for the allotment of rehabilitation tenements by the drawing of lots, but would be only entitled to what is available after others have exercised the choice which may be or may not be on the same site.

After the action under the above Clause 17.11.3 is initiated, slum dwellers on site who do not join the project willingly shall not be eligible for transit tenement and for the constructed rehabilitation tenement by lots. However, should they decide to join subsequently, they shall be entitled only to what is available after others have chosen. The tenements allocated for such subsequent cases which may be on the same or some other site

17.11.5 Any slum dweller not joining the scheme till the building permission to the SRS is given, shall completely lose the right to any rehabilitation tenement, and their rehabilitation tenement shall be taken over by MIAL and used for the purpose of accommodating pavement dwellers and other slum dwellers which cannot be rehabilitated in-situ. At this stage the non-participating slum dwellers shall lose their right to rehabilitation.

17.12 The Managing Committee of the proposed as well as registered Co-operative Housing Society of hutment slum dwellers shall have women members to the extent of one third of the total strength and at least one third women members out of total strength and actual members on the committee at any time.

17.13 MMRDA shall issue Identity Cards to each rehabilitated family in the name of the head of the family, jointly with his/ her spouse, if applicable. Selling/ Transfer/ Rent/ Lease of the rehabilitation tenement shall not be allowed for a period of 10 years (except to their heirs) from the date of possession of the tenement. In case of breach, MMRDA/ SRA shall cancel the allotment in respect of the hutment dweller and take over the tenement. These conditions shall appear on the identity card as well.

18. Building Permission under SRS—

18.1 For the slum rehabilitation schemes to be implemented under the provisions of this Appendix. MIAL shall finalize the schemes for inviting tenders and also evaluate the technical as well as the financial bids for the same, on the basis of which the MIAL will take final decision regarding selection of the suitable Developer for implementation of such scheme.

18.2 The approval to any SRS shall be given by the MMRDA within a period of 60 days from the date of submission of proposal, complete in all respect. All relevant documents. In the event of a failure by MMRDA to do so, the said approval shall be deemed to have been granted, provided the Project is strictly in accordance with the provisions in this Appendix

18.3 MMRDA while giving granting the approval to any SRS may lay down such terms and conditions not inconsistent with the provisions of this Appendix as may be deemed necessary in interest of CSIA or effective rehabilitation of hutment dwellers.

19. Payments to be made to MMRDA/ SRA / MCGM—

Provisions of MCGM DCR shall be applicable as regard payments to be made to MMRDA/ SRA/MCGM.

20. Transferable Development Rights.—The TDR generated at CSIA from implementation of SRS under this regulation shall be available to MIAL/developer for use anywhere in Mumbai Suburbs, and subject to the Regulations in this Appendix.

20.1. On a plot of land for which the Slum Rehabilitation Scheme is sanctioned under this Regulation MIAL/Developer shall be eligible for the award of TDR equivalent to FSI, if any, in excess of 4.0 or as may be specifically permitted under any SRS, by MMDRA.

20.2. DCR for the TDR shall be issued by the Municipal Commissioner, MCGM himself on a recommendation made by the Metropolitan Commissioner, MMRDA in this regard. The FSI credit in square meter of built-up area will be stated in figures and in words along, with the particulars of the place where TDR is earned.

20.3. When a buildable amenity on the reserved plot for which Slum Rehabilitation Project is sanctioned and handed over free of cost to the Planning Authority, such Planning Authority may grant a further TDR due for the construction of the said amenity, and in accordance with the provisions contained in Appendix VII-B of Brihan Mumbai DCR 1991 (hereafter referred to as MCGM DCR).

20.4. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in this Appendix as well as in Appendix IV of MCGM DCR.

20.5. If MIAL or the holder of a DRC intends to transfer it to any other person he will submit it to the Municipal Commissioner, MCGM with an appropriate endorsement of the new holder's name. Without such endorsement by the Municipal Commissioner himself, the transfer shall not be valid, and will be available for use only by the original holder.

20.6. MIAL or the holder of a DRC who desires to use the FSI credit certified therein on a particular plot shall attach to his application for development permission, valid DRCs to the extent required.

20.7. Irrespective of the location in which they originate, DRCs shall not be used in the Island City of Mumbai.

20.8. Notwithstanding any provisions in the DCR of MCGM, the DRCs generated under this regulation may be used :—

(a) On any plot in the same ward of MCGM in which TDR has originated, the ward not being in the Island City of Mumbai.

(b) On any plot lying to the north, wholly or partly, of the plot in which TDR originated, the plot not being in the Island City of Mumbai.

20.9. A DRC shall not be valid for use on receiving plots in the areas listed below :—

(i) Coastal Regulation Zone-I and areas in NDZ, TDZ, (ii) On plots where Slum Rehabilitation Projects have taken up or are possible, (iii) Areas where the permissible FSI is less than 1.0 FSI except "M" Ward, (iv) Heritage buildings and precincts notified under DC Regulation No. 67.

20.10. The use of DRC on the plot receiving TDR will be subject to the same regulations that are applicable to the TDR receiving plots under the MCGM DCR. There will be no restrictions on which zone such TDR can be received, except for the provisions in Clauses 20.8 and 20.9 above.

20.11. The DRC may be used on one or more plots of land, whether vacant or already developed by erection of additional floors, or in any other manner consistent with these regulations, but not so as to exceed the FSI prescribed under Clause 20.12.

20.12. Any plot receiving TDR shall not be eligible for more than 100 per cent additional FSI in whichever combination TDRs are received provided at least 20 per cent of the FSI shall be mandatorily kept for use of TDR generated from surplus FSI of slum rehabilitation scheme. The source of TDR could be from slum redevelopment, DP reservations or DP road going through TDR receiving plot.

20.13. Before granting development permission to use TDR in full or in part, the Municipal Commissioner, MCGM, shall endorse in writing in figures and in words, the quantum of DRC proposed to be utilized in that development permission.

20.14. A DRC shall be issued by the Municipal Commissioner himself, as a certificate printed on bond paper in an appropriate form prescribed by the Municipal Commissioner. Such a certificate shall be a transferable/negotiable instrument after due authentication by the Municipal Commissioner.

20.15. The Commissioner shall maintain a separate register in a form considered appropriate by him of all transactions relating grant or utilization of DRCs arising out of slum rehabilitation scheme in CSIA Area from time to time, at least once in three months. These transactions shall be published in the *Maharashtra Government Gazette* for the information of the public, provided however the utilization of TDR/DRCs shall not be dependent upon any such publication.

20.16. Wherever TDR arising out of slum rehabilitation scheme is received, the relaxation, as required shall be given for such slum TDR on the same basis as for free sale component in the slum rehabilitation scheme.

PART- III

21.0 Contributory Rehabilitation Scheme For non-eligible hutment dwellers—

21.1 MIAL may, at its discretion, implement one or more Contributory Rehabilitation Schemes for rehabilitation of hutment dwellers of Slums or Slum Rehabilitation Areas in CSIANA who are non-eligible as per Clause 4, wherein any individual non-eligible hutment dweller may, in lieu of his slum structure, be provided a residential rehabilitation tenement

having a carpet area of 25 sq. m (269 sq. ft) or of carpet area as per the State / Central Government Scheme adopted by MIAL for this purpose. Such Rehabilitation tenement will be provided on payment of such contribution by the concerned non-eligible hutment dweller, as MIAL may specify.

21.2 The non-eligible hutment dwellers shall not be preferably rehabilitated in-situ but in other available plots procured or arranged by MIAL, outside CSIA and anywhere in MMR.

21.3 Competent Authority shall finalise list of "non-eligible hutment dwellers" for whom Contributory Rehabilitation Scheme is proposed to be implemented by MIAL and it shall be obligatory for all the listed families of non-eligible hutment dwellers to participate in such Scheme.

21.4 Subject to approval of MMRDA, the decision of MIAL shall be final and binding on all concerned parties regarding the location of plots for rehabilitating the "non-eligible hutment dwellers". Any subsequent changes to the same will require approval of MMRDA.

PART IV

22. General Provisions.—

22.1 Eligibility criteria for the Developer shall be decided by MIAL, which shall include, *inter alia*, solvency certificate of such amount as may be decided by MIAL.

22.2 MIAL may decide the appropriate policies for effective implementation of the provisions in this Appendix. MIAL shall formulate and adopt appropriate procedure and policies in this regard from time to time.

22.3 The fees for scrutiny of layout/ building permission etc. shall be as decided by MMRDA and it shall be revised from time to time.

22.4 Powers of Relaxation in Case of Genuine Hardship.— In specific cases where genuine hardship is clearly demonstrated, the MMRDA may grant relaxations wherever necessary for reasons to be recorded in writing in order to make the SRS viable.

22.6 Powers of Interpretation.—In case of any ambiguity or doubt regarding interpretation of the provisions contained in this Appendix, the decision of the State Government shall be final and binding on all concerned parties.

Schedule A

Rehabilitation under Option I :—

1.0 Under Option - I, the Eligible hutment dwellers on a plot where the SRS is being implemented maybe rehabilitated on a suitable plot (hereinafter referred as the Rehabilitation Plot), in another location in the CSIA Notified Area.

2.0 The "rehabilitation plot" shall not be encumbered with slums and shall have provision of infrastructure as well as access to transport facilities.

2.1 The Rehabilitation plot as far as possible shall be a contiguous parcel of land. However, if a contiguous parcel of land is not available, then smaller land parcels may also be considered with provision of infrastructure and access to transport facilities but subject to provision that each parcel shall be planned with provisions laid out in Clause 2.2 and 2.3 below.

2.2 All hutment dwellers tenements shall be rehabilitated in Rehabilitation buildings of maximum G+15 storeys, subject to height limitations with minimum 6.0 m space between two Rehabilitation buildings or as per Clause 13.2.2 of this Appendix.

2.3 At least 5% of the area of the Rehabilitation plot shall be earmarked, each for Amenity Space and Recreational Open Space, respectively.

Schedule B

Rehabilitation under Option II :

1.0 Under Option II the Eligible hutment slum dwellers may be rehabilitated In-Situ within the encroached areas considered for the SRS. In-Situ Rehabilitation shall be carried out on "Receiver-Donor" basis, which may require relocation of slums dwellers to other slum plot/ lands.

2.0 The "Receiver" plot/s shall be those, where all the slum dwellers shall be rehabilitated, and the Rehabilitation plot, as far as possible, may be contiguous parcel of land. However, if a contiguous parcel of land is not available, then smaller land parcels may also be considered with provision of infrastructure and access to transport facilities but subject to provision that each parcel shall be planned with provisions laid out in Clause 2.2 and 2.3 below.

2.2 All hutment dwellers shall be rehabilitated in Rehabilitation buildings of maximum stories of such height as may be allowed by AAI, with minimum distance of 3.0 m between two buildings or as per Clause 13.2.2 of this Appendix.

2.3 Minimum distance between two Rehabilitation buildings shall be as follows :

(A) up to G+9 storeys _____ Min. 6.00m

(B) above G+9 storeys _____ Min. 12.00m

2.4 At least 5% of the area of the Rehabilitation plot shall be earmarked, each for Amenity Space and Recreational Open Space, respectively, as provision for Utilities.

Schedule C

Rehabilitation under Option III :

1.0 Under Option - III, the Eligible hutment slum dwellers may be rehabilitated on a suitable plot (hereinafter referred as "Rehabilitation Plot") in another Area, outside CSIA, located within the Mumbai Metropolitan Region.

2.0 The "Rehabilitation" plot shall not be encumbered and shall have provision of infrastructure as well as access to transport facilities.

2.1 All hutment dwellers tenements shall be rehabilitated in Rehabilitation buildings of maximum G+12 storeys, with minimum 6.0 m space between two Rehabilitation buildings.

2.2 At least 10% and 15% of the area of the Rehabilitation plot shall be earmarked for Amenity Space and Recreational Open Space, respectively.

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

SANJAY BANAIT,

Under Secretary to Government.

बृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास नियोजन)			
मुख्य कार्यालय			
क्र.प्र.अ/वि.नि.	शहर	पूर. उप	प. उप
मा. अधि	टिडीआर	ल.आ	आस्था
12 DEC 2014			
17/12			

By Ch E BRHSI / By Ch E BRHSI

By Ch E (DP) I / II / By Ch E (DP) I / II / By Ch E (DP) I / II / By Ch E (DP) I / II

HCE (DP) Gen

By
16/12/14
AODP

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16/12/14
प्रमुख अभियंता
(विकास नियोजन)