

3)
2014

परवर्धणारी धरे थोजनेसंदर्भात नियमावलीत बदल करणेबाबत

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ चे कलम ३७(१कक)(ग) अन्वये मुंबई महानगर प्रदेशातील वृहन्मुंबई महानगरपालिका, नवी मुंबई महानगरपालिका व मायेरान नगरपरिषद वगळून इतर स्थानिक स्वराज्य संस्थांच्या मंजूर नियमावलीत बदल मंजूर करणेबाबत.

महाराष्ट्र शासन

नगर विकास विभाग,

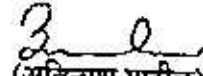
मंत्रालय, मुंबई ३२.

शासन निर्णय क्र.टिपीएस-१२१२/७९/प्र.क्र.६०/१२/नवि-१२

दिनांक- ७ ऑगस्ट, २०१४

शासन निर्णय:-सोबतची अधिसूचना महाराष्ट्र शासनाच्या कोकण विभाग असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या अदेशानुसार व नांवाने,


(अशिश पाटील)

सह संचालक तथा सह सचिव, महाराष्ट्र शासन

प्रत-

- १) मा. मुख्यमंत्री महोदयांचे प्रधान सचिव, मंत्रालय, मुंबई.
 - २) मा. राज्यमंत्री (नगर विकास) महोदयांचे खाजगी सचिव, मंत्रालय, मुंबई.
- प्रति,
- १) प्रधान सचिव-१, नगर विकास विभाग, मंत्रालय, मुंबई.
 - २) प्रधान सचिव, गृह निर्माण विभाग, मंत्रालय, मुंबई.
 - ३) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, बांद्रा.
 - ४) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई.
 - ५) संचालक नगर रचना, महाराष्ट्र राज्य, पुणे.
 - ६) संचालक तथा सह सचिव (नगर रचना), नगर विकास विभाग, मंत्रालय, मुंबई.
 - ७) सहसंचालक, नगर रचना, कोकण विभाग, कोकण भवन, नवी मुंबई.
 - ८) आयुक्त, ठाणे/कल्याण-डोंबिवली/उल्हासनगर/मिरा-घाईंदर/वसई-विसार/भिवंडी-निजापूर महानगरपालिका
 - ९) सहसंचालक नगर रचना, ठाणे/रायगड शाखा
 - १०) मुख्याधिकारी अंबरनाथ/कुळगाव-बदलापूर/पनवेल/कर्जत/पेण/उरण/अलिबाग/खोपोली नगरपरिषद.

११) व्यवस्थापक, शासकीय मुद्रणालय, घनरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची सूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रांत कोकण विभाग, भाग-एक पुरवणीमध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ०५ प्रती या विभागास, संचालक नगर रचना, महाराष्ट्र राज्य, पुणे, सहसंचालक नगर रचना, कोकण विभाग, कोकण भवन, नवी मुंबई, आयुक्त, ठाणे/कल्याण-डोंबिवली/उल्हासनगर/मिरा-भाईंदर/वसई-विरार/भिवंडी-निजामपूर महानगरपालिका, सहाय्यक संचालक, नगर रचना ठाणे/ अलिबाग शाखा, व मुख्याधिकारी, अंबरनाथ/कुळगांव-बदलापूर/पनवेल/कर्जत/ पेण/ उरण/ अलिबाग/ खोपोली नगरपरिषद, यांच्याकडे पाठवाव्यात.)

१२) कक्ष अधिकारी, (नवि-२९) नगर विकास विभाग, मंत्रालय, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द करावी.)

१३) निवडनस्ती (कार्यासन नवि-१२)

Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated :7th August, 2014

NOTIFICATION

The Maharashtra Regional & Town Planning Act, 1966

No.TPS-1212/79/C.R.60/12/UD-12

Whereas the Development Plans and Development Control Regulations (hereinafter referred to as "the said Regulations") for the Municipal Corporations of Thane, Kalyan-Dombivali, Mira-Bhayandar, Bhivandi-Nizampur, Ulhasnagar, Vasai-Virar and the Municipal Councils of Ambemath, Kulgaon-Badlapur, Panvel, Karjat, Pen, Uran, Alibag, Khopoli (hereinafter referred to as "the said Municipal Corporations and Municipal Councils") within the limits of the Mumbai Metropolitan Region (MMR) are sanctioned by the Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") from time to time and the same are in force;

And whereas, in exercise of the powers contained in section 37 (1) of the said Act, read with the provisions contained in section 154 of the said Act, the Government had issued directives to i) the Municipal Corporation of Greater Mumbai, excluding Island City, vide order dated 6th August, 2008 ii) the Municipal Corporation of Ulhasnagar vide order dated 25th August, 2009,iii) the Municipal Corporations of Thane, Kalyan-Dombivali, Mira-Bhayander and Bhivandi-Nizampur, the Municipal Council of Panvel and the Special Planning Authority areas of Vasai-Virar Sub region and Ambemath, Kulgaon-Badlapur and the Surrounding Notified Area vide order dated 4th November, 2008 and iv) the Municipal Councils of Karjat, Pen, Uran, Alibag, Khopoli vide order dated 21st August, 2008 (hereinafter referred to as 'the said directives') to initiate

The aforesaid sanctioned modification shall be available for the general public during office hours on all working days at the following offices for the period of one month:

- (1) The Metropolitan Commissioner, Mumbai Metropolitan Regional Development Authority, Bandra-Kurla Complex, Mumbai.
- (2) Joint Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai.
- (3) The Municipal Commissioners, Thane/Kalyan-Dombivli/Mira-Bhayandar/ Bhivand-Nizampur/Ulhasnagar/Vasai-Virar Corporations.
- (4) Asst. Director of Town Planning, Thane/Raigad-Alibag.
- (5) The Chief Officers of Ambemath, Kulgaon-Badlapur, Panvel, Karjat, Pen, Uran, Alibag, Khopoli Municipal Councils.

This notification shall also be published on the Government website at www.maharashtra.gov.in

By order and in the name of Governor of Maharashtra.

(Sanjay V. Pawar)
Section Officer

Schedule

Regulations for Affordable Housing Scheme

1. In order to promote construction of affordable housing stock on private lands, the Planning Authority may permit implementation of Affordable Housing Scheme in accordance with the provisions of these Regulations. Affordable Housing Scheme (hereinafter referred to as 'the Scheme') shall be permissible only on the lands situated within the limits of the Urban Local Bodies (ULBs) in the Mumbai Metropolitan Region (MMR), excluding the area under the Municipal Corporation of Greater Mumbai, the Municipal Corporation of Navi Mumbai and the Matheran Municipal Council.
 - 2(i) Affordable Housing Scheme shall be permissible in Residential Zone only and on plots having access from an existing or proposed Development Plan Road having width equal to or in excess of 18 mt. or an existing road in respect of which Regular Line of Street has been declared under the relevant provisions of Maharashtra Municipal Corporation Act, Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 for a width of 18 mt. or more, provided permissible FSI on such plots is 1.00 or more and TDR more than 0.6 is allowable. However in case of a proposed road, the land under the said proposed road shall be acquired before the approval of building plans for the Affordable Housing Scheme. Affordable Housing Scheme shall not be allowed in areas where FSI is less than 1 or where use of TDR is not permissible.
 - (ii) Minimum plot area for the Affordable Housing Scheme shall be 4000 sq. mt., excluding area under D.P. Roads and D.P. Reservations, if any.
 - (iii) The plot under the Scheme shall be independent, unencumbered and contiguous.
 - (iv) The Scheme shall not be permissible in congested areas, demarcated as such on the Development Plan.

3. The concerned Urban Local Body (ULB), being a Planning Authority, shall be competent to grant both location clearance and layout approval/building permission for an Affordable Housing Scheme :
- 4(i) Maximum permissible FSI (including the base FSI of 1.00) under the Scheme shall be 3.00 on the gross plot area, including mandatory layout recreational open space and Amenity Space. The FSI to be utilized shall be in the proportion of 1:3 for the Affordable Housing Component and the Free Sale Housing Component on $\frac{1}{4}^{\text{th}}$ and $\frac{3}{4}^{\text{th}}$ part of the land respectively. Thus Affordable Housing and Free Sale Housing shall be proposed on the same plot of land but on two separate independently buildable pockets.
- (ii) Under Affordable Housing Scheme, upto 15% of the total built-up area of the Affordable Housing Component may be used for construction of shops/commercial use as per the direction of Urban Local Body and such commercial built-up area shall be handed over to the concerned ULB free of cost.
- 5 (i) An Affordable Housing Unit shall be a self-contained dwelling unit of 25 sq.mt. carpet area. However the carpet area of a Housing Unit shall be 160 sq. ft., where the construction under the Rental Housing Scheme has already commenced.
- (ii) The amenity space for Affordable Housing shall be 10% of the gross plot area under the Scheme and it shall be proportionately provided in the area earmarked for the Affordable Housing Component and the area kept for Free Sale Housing component.

Provided that where the Scheme is to be implemented on a plot in Industrial Zone where the Planning Authority has duly permitted Residential user under the relevant provisions of the Development Control Regulations -

- a) no further area shall be required to be kept as amenity space under Regulation 5(ii) for the Scheme if the area prescribed to be kept as amenity space while permitting residential user in Industrial Zone is equal to or more than 10% of the gross plot area.
- b) only the balance area shall be required to be kept as amenity space under Regulation 5(ii) for the Scheme if the area of amenity space prescribed by the Planning Authority, while permitting residential user in Industrial zone, falls short of 10%.
- (iii) Notwithstanding anything contained in the relevant provisions of the Development Control Regulations for the respective Municipal Corporation / Municipal Council regarding the provision of Amenity Space in general, and also regarding permitting Residential User in Industrial Zone, it shall be obligatory on the Developer / Owner to develop the amenity space for users (hereinafter referred to as prescribed amenity users) such as School, Play Ground, Garden, Health Care Facilities, Multipurpose Hall, Auditorium, etc. with the approval of Municipal Commissioner of the Municipal Corporation / Chief Officer of the Municipal Council, as per the specifications prescribed by the said Authority, subject to the condition that at least 50% of such amenity space shall be kept for open users, before seeking Occupancy Certificate for the Free Sale Housing Component of the Scheme, failing which the land under such amenity space shall be handed over free of cost to the Planning Authority and such land shall be developed by the Municipal Commissioner of the Municipal Corporation / Chief Officer of the Municipal Council for the aforesaid prescribed amenity users only.

No compensation in the form of TDR shall be admissible to the Owner / Developer for development of such prescribed amenities under this Regulation.

- (iv) Irrespective of whether the Owner / Developer develops the prescribed amenity users as per the provisions of Clause (iii) above or fails to do so, the

process of handing over the land under such amenity space, along with the developed prescribed amenities, where such prescribed amenities have been developed, shall be completed within one month from the date of application by the Developer/ Owner for seeking Occupancy Certificate for the free sale Housing Component of the Scheme and if such handing over process is not completed within the said period, the Occupancy Certificate for the free sale Housing component of the Scheme shall be withheld by the Municipal Commissioner of the Municipal Corporation /Chief Officer of the Municipal Council, till such amenity space, along with developed prescribed amenities, where such prescribed amenities have been developed, is handed over to the Planning Authority.

- (v) Under the Affordable Housing Scheme, there shall be a welfare hall and a Balwadi at the rate of 30 sq.mt. for every multiple or part of 200 residential units and an office for Managers/Co-operative Housing Society at the rate of 30sq.mt.per every multiple or part of 500 residential units which shall be treated as a part of Affordable Housing Component and shall not be counted towards the FSI while computing 3.00 FSI on the site and shall be given along with layout/DP roads and shops, free of cost to the concerned ULB. These facilities shall be constructed at locations as suggested by the concerned ULB and shall be transferred free of cost to it.

6. Under the affordable Housing Scheme, Off-Site Infrastructure Charges at the rate of 5% of the land rate as given in the Annual Statement of Rates (ASR) prepared by the Inspector General of Registration, Maharashtra State, for the year in which Commencement Certificate is issued, subject to a minimum of Rs. 2000 per sq.mt., shall be paid by the Developer for the built up area, over and above the normal permissible FSI. This amount shall be paid to the concerned ULB.

7 Release of FSI under the Scheme shall be as follows:

FSI for Affordable Housing Component and the Free Sale Housing Component under the Scheme shall be released in accordance with the following Table:

Sr. No.	Stages of Release of FSI	Affordable Housing Component*	Free Sale Component*
1	On Grant of Building Permission / Commencement Certificate up to plinth by ULB/Planning Authority to the Affordable Housing Project	3.00	1.00
2	On Completion of 50% BUA of Affordable Component	--	0.75
3	On Completion of 100% BUA of Affordable Component	--	0.75
4	On handing over of 25% land & completed Affordable Housing Component buildings with Occupancy Certificate.	--	0.50
	TOTAL	3.00*	3.00*

* Explanation - The FSI of 3.00 is to be calculated separately on the one fourth of plot area for Affordable Housing Component as well as three fourth of plot area for Free-Sale Housing component.

8 The Affordable Housing Component under the Scheme shall be handed over along with the $\frac{1}{4}$ th part of the total plot of land, free of cost to the concerned ULB.

- 9 (i) The affordable Housing stock created under the Scheme shall be allotted by the concerned ULB as follows:-

Percentage	Allotment to	Category of Stock	Rate of Allotment
25	Respective ULBs for use as PAP tenements or Staff Quarters or Transit Accommodation	Ownership	Free of cost
25	Outright sale to Govt. of Maharashtra and its statutory bodies/Govt. undertakings for use as PAP tenements or staff quarters or transit accommodation	Ownership	As per construction rate of ASR
50	Outright sale as affordable housing by MHADA subject to the general or specific direction of the Government.	Ownership	Free of cost to MHADA which shall dispose of the same as per its pricing policy and by drawal of lots

- (ii) The Affordable Housing stock shall be disposed of as per the prevailing policy of MHADA regarding pricing and disposal of its housing stock meant for affordable housing. Each project approved under the Scheme shall be brought to the notice of the Govt. of Maharashtra and its statutory bodies/Govt. undertakings by means of Press Advertisement and if the Govt. of Maharashtra or any of its statutory bodies/ Govt. Undertakings doesn't

place firm requirement for the housing stock earmarked for them in the Scheme before the Completion Certificate / Occupation Certificate for the said Scheme is issued, the same shall come to the share of MHADA for outright sale as per the prevailing policy of the MHADA.

- 10 i) The other aspects of the development of Affordable Housing Scheme, not specifically dealt with hereinabove, shall be as per the relevant provisions of the Development Control Regulations of the respective Planning Authority.
 - ii) It shall also be permissible for the Developer / Owner to utilise the FSI available for Free Sale Housing Component, fully / partly for any other user otherwise permissible as per Development Plan and Development Control Regulations.
 - iii) In case owing to genuine hardship and site conditions, relaxation in marginal open spaces is sought by the Developer / Owner, the Municipal Commissioner of the Municipal Corporation / Chief Officer of the Municipal Council may consider such request, using his discretionary powers under the Development Control Regulations, subject to the condition that in no case shall the clear marginal open space be reduced below 6.m.. No premium shall be charged for granting such relaxation in marginal open spaces in respect of Affordable Housing Component of the Scheme.
11. No project under the Rental Housing Scheme envisaged under the said directives issued by the Government vide orders dated 6th August, 2008, 25th August, 2009, 4th November, 2008 and 21th August, 2008 shall be permitted after the date on which the Notice No. TPS-1212/79/C.R. 60/12/UD-12, dated 30/11/2013 regarding this Regulation under section 37(1AA) of the Maharashtra Regional and Town Planning Act, 1966 was

27
2014

**परवडणारी घरे योजनेसंदर्भात नियमावलीत बदल
करणेबाबत**

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ चे
कलम ३७(१कक)(ग) अन्वये मुंबई महानगर प्रदेशातील
वृहन्मुंबई महानगरपालिका, नवी मुंबई महानगरपालिका व
माधेरान नगरपरिषद वगळून इतर स्थानिक स्वराज्य संस्थांच्या
मंजूर नियमावलीत बदल मंजूर करणेबाबत.

महाराष्ट्र शासन

नगर विकास विभाग,

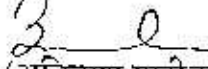
मंत्रालय, मुंबई ३२.

शासन निर्णय क्र.टिपीएस-१२१२/७९/प्र.क्र.६०/१२/नवि-१२

दिनांक- ७ ऑगस्ट, २०१४

शासन निर्णय:-सोबतची अधिसूचना महाराष्ट्र शासनाच्या कोकण विभाग असाधारण
राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(अविनाश पाटील)

सह संचालक तथा सह सचिव, महाराष्ट्र शासन

प्रत-

- १) मा. मुख्यमंत्री महोदयांचे प्रधान सचिव, मंत्रालय, मुंबई.
- २) मा. राज्यमंत्री (नगर विकास) महोदयांचे खाजगी सचिव, मंत्रालय, मुंबई.

प्रति,

- १) प्रधान सचिव-१, नगर विकास विभाग, मंत्रालय, मुंबई.
- २) प्रधान सचिव, गृह निर्माण विभाग, मंत्रालय, मुंबई.
- ३) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, बांद्रा.
- ४) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई.
- ५) संचालक नगर रचना, महाराष्ट्र राज्य, पुणे.
- ६) संचालक तथा सह सचिव (नगर रचना), नगर विकास विभाग, मंत्रालय, मुंबई.
- ७) सहसंचालक, नगर रचना, कोकण विभाग, कोकण भवन, नवी मुंबई.
- ८) आयुक्त, ठाणे/कल्याण-डोंबिवली/उल्हासनगर/मिरा-भाईंदर/भसई-विरार/भिवंडी-
निजापूर महानगरपालिका
- ९) सहायक संचालक नगर रचना, ठाणे/रायगड शाखा
- १०) मुख्यधिकारी अंबरनाथ/कुठगाव-बदलापूर/पनवेल/कर्जत/पेठा/ठरण/उर्जलवाग/
खोशीली नगरपरिषद.

**Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.**

Dated :7th August, 2014

NOTIFICATION

The Maharashtra Regional & Town Planning Act, 1966

No.TPS-1212/79/C.R.60/12/UD-12

Whereas the Development Plans and Development Control Regulations (hereinafter referred to as "the said Regulations") for the Municipal Corporations of Thane, Kalyan-Dombivali, Mira-Bhayandar, Bhivandi-Nizampur, Ulhasnagar, Vasai-Virar and the Municipal Councils of Ambemath, Kulgaon-Badlapur, Panvel, Karjat, Pen, Uran, Alibag, Khopoli (hereinafter referred to as "the said Municipal Corporations and Municipal Councils") within the limits of the Mumbai Metropolitan Region (MMR) are sanctioned by the Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") from time to time and the same are in force;

And whereas, in exercise of the powers contained in section 37 (1) of the said Act, read with the provisions contained in section 154 of the said Act, the Government had issued directives to i) the Municipal Corporation of Greater Mumbai, excluding Island City, vide order dated 6th August, 2008 ii) the Municipal Corporation of Ulhasnagar vide order dated 25th August, 2009,iii) the Municipal Corporations of Thane, Kalyan-Dombivali, Mira-Bhayander and Bhiwandi-Nizampur, the Municipal Council of Panvel and the Special Planning Authority areas of Vasai-Virar Sub region and Ambemath, Kulgaon-Badlapur and the Surrounding Notified Area vide order dated 4th November, 2008 and iv) the Municipal Councils of Karjat, Pen, Uran, Alibag, Khopoli vide order dated 21st August, 2008 (hereinafter referred to as 'the said directives') to initiate

modification to the said Regulations to add a new Regulation regarding Rental Housing Scheme and also appointed the Mumbai Metropolitan Region Development Authority (MMRDA) as the Implementing Authority for Rental Housing Projects in MMR;

And whereas, considering the need for rationalizing the Rental Housing Scheme and to make the Rental Housing Scheme more effective as well as to suggest the strategy for maintenance and management of Rental Housing stock, the Government constituted a Committee vide Government Resolution No. Misc/2009/1301/C.R. 271/09/UD-12 dated 17th May, 2012 (herein after referred to as 'the said Committee');

And whereas, the said Committee submitted its final Report (Part-2) to the Government on 7th February, 2013;

And whereas, after considering the Committee's recommendations, the Government was of the opinion that, it was necessary that the Rental Housing Scheme should be replaced by "Affordable Housing Scheme" (hereinafter referred to as 'the Scheme') and that in supersession of the said directives, suitable provisions for implementation of the Affordable Housing Scheme be incorporated in the said Regulations;

And whereas, the Government, in accordance with the provisions contained in Sub-section (1AA) of Section 37 of the said Act, in supersession of the said directives, published a Notice bearing no. TPS-1212/78/ CR-60/12/UD-12, dated 30/11/2013 which appeared in Maharashtra Government Official Gazette, Part-I Konkan Division, Supplement dated the 30/11/2013 on Pages No. 1 to 4 (hereinafter referred to as 'the said Notice'), invited suggestions and / or objections in respect of the modifications proposed in the Schedule to the said Notice (hereinafter referred to as "the proposed modification") from the general public within 30 (thirty) days from the date of publication of the said Notice in the Official Gazette and the Joint Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai, was appointed as the Officer(hereinafter

modification to the said Regulations to add a new Regulation regarding Rental Housing Scheme and also appointed the Mumbai Metropolitan Region Development Authority (MMRDA) as the Implementing Authority for Rental Housing Projects in MMR;

And whereas, considering the need for rationalizing the Rental Housing Scheme and to make the Rental Housing Scheme more effective as well as to suggest the strategy for maintenance and management of Rental Housing stock, the Government constituted a Committee vide Government Resolution No. Misc/2009/1301/C.R. 271/09/UD-12 dated 17th May, 2012 (herein after referred to as 'the said Committee');

And whereas, the said Committee submitted its final Report (Part-2) to the Government on 7th February, 2013;

And whereas, after considering the Committee's recommendations, the Government was of the opinion that, it was necessary that the Rental Housing Scheme should be replaced by "Affordable Housing Scheme" (hereinafter referred to as 'the Scheme') and that in supersession of the said directives, suitable provisions for implementation of the Affordable Housing Scheme be incorporated in the said Regulations;

And whereas, the Government, in accordance with the provisions contained in Sub-section (1AA) of Section 37 of the said Act, in supersession of the said directives, published a Notice bearing no. TPS-1212/78/ CR-60/12/UD-12, dated 30/11/2013 which appeared in Maharashtra Government Official Gazette, Part-I Konkan Division, Supplement dated the 30/11/2013 on Pages No. 1 to 4 (hereinafter referred to as 'the said Notice'), invited suggestions and / or objections in respect of the modifications proposed in the Schedule to the said Notice (hereinafter referred to as "the proposed modification") from the general public within 30 (thirty) days from the date of publication of the said Notice in the Official Gazette and the Joint Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai, was appointed as the Officer(hereinafter

The aforesaid sanctioned modification shall be available for the general public during office hours on all working days at the following offices for the period of one month:

- (1) The Metropolitan Commissioner, Mumbai Metropolitan Regional Development Authority, Bandra-Kurla Complex, Mumbai.
- (2) Joint Director of Town Planning, Konkan Division, KonkanBhavan, Navi Mumbai.
- (3) The Municipal Commissioners, Thane/Kalyan-Dombivali/Mira-Bhayandar/ Bhivand-Nizampur/Ulhasnagar/Vasai-Virar Corporations.
- (4) Asst. Director of Town Planning, Thane/Raigad-Alibag.
- (5) The Chief Officers of Ambernath, Kulgaon-Badlapur, Panvel, Karjat, Pen, Uran, Alibag, Khopoli Municipal Councils.

This notification shall also be published on the Government website at www.maharashtra.gov.in

By order and in the name of Governor of Maharashtra.

(Sanjay V. Pawar)

Section Officer

Schedule

Regulations for Affordable Housing Scheme

1. In order to promote construction of affordable housing stock on private lands, the Planning Authority may permit implementation of Affordable Housing Scheme in accordance with the provisions of these Regulations. Affordable Housing Scheme (hereinafter referred to as 'the Scheme') shall be permissible only on the lands situated within the limits of the Urban Local Bodies (ULBs) in the Mumbai Metropolitan Region (MMR), excluding the area under the Municipal Corporation of Greater Mumbai, the Municipal Corporation of Navi Mumbai and the Matheran Municipal Council.

- 2(i) Affordable Housing Scheme shall be permissible in Residential Zone only and on plots having access from an existing or proposed Development Plan Road having width equal to or in excess of 18 mt. or an existing road in respect of which Regular Line of Street has been declared under the relevant provisions of Maharashtra Municipal Corporation Act, Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 for a width of 18 mt. or more, provided permissible FSI on such plots is 1.00 or more and TDR more than 0.6 is allowable. However in case of a proposed road, the land under the said proposed road shall be acquired before the approval of building plans for the Affordable Housing Scheme. Affordable Housing Scheme shall not be allowed in areas where FSI is less than 1 or where use of TDR is not permissible.
- (ii) Minimum plot area for the Affordable Housing Scheme shall be 4000 sq. mt., excluding area under D.P. Roads and D.P. Reservations, if any.
- (iii) The plot under the Scheme shall be independent, unencumbered and contiguous.

- (iv) The Scheme shall not be permissible in congested areas, demarcated as such on the Development Plan.

3. The concerned Urban Local Body (ULB), being a Planning Authority, shall be competent to grant both location clearance and layout approval/building permission for an Affordable Housing Scheme .
- 4(i) Maximum permissible FSI (including the base FSI of 1.00) under the Scheme shall be 3.00 on the gross plot area, including mandatory layout recreational open space and Amenity Space. The FSI to be utilized shall be in the proportion of 1:3 for the Affordable Housing Component and the Free Sale Housing Component on $\frac{1}{4}^{\text{th}}$ and $\frac{3}{4}^{\text{th}}$ part of the land respectively. Thus Affordable Housing and Free Sale Housing shall be proposed on the same plot of land but on two separate independently buildable pockets.
- (ii) Under Affordable Housing Scheme, upto 15% of the total built-up area of the Affordable Housing Component may be used for construction of shops/commercial use as per the direction of Urban Local Body and such commercial built-up area shall be handed over to the concerned ULB free of cost.
- 5 (i) An Affordable Housing Unit shall be a self-contained dwelling unit of 25 sq.mt. carpet area. However the carpet area of a Housing Unit shall be 160 sq. ft., where the construction under the Rental Housing Scheme has already commenced.
- (ii) The amenity space for Affordable Housing shall be 10% of the gross plot area under the Scheme and it shall be proportionately provided in the area earmarked for the Affordable Housing Component and the area kept for Free Sale Housing component.

Provided that where the Scheme is to be implemented on a plot in Industrial Zone where the Planning Authority has duly permitted Residential user under the relevant provisions of the Development Control Regulations -

- a) no further area shall be required to be kept as amenity space under Regulation 5(ii) for the Scheme if the area prescribed to be kept as amenity space while permitting residential user in Industrial Zone is equal to or more than 10% of the gross plot area.
- b) only the balance area shall be required to be kept as amenity space under Regulation 5(ii) for the Scheme if the area of amenity space prescribed by the Planning Authority, while permitting residential user in Industrial zone, falls short of 10%.
- (iii) Notwithstanding anything contained in the relevant provisions of the Development Control Regulations for the respective Municipal Corporation / Municipal Council regarding the provision of Amenity Space in general, and also regarding permitting Residential User in Industrial Zone, it shall be obligatory on the Developer / Owner to develop the amenity space for users (hereinafter referred to as prescribed amenity users) such as School, Play Ground, Garden, Health Care Facilities, Multipurpose Hall, Auditorium, etc. with the approval of Municipal Commissioner of the Municipal Corporation / Chief Officer of the Municipal Council, as per the specifications prescribed by the said Authority, subject to the condition that at least 50% of such amenity space shall be kept for open users, before seeking Occupancy Certificate for the Free Sale Housing Component of the Scheme, failing which the land under such amenity space shall be handed over free of cost to the Planning Authority and such land shall be developed by the Municipal Commissioner of the Municipal Corporation / Chief Officer of the Municipal Council for the aforesaid prescribed amenity users only.

No compensation in the form of TDR shall be admissible to the Owner / Developer for development of such prescribed amenities under this Regulation.

- (iv) Irrespective of whether the Owner / Developer develops the prescribed amenity users as per the provisions of Clause (iii) above or fails to do so, the

process of handing over the land under such amenity space, along with the developed prescribed amenities, where such prescribed amenities have been developed, shall be completed within one month from the date of application by the Developer/ Owner for seeking Occupancy Certificate for the free sale Housing Component of the Scheme and if such handing over process is not completed within the said period, the Occupancy Certificate for the free sale Housing component of the Scheme shall be withheld by the Municipal Commissioner of the Municipal Corporation /Chief Officer of the Municipal Council, till such amenity space, along with developed prescribed amenities, where such prescribed amenities have been developed, is handed over to the Planning Authority.

- (v) Under the Affordable Housing Scheme, there shall be a welfare hall and a Balwadi at the rate of 30 sq.mt. for every multiple or part of 200 residential units and an office for Managers/Co-operative Housing Society at the rate of 30sq.mt.per every multiple or part of 500 residential units which shall be treated as a part of Affordable Housing Component and shall not be counted towards the FSI while computing 3.00 FSI on the site and shall be given along with layout/DP roads and shops, free of cost to the concerned ULB. These facilities shall be constructed at locations as suggested by the concerned ULB and shall be transferred free of cost to it.

6. Under the affordable Housing Scheme, Off-Site Infrastructure Charges at the rate of 5% of the land rate as given in the Annual Statement of Rates (ASR) prepared by the Inspector General of Registration, Maharashtra State, for the year in which Commencement Certificate is issued, subject to a minimum of Rs. 2000 per sq.mt., shall be paid by the Developer for the built up area, over and above the normal permissible FSI. This amount shall be paid to the concerned ULB.

7. Release of FSI under the Scheme shall be as follows:

FSI for Affordable Housing Component and the Free Sale Housing Component under the Scheme shall be released in accordance with the following Table:

Sr. No.	Stages of Release of FSI	Affordable Housing Component*	Free Sale Component*
1	On Grant of Building Permission / Commencement Certificate up to plinth by ULB/Planning Authority to the Affordable Housing Project	3.00	1.00
2	On Completion of 50% BUA of Affordable Component	--	0.75
3	On Completion of 100% BUA of Affordable Component	--	0.75
4	On handing over of 25% land & completed Affordable Housing Component buildings with Occupancy Certificate.	--	0.50
	TOTAL	3.00*	3.00*

* Explanation -The FSI of 3.00 is to be calculated separately on the one fourth of plot area for Affordable Housing Component as well as three fourth of plot area for Free-Sale Housing component.

- 8 The Affordable Housing Component under the Scheme shall be handed over along with the $\frac{1}{4}^{\text{th}}$ part of the total plot of land, free of cost to the concerned U.B.

9 (i) The affordable Housing stock created under the Scheme shall be allotted by the concerned ULB as follows:-

Percentage	Allotment to	Category of Stock	Rate of Allotment
25	Respective ULBs for use as PAP tenements or Staff Quarters or Transit Accommodation	Ownership	Free of cost
25	Outright sale to Govt. of Maharashtra and its statutory bodies/Govt. undertakings for use as PAP tenements or staff quarters or transit accommodation	Ownership	As per construction rate of ASR
50	Outright sale as affordable housing by MHADA subject to the general or specific direction of the Government.	Ownership	Free of cost to MHADA which shall dispose of the same as per its pricing policy and by drawal of lots

(ii) The Affordable Housing stock shall be disposed of as per the prevailing policy of MHADA regarding pricing and disposal of its housing stock meant for affordable housing. Each project approved under the Scheme shall be brought to the notice of the Govt. of Maharashtra and its statutory bodies/Govt. undertakings by means of Press Advertisement and if the Govt. of Maharashtra or any of its statutory bodies/ Govt. Undertakings doesn't

place firm requirement for the housing stock earmarked for them in the Scheme before the Completion Certificate / Occupation Certificate for the said Scheme is issued, the same shall come to the share of MHADA for outright sale as per the prevailing policy of the MHADA.

10. i) The other aspects of the development of Affordable Housing Scheme, not specifically dealt with hereinabove, shall be as per the relevant provisions of the Development Control Regulations of the respective Planning Authority.
 - ii) It shall also be permissible for the Developer / Owner to utilise the FSI available for Free Sale Housing Component, fully / partly for any other user otherwise permissible as per Development Plan and Development Control Regulations.
 - iii) In case owing to genuine hardship and site conditions, relaxation in marginal open spaces is sought by the Developer / Owner, the Municipal Commissioner of the Municipal Corporation / Chief Officer of the Municipal Council may consider such request, using his discretionary powers under the Development Control Regulations, subject to the condition that in no case shall the clear marginal open space be reduced below 6.m.. No premium shall be charged for granting such relaxation in marginal open spaces in respect of Affordable Housing Component of the Scheme.
11. No project under the Rental Housing Scheme envisaged under the said directives issued by the Government vide orders dated 6th August, 2008, 25th August, 2009, 4th November, 2008 and 21st August, 2008 shall be permitted after the date on which the Notice No. TPS-1212/79/C.R. 60/12/UD-12, dated 30/11/2013 regarding this Regulation under section 37(IAA) of the Maharashtra Regional and Town Planning Act, 1966 was

published in the Official Gazette (herein after referred to as 'the cut of date').

Provided that the Rental Housing Projects in respect of which Location Clearance had been granted by MMRDA, but Commencement Certificate has not been issued by the concerned Planning Authority, shall be allowed to continue, as such, in case such project proposals are resubmitted to MMRDA within a period of 30 days from the date of this Notification in the Official Gazette. All such project proposals received by MMRDA within the prescribed time limit shall be scrutinised by MMRDA on merit and submitted for the prior approval of the State Government for their continuance under the Rental Housing Scheme.

Provided further that the Rental Housing Projects already approved may be allowed to be converted into Affordable Housing Projects under the provisions of this Regulation, with prior approval of the State Government.

22
2014

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 366 OF 2014

D. B. Realty Limited
& Another
V/s.
State of Maharashtra
& Others

Petitioners.

Respondents.

WITH

WRIT PETITION NO.4445 OF 2014

WITH

WRIT PETITION (L) NO.1040 OF 2014

WITH

WRIT PETITION (L) NO.719 OF 2014

WITH

WRIT PETITION (L) NO.1035 OF 2014

WITH

WRIT PETITION NO.2532 OF 2014

WITH

WRIT PETITION NO.419 OF 2014

WITH

WRIT PETITION NO.1419 OF 2014

Dr. Virendra Tulzapurkar, Sr. Advocate with Mr. Sanjay V. Kadam, Ms. Apeksha Sharma, Mr. Sanjeel S. Kadam i/b. Kadam & Co., for the Petitioner in W. P No.4445 of 2014.
Mr. Pravin Samdani, Sr. Advocate with Mr. Patni, Mr. Swapnil Khatri, Ms. Kalyani Shukla, Mr. Satyendra Kumar i/b. Wadia Gandhi & Co., for the Petitioner in W. P (L) No.1040 of 2014.
Mr. Aspi Chinoy, Sr. Advocate with Ms. Jyoti Singh i/b.Negandhi Shah & Himayatullah, for the Petitioner in W. P No.366 of 2014.
Mr. S. S. Pakale with Ms. Yamuna Parikh, for Respondent-BMC.
Mr. Shekhar Naphade, Sr. Advocate with Mr. Anirudha Joshi & Ms. Pratiti Naphade i/b. Law Focus, for the Petitioner in WP(L) No.719 of 2014.
Mr. Anirudha Joshi i/b. Maniar Srivastave Associates, for the Petitioner in WP (L) No.1035 of 2014.
Dr. Virendra Tulzapurkar, Sr. Advocate with Mr. Mandar Soman i/b. A. K. Vaidya & Co., for the Petitioner in W. P No.419 of 2014.

Mr. A. A. Kumbhakoni, Sr. Advocate with Mr. Amit Borkar, for the Petitioner in W. P. No.2532 of 2014.
 Mr. P. G. Lad, for Respondent No.4 in W. P. No.366 of 2014, for Respondent No.3 in W. P. (L) No.719 of 2014, for Respondent Nos.1 and 2 in W. P. (L) No.1035 of 2014.
 Mr. D. J. Khambatta, Advocate General with Mr. J. S. Saluja, AGP and Mr. Vikramaditya Deshinukh, for Respondent Nos.1 and 2 in W. P. No.366 of 2014.
 Mr. Milind More, AGP for Respondent No.1-State in W. P. (L) No.719 of 2014.

CORAM: MOHIT S. SHAH, C.J. & M.S.SANKLECHA,J.
DATE : 21 JULY 2014.

PC:-

Mr. Khambatta, learned Advocate General for the State Government states under instructions that the State Government will be making amendments in the Development Control Regulation for inclusive housing to allow the developer to provide affordable plots or affordable housing tenements on different plots in the same administrative ward of the Municipal Corporation.

2 The learned Advocate General further states under instructions that there shall be no obligation on the developer to construct affordable housing tenements in re-development projects in accordance with Regulation 2(e) of the Notification for inclusive housing. Out of abundant caution, the State Government will make amendment to the Regulation that the provisions of inclusive housing shall not apply to projects under Regulations 33(5), 33(7), 33(9), 33(10) and 33(14).

CHIEF JUSTICE
(M.S.SANKLECHA,J.)