



महाराष्ट्र शासन राजपत्र असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष ६, अंक ३२]

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असाधारण क्रमांक ९६

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 9th September 2014

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB. 4313/CR-185/2013/UD-11.—Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as “the said Regulations or the DCR”) have been sanctioned by the Government in the Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) *vide* Notification No. DCR. 1090/RDP/UD-11, dated 20th February 1991 so as to come into force with effect from 25th March 1991.

And whereas, the Regulation 33(9) of the said Regulations deals with reconstruction or redevelopment of Cessed buildings/Urban Renewal Schemes on extensive areas in the Island City of Mumbai.

And whereas, the Government in the Urban Development Department *vide* Notification No. TPB. 4307/2346/CR-106/2008/UD-11, dated 2nd March 2009 has substituted the said Regulation 33(9) by a new Regulation 33(9), adding Appendix-III A under the said new Regulation 33(9) so as to allow redevelopment in the Island City of the Mumbai over clusters, each of which has a minimum area of 4000 sq.mtrs., bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. and which consists of a mix of structures of different characteristics as provided in the said Appendix-III A.

And whereas, the Government in the Urban Development Department *vide* Government Resolution No. TPB. 4312/CR-35/2012/UD-11, dated 10th September 2012 has constituted a Study Group (hereinafter referred to as “the said Study Group”) to study all the sub-regulations under Regulation 33 of the DCR and make suitable recommendations for their effective implementation ;

And whereas, the said Study Group, after deliberations submitted its Report on Regulation 33(9) of the DCR, as Part-2 of the Report of the said Study Group, alongwith draft modification necessary in the said Regulation 33(9) ;

(१)

And whereas, the Government accepted most of recommendations made in the said Report of the said Study Group and is satisfied that in the public interest it is necessary to accordingly carry out urgently a suitable modification to the existing Regulation 33(9);

And whereas, the Government, in exercise of the powers conferred under sub-section (1AA) of section 37, issued the Notice of even No. dated 27th December 2013 for inviting suggestions/objections from the general public with regard to the modification proposed in the Schedule appended to the said Notice (hereinafter referred to as "the proposed modification") and appointed Deputy Director of Town Planning, Brihan Mumbai as the Officer (hereinafter referred to as "the said Officer") to submit a report on the suggestions/objections received in respect of the proposed modification to the Government after giving hearing to the concerned persons and the said Corporation.

And whereas, the said notice was published in the *Maharashtra Government Gazette* (Extraordinary Part-I, Konkan Division Supplementary) (hereinafter referred to as "the *Official Gazette*") dated 30th December 2013 and the said Officer has submitted his report after completing legal procedure through the Director of Town Planning, Maharashtra State vide letter No. 466, dated 19th April 2014;

And whereas, after considering the report of the said Officer, the suggestions/objections received from the general public and the say of the said Corporation and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned, with some changes.

Now, therefore, in exercise of the powers conferred upon it under section 37(1AA)(c) of the said Act, the Government hereby:—

(A) Sanctions the proposed modification to Regulation 33(9) of the said Regulations with certain changes as described more specifically in the Schedule appended hereto, subject to the condition that until the final orders of the Hon'ble High Court in PIL No.61/2014, the FSI admissible to any Urban Renewal Scheme (URS) shall not exceed that which would have been available to such Scheme (URS) under the provisions of Regulation 33(9) in force prior to this modification.

(B) Fixes the date of publication of this Notification in the *Official Gazette* as the date of coming into force of this modification, which shall be subject to the order of Hon'ble High Court in the said PIL No. 61/2014.

(C) Directs the said Corporation that, in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule referred to at (A) above shall be added.

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

Schedule

(Accompaniment to Notification No. TPB. 4313/CR-185/2013/UD-11, dated 9th September 2014)

The existing Regulation 33(9) of the said Regulation be substituted by the following new Regulation—

33(9): Reconstruction or redevelopment of Cluster(s) of Buildings under Urban Renewal Scheme(s).

For reconstruction or redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by (a) the Maharashtra Housing and Area Development Authority (MHADA) or the Municipal Corporation of Greater Mumbai (MCGM) either departmentally or through any suitable agency or (b) MHADA/MCGM, jointly with land owners and/or Co-op. Housing Societies of tenants/occupiers of buildings and/or Co-op. Housing Society

of hutment dwellers therein, or (c) land owners and/or Co-op. Housing Society of tenants/occupiers of buildings and/or Co-op. Housing Society of hutment dwellers, independently or though a Promoter/Developer, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers plus incentive FSI as per the provisions of Appendix-III-A, whichever is more.

Appendix-III-A

Regulation for Reconstruction or Redevelopment of Cluster(s) of buildings by implementing Urban Renewal Scheme(s).

1.1 Urban Renewal Scheme" (URS) means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. mt, in the Island City of Mumbai, bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18 mt. wide—whether existing or proposed in the D.P. or URP or a road for which Regular line of street has been notified by the Municipal Corporation under Mumbai Municipal Corporation Act, 1888. Such cluster of buildings (hereinafter referred to as "Urban Renewal Cluster or URC ") shall be a cluster or a group of clusters identified for urban renewal :—

(1) Under the Development Plan (DP), where the DP contains such well defined Clusters ; or

(2) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Commissioner, who may revise the same as and when required ; or

(3) By the Promoter of the Urban Renewal Scheme, where such clusters are not shown on the DP and the URP is yet to be prepared :

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Municipal Commissioner without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation.—

1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose FSI and computation of marginal distances.

2. In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the cluster may be decided by the Municipal Commissioner.

1.2. The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as—

(i) Cessed buildings in Island City, which attract the provisions of MHADA Act, 1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHADA Act, 1976.

(b) Authorised buildings at least 30 years of age

*Explanation.—*Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Commissioner and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation.

(iii) (a) Buildings belonging to the Central Government, the State Government, Semi-Government Organisations and the Municipal Corporation of Greater Mumbai (MCGM), as well as institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are at least 30 years of age.

(b) Any land belonging to the State Government, any semi-Government Organisation, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class-II :

Provided that in case of buildings or lands belonging to the Central Government, the State Government, Semi-Government Organisations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural/sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by MHADA/MCGM or Mumbai Repair and Reconstruction Board.

(v) Slum areas declared as slums under section 4 of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or slums on Public lands existing prior to 1st January 2000 or such other reference date notified by the Government, provided such slum areas do not constitute more than 50% of the area of Urban Renewal Cluster.

Explanation.—If some areas are previously developed/ or are in the process of development under different provisions of the DCR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed. However, it shall be necessary to obtain consent of owner/owners of such areas for becoming part of the Urban Renewal Cluster.

2. Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)

(A) For Buildings—

(i) No new tenancy created after 13th June 1996 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-1996 or Court Order proving the existence of tenements prior to 13th June 1996 shall be considered adequate evidence to establish the number of tenements. However, the Govt, may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

(ii) The list of occupants and the area occupied by each of them in municipal buildings and their irrevocable written consents shall be certified by the MCGM. The list of occupants in other buildings excluding slums and the area occupied by each of them and their irrevocable written consents as specified in clause 4(a) shall be certified by the Mumbai Building Repair and Reconstruction Board.

(iii) Mezzanine floors constructed prior to 13th June 1996 and regularized subsequently shall be eligible for rehabilitation and incentive FSI.

(B) For Slum Areas :

(i) All the protected Occupiers as defined in Chapter IB of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.

(ii) A structure shall mean all the dwelling areas of all persons who are enumerated as living in one numbered house in the electoral roll of the latest date, upto 1st January 2000 or such other reference date Notified by the Govt. and regardless of the number of persons, or location of rooms or access.

(iii) The eligibility of the participants will be certified by the Competent Authorities as notified under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

3. **Land Pooling for the URS.**—The Promoter of URS shall try to pool lands belonging to various categories of landholders including Public lands by obtaining their consent for including their lands in the proposed URS, by resorting to any of the following methods of land pooling—

(1) Purchase of lands, including buildings, if any, standing thereupon,

Provided that if the Promoter wishes to purchase any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee headed by the Chief Secretary. This Empowered Committee shall consist of the following members:—

Chief Secretary	- Chairman
Principal Secretary/Additional Chief Secretary (Revenue)	- Member.
Principal Secretary (Urban Development Department-1)	- Member Secretary
Principal Secretary (Housing Department)	- Member
Principal Secretary of the concerned Department	- Member
Principal Secretary (Finance)	- Member
Principal Secretary (Law & Judiciary Dept.)	- Member
Vice President and Chief Executive Officer (MHADA)	- Member
Municipal Commissioner, MCGM	- Member

The aforesaid Empowered Committee shall examine the request made by the Promoter in terms of the need and desirability of making the land belonging to a Public Authority available for URS and would decide the terms of transfer of such land to the Promoter for the purpose of implementing URS. In case the land sought by the Promoter belongs to an authority created by or under a statute, the decision of the Empowered Committee shall be subject to ratification /approval by such Authority.

(2) Exchange of such land with a suitable land of at least equivalent value as per the land rates given in the A.S.R. ;

(3) Procurement of development rights over such land, by way of registered document by the Promoter, provided that the area over which the Promoter holds development rights shall be regarded as one plot for all the purposes of the DCR ; or

(4) Transfer of all lands included in the Urban Renewal Cluster to a legal entity (e.g. Registered Society or Company, Co-operative Housing Society, Charitable Trust, etc.) to be created by the Promoter for implementing the Urban Renewal Scheme where different landholders have stakes proportionate to their share in the total land under URS ; or

(5) Acquisition of lands, provided the Promoter has purchased or procured development rights over at least 70% land comprised in the Urban Renewal Cluster and there are dangerous buildings, declared as such by the Competent Authority, on the balance lands contained in the URC. In such a situation the Promoter may approach the HPC for recommending the proposal to the Govt. for acquisition of such balance lands. Upon receipt of such request, the HPC may, after due examination, recommend to the Govt. as to which lands are required to be acquired for the purposes of URS. The Govt., thereafter, shall take necessary steps to acquire such balance lands under the provisions of the relevant law. viz MRTP Act, 1966 or Land Acquisition Act and transfer the same to the Promoter only for the purpose of implementing URS after executing an agreement with him in this regard, subject to the Promoter depositing with the Govt. necessary amount of money for the land acquisition. For the purpose of land acquisition, URS shall be regarded as public purpose.

4. (a) Redevelopment or Reconstruction under Urban Renewal Scheme may be permitted in pursuance of an irrevocable registered written consent by not less than 70 percent of the eligible tenants/occupiers of all the authorised buildings on each plot involved in the Urban Renewal Scheme or as provided in MHADA Act, 1976. Consent as aforesaid of such 70% tenants/occupiers for reconstruction or redevelopment shall be required, even if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.

The Developer shall be required to submit alongwith the URS proposal, proof of ownership or procurement of development rights in respect of at least 70% of the land under the proposed URS and it shall be mandatory for him to submit such proof of ownership or procurement of development rights in respect of the balance area within one year from the date of issue of the Letter of Intent.

(b) All the eligible occupants / tenants of the building(s) undergoing redevelopment shall be rehabilitated in the redeveloped building(s).

5. Rehabilitation Entitlements.—(i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However in case of residential occupants such carpet area shall not be less than 27.88 sq.mt. This shall be called the “basic entitlement” of an eligible occupant.

This shall be called the “basic entitlement” of an eligible occupant.

Over and above the basic entitlement, there shall be additional entitlement for the rehabilitation of Residential Occupants governed by the size of the Urban Renewal Cluster in accordance with the Table-A below :—

Table — A

Area of the Urban Renewal Cluster	Additional Entitlement (As % of the Basic entitlement)
Above 1 Hectare up to 2 Hectare	15%
Above 2 Hectare up to 5 Hectare	20%
Above 5 Hectare up to 10 Hectare	25%
Above 10 Hectare	30%

Over and above the additional entitlement prescribed above, 10% bonus entitlement for the rehabilitation of Residential Occupants shall be allowed if the proposal, complete in all respect, is submitted within 3 years from the date of coming into force of this modified Regulation and proposal, complete in all respect, is submitted to the Competent Authority within 1 year from the date of approval by the High Power Committee (HPC) set up under Clause-21 of this Appendix.

Provided that if the carpet area of any occupant / tenement in the old building is 100 sq.mt. or more then he shall be entitled to additional entitlement and bonus entitlement only on the basis of carpet area of 100 sq.mt.

Provided further that the above provision of “Additional Entitlement” and “Bonus Entitlement” shall be applicable only in case of URS having maximum FSI of 4.00.

Provided further that the rehabilitation entitlement of any occupant of a commercial establishment who is allowed by the HPC to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these regulations.

(ii) Each eligible slum dweller shall be entitled to a tenement of carpet area of 25.00 sq. mtrs. (269 sq. ft.) only.

6. Total Permissible FSI for URS.—(a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 on gross plot area, but excluding the reservations /designations, Road set back, area under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCR 35 (4).

(b) The FSI for Urban Renewal Schemes in CRZ area, shall be governed by the MoEF Notifications issued from time to time.

(c) The incentive FSI admissible against the FSI required for rehabilitation, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/Sqm., of the lands included in the Urban Renewal Cluster, as per the Annual Statement of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm., applicable to the area as per the ASR and shall be given as per the Table-B below :—

TABLE — B

Basic Ratio (LR/RQ)*	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4ha to 1.0 ha. #	For 1.0 ha to 5.0 ha	For 5.0 ha to 10.0 ha	For 10.0 ha & above
Above 6.00	55%	60%	65%	70%
Above 4.00 and upto 6.00	65%	70%	75%	80%
Above 2.00 and upto 4.00	75%	80%	85%	90%
Upto 2.00	85%	90%	95%	100%

Explanation.—(i) * RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Statement of Rates :

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

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion :

Provided further that if any new area is allowed to be added to or deleted from the Urban Renewal Scheme after such Scheme has been approved and if there is change in the slab prescribed above, the incentive FSI for the total area of the revised Scheme shall be determined as per the new slab. Provided further that any new area is to be added to a URS shall not be less than 75% of the minimum area required for URS. Provided further that augmentation of area of Urban Renewal Cluster shall not be allowed after further C.C. has been issued in respect of more than 75% of the total permissible built-up area sanctioned under the original Scheme and there shall be no revision of individual entitlements as a result of such amalgamation of area. However, deletion of area from a sanctioned scheme will be permissible provided the construction of rehabilitation component has not commenced and such deletion does not break the contiguity of the area under Urban Renewal Scheme.

(d) If the total of rehabilitation FSI + incentive FSI is less than 4.00, then the Balance FSI over and above total of "rehabilitation FSI + incentive FSI" as per (c) above upto the limit of 4.00 shall be shared in terms of built up area between MHADA and the Promoter/ Developer in accordance with Table-C below :—

TABLE — C

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Promoter /Developer Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and upto 6.00	35%	65%
Above 2.00 and upto 4.00	40%	60%
Upto 2.00	45%	55%

Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer elsewhere within the same Municipal Ward as per the following formula :—

Area of tenements coming to MHADA's share at location 'B' in Urban Renewal Scheme =
Area of tenements coming to MHADA's share at location 'A' in Urban Renewal Scheme X land rate as per ASR value of location 'A' / land rate as per ASR value of location 'B'.

Where, location 'A' refers to the location where tenements coming to MHADA's share under the Scheme are required to be given. Location 'B' is the new location where such tenements are allowed to be given.

Provided further that the tenements so received by the MHADA under its share shall be first offered free of cost to the MCGM and MMRDA for use as PAP tenements or as transit accommodation. If the MCGM and MMRDA do not require such tenements for PAP's or as transit accommodation then the tenements received under its share shall be used by MHADA for PAP's or Transit Accommodation or shall be sold as affordable housing with prior permission of the Government.

(e) "tolerated structures" encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation.—The term "tolerated structure" means the structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively.

(f) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases provided the area of Urban Renewal Cluster is more than 8000 sq.mt.(2 acres) the development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban Renewal Scheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with *pro rata* utilisation of the total admissible FSI:

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be 4000 sq.mtr :

Provided further that, while giving permission for phased implementation of Urban Renewal Scheme, the incentive FSI as per Table-B shall be first released as per the area of the plot under a given phase and the balance incentive FSI shall be released while giving approval to the last phase.

7. From the total FSI available under Clause 6, entire FSI towards rehabilitation component and MHADA's share shall have to be utilized on plot / plots under the Scheme. In case a part of incentive FSI is not proposed to be utilized on the same plot, the benefit of transferable development rights to be used in suburbs or extended suburbs as per Appendix VII-A of D.C. Regulation No. 34 shall be given. However the quantum of TDR shall be governed by the following formula :—

Incentive FSI at location 'B' in Urban Renewal Scheme

= Incentive FSI at location 'A' in Urban Renewal Scheme X ASR value of Land at location 'A' / ASR value of Land at location 'B'.

Where, location 'A' refers to the location where incentive FSI in Urban Renewal Scheme is generated. Location 'B' is the new location where such incentive FSI is to be utilized.

Even if the scheme partly includes slum, the TDR generated will be considered at par with reservation TDR.

8. **Development of DP Reservations.**—Construction or reconstruction of slums / buildings falling under Reservations contemplated in the Development Plan shall be permissible as under,—

(a) Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.

(b) Any land under non-buildable reservations, admeasuring only upto 500 sq.mt. may be cleared by shifting the existing tenants from that site.

(c) If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to MCGM, subject to a minimum of 500 sq.mt. and the remaining land shall be allowed for development. The said provision is subject to the Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Govt. of Maharashtra)

(d) All the reservations in the Development Plan shall be rearranged, if necessary, with the same area and the same width of access road or as required under DCR, whichever is more.

(e) For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Municipal Corporation or to any other Appropriate Authority. Such built up area to be handed over shall be free of FSI.

(f) For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Municipal Corporation or the Appropriate Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks, depending on the area and nature of such reservations and Municipal Commissioner may permit composite development of reservations in case of such reservations. However, if the HPC/Planning Authority requires built-up area under any designation /reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation F.S.I, and incentive FSI as admissible under this Regulation shall be permissible :

Provided that in case of development of reservations of PH, PH/HDH & HD under the Urban Renewal Scheme, built-up area equal to 30% of the zonal permissible FSI shall be handed over to the Municipal Corporation free of FSI and free of cost, in addition to the rehabilitation of the existing tenements or users if any.

(g) Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.

(h) No premium shall be charged for the fungible FSI admissible as per Regulation 35 (4) for rehabilitation component of an Urban Renewal Scheme as sanctioned by HPC and for the tenements to be handed over to MHADA and for the areas of reservation to be handed over to MCGM / Appropriate Authority. This fungible FSI admissible to the rehabilitation tenements shall be utilized for rehabilitation component only. Its utilization for Sale Component under the Urban Renewal Scheme shall not be permissible.

9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under the DCR.

10. A Surcharge on Development at the rate of 100% of Development charge, subject to a minimum of Rs 5000 per Sqm. for the builtup area over and above the zonal permissible FSI, for the rehabilitation and free sale component, shall be leviable in respect of any URS by the MCGM. in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster.

This surcharge shall not be applicable to the built up area to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the High Power Committee.

11. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Promoter / Developer up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these

Development Control Regulations. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Corporation for the reconstructed building. Till the transit camps are fully demolished, the Commissioner shall not release FSI for the free sale area under the URS In excess of 75% of the total admissible Incentive FSI.

12. *Non conforming Activities.*—All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Promoter / Developer / Municipal Corporation.

13. *Relaxation in Building and other requirements .*—In case of tenements of 27.88 sq.mt. carpet area for rehabilitation or tenements to be given to MHADA, towards its share and the built-up area to be handed over to the Planning Authority / Appropriate Authority, the following shall be applicable.

13.1 Calculation of FSI for all purposes shall be on gross area of the URS i.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical recreational open space, to be kept on the site as per prevailing D.C. Regulations.

13.2 The provision in Regulation 38(22) relating to balcony shall apply to the URS with the following specifications :

Balcony shall not reduced marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m. clear margin shall be maintained.

13.3 Notwithstanding anything contained in Regulation 35(4) of the DCR, areas of common passages not exceeding 2.00 mt. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA component shall not be counted towards FSI.

13.4 Front and marginal open spaces, for a building having height up to 24.0 m. in the rehabilitation component or a composite building, shall be 4.5 m.:

Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

13.5 Notwithstanding the provisions in Regulation 29 (Table 10) where the location of the URC plot abuts a DP Road having width of 18.3 mt. and above. The front marginal open space shall not be insisted upon beyond 4.5 mt. provided, such road is not an Express Highway or a road wider than 52 mt.

13.6 Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 4.5 mt. from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever is greater.

13.7 The distance between any two rehabilitation buildings shall not be less than 6.00 mt.

13.8 If the height of any building constructed under URS is more than 24 mt., marginal open space of 6 mt. or as required by CFO whichever is greater shall be maintained.

13.9 A composite building under URS shall have at least 50 percent of the built-up area as rehabilitation component.

13.10 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and free sale components, without charging any premium, in relaxation of the stipulation in Regulation No. 23.

13.11 **Pathways and Means of Access.**—The ratio between the length of the pathway and the width thereof shall be as follows :—

Length	Width
Upto 20 Mtrs.	1.5 Meters.
21 to 30 Mtrs.	2.0 Meters.
31 to 40Mtrs.	2.5 Meters.
41 to 59 Mtrs.	3.0 Meters.

13.12 Between the dimensions prescribed for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.

13.13 The means of access shall be normally governed by the provisions of Regulation No. 22. However, in the URS, wherever the design of the buildings up to 24 m. height requires relaxation in the width of access, the same may be given. However, high rise building shall be permissible only on access having width of 9 m. and above.

13.14 Even if the recreational open space is reduced to make the project URS viable, at least 10 percent of URC plot area shall be provided as recreational open space . In addition to this, 10 percent of URC plot area shall be earmarked for amenity space which can be adjusted against the DP reservation, if any, existing on such plot.

13.15 Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation 35(2)(iv).

13.16 In order to make the Urban Renewal Scheme viable, the Municipal Commissioner shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirements wherever necessary due to *bonafide* hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However the Govt. shall have the power to relax any of the provisions in these Regulations.

13.17 All relaxations outlined hereinabove shall be admissible only in respect of the rehabilitation component and the composite buildings under the URS. Premium shall not be charged for all or any of the relaxations given hereinabove or for any other relaxations mentioned in Regulation 35(2)(iv).

13.18 The parking in the scheme shall be provided as per Regulation 36 or at the rate of one car park per tenement of sale component, whichever is higher.

14. The approving / sanctioning authority for the building plans under the URS shall be the Municipal Commissioner as per the MMC Act and MRTP Act, 1966 even if the URS partly consists/ of declared slums / slums on Municipal / Govt. lands existing prior to 1st January 2000 or such/ other reference date notified by the Government.

15. Religious structures existing on the site of URS prior to redevelopment, if allowed I to be redeveloped in accordance with the guidelines issued by the Government from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

16. Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years.

17. **Corpus Fund.**—A Corpus fund shall be created by the Promoter / Developer as directed by the High Power Committee, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

18. Any ongoing scheme under Regulation 33(7) which fulfils the criteria under this modified Regulation 33(9) can be included in the proposal under Regulation 33 (9) for approval or converted into a URS under Regulation 33(9). However all dilutions of reservations under Regulation 33(7) shall have to be restored as per this Regulation.

19. Heritage buildings of Grade-I and II as well as authorized and structurally sound retainable buildings may be included in the Urban Renewal Cluster, but have to be kept as they are, alongwith land appurtenant, and this area shall be counted towards the Slab of Incentive FSI, but shall not be considered for FSI under this Regulation. As regards such Heritage Structures, the Promoter / Developer shall have to contribute Heritage Cess at 5% of ASR on the basis of built-up area of the Heritage structure. Existing provisions under the DCR shall apply to Heritage Buildings of Grade-III and heritage precincts. However, before granting approval for such buildings, the HPC shall consult the Heritage Conservation Committee appointed for that purpose.

20. If HPC approves areas for amenities such as Fire Stations / Hospitals / Police Stations/ Schools, etc. other than the reservations / designations under the Development Plan, such amenities shall be handed over to the concerned Authority free of cost and the built up area of such amenity shall be considered towards rehabilitation F.S.I. and incentive FSI as admissible under this Regulation shall be permissible.

21. A High Power Committee (HPC) shall be constituted which shall be competent to approve the Urban Renewal Schemes with the previous sanction of the Government under this Regulation. On approval by this High Power Committee, the proposal shall be submitted to the Municipal Commissioner, MCGM for approval of plans.

The decision of HPC shall be appealable as if it is an appeal under section 47 of the MRTP Act, 1966 :

Provided that, no Urban Renewal Scheme shall be sanctioned by the Government without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix.

22. Regardless of its area, any Cluster Redevelopment Scheme for which LOI has been issued under Regulation 33(9) prior to the date of coming into force of this modified Regulation can be allowed to be converted to be developed as per this Regulation at the request of the Promoter / Developer, with the approval of the State Govt.

Provided that :-

(a) In respect of such Cluster Redevelopment Scheme, the additional entitlement and bonus entitlement as provided in Clause 5 of this Appendix, shall not be mandatory but shall be permissible at the option of the Owner / Developer, but all other provisions of this modified regulation shall be applicable.

(b) For the purpose of calculation of Basic Ratio, as specified in Clause 6(c) of this Appendix, the land rate (LC) and the Rate of construction (RC) shall be taken for the year in which such Cluster Redevelopment Scheme was approved and LOI was issued by the competent authority.

(c) The surcharge on development charge, leviable on such Cluster Redevelopment Scheme after its conversion under this modified regulation, shall be calculated in accordance with the date on which the development cess had been paid and shall be recovered before issuing CC after the conversion of the Scheme. Any excess amount paid towards Development Cess shall be adjusted against any other charges due, but shall not be refunded.

(d) Conversion of such Cluster Redevelopment Scheme, as had been sanctioned by the Govt. earlier, shall not require Govt. approval and it shall be within the competence of the High Power Committee to permit conversion of such Cluster Redevelopment Schemes :

Provided further that after the coming into force of this modified Regulation, land pooling and the development of buildable reservations and construction of Transit Camps in the Cluster Redevelopment Scheme approved prior to the coming into force of this modified Regulation may be done as per the provisions of this modified Regulation, if the same has not been completed so far, even where such Cluster Redevelopment Scheme has not been converted to be developed as per this Regulation.

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

SANJAY BANAIT,
Under Secretary to Government.