

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम,
१९६६
बृहन्मुंबई महानगरपालिका क्षेत्राच्या विकास
नियंत्रण नियमावलीमधील "परवडणारी घरे"
बाबतच्या विद्यमान तरतुदीमधील फेरबदलाबाबत
कलम ३७ (१अेअे) (सी)खालील अधिसूचना.

**महाराष्ट्र शासन
नगर विकास विभाग**

क्रमांक :- टिपीबी ४३१२ / प्र.क्र.४५/२०१२/(२) /नवि-११
मंत्रालय, मुंबई : ४०० ०२१,
दिनांक - २७ मे, २०१५.

शासन निर्णय : सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



(संजय बाणाईत)

अवर सचिव, महाराष्ट्र शासन

प्रत,

मा. मुख्यमंत्री महोदयांचे सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

- (१) महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
- (२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे
- (३) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
- (४) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्सा हटमेंट, महापालिका मार्ग, मुंबई- ४००००१.
- (५) प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
- (६) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

/- त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात प्रसिध्द करून त्याच्या २५ प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई ४०० ०३२ व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.

- (७) कक्ष अधिकारी, माहिती आणि तंत्रज्ञान विभाग.

/- त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी.

- (८) निवड नस्ती (नवि-११)

**The Maharashtra Regional & Town
Planning Act, 1966**

- Notification under Section 37(1AA) (c) of the said Act.
- Modification to the Regulation for Inclusive Housing in the Development Control Regulations of Greater Mumbai, 1991.

**Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated : 27 May, 2015**

NOTIFICATION

No. TPB 4312/CR-45 /2012 /(2)/UD-11

Whereas Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by the Government under Section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), vide Urban Development Department Notification No. DCR/1090/UD-11 (RDP) dated the 20/2/1991, so as to come into force with effect from the 25/3/1991;

And whereas, in furtherance of the Housing Policy of the State which provides for inclusive housing for the Low Income Group (LIG) in private layouts, the Govt. in Urban Development Department, in exercise of the powers conferred under sub-section (1AA) (c) of Section 37 of the said Act, has sanctioned and incorporated a Regulation regarding Inclusive Housing in the said Regulations of the Municipal Corporation of Greater Mumbai, vide Notification of even No. dated 8th November, 2013;

And whereas, various organizations and individuals have represented and requested the Government, to amend certain provisions of the Regulation for Inclusive Housing so as to make its implementation smoother and more effective;

And whereas, after considering the representations of the various organizations and the views of the Housing Department of the Govt. of Maharashtra and after taking into account the views expressed by the Govt. in Urban Development Department in W.P. No. 366/2014 before the Hon'ble High Court, Mumbai, the Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice of even no. dated 11th Sept, 2014 for inviting suggestions/objections from the general public with regard to the modification in respect of Regulation for Inclusive Housing (hereinafter referred to as "the proposed modification") proposed in the Schedule appended to the said Notice and appointed the Deputy Director of Town Planning, Greater Mumbai as the Officer (hereinafter referred to as "the said Officer") to submit a Report on the suggestions/objections received in respect of the proposed

modification to the Govt. after giving hearing to the concerned persons and the Municipal Corporation of Greater Mumbai;

And whereas, the said Notice dated 11th Sept, 2014 was published in the Maharashtra Government Gazette (Extra-Ordinary Gazette) dated 11th Sept, 2014 (hereinafter referred to as "the Official Gazette") and the said Officer has submitted his Report vide letter dt. 18.3.2015 through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act:

And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned 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 as described more specifically in the Schedule appended hereto.
- B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.
- C) Directs the Municipal Corporation of Greater Mumbai that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereunder shall be added.

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

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

(Sanjay Banait)
Under Secretary to Government.

SCHEDULE

**(Accompaniment to Notification No. TPB 4312/CR-45 /2012/(2) /UD-11
Dated 27 May, 2015.)**

Sanctioned Modification to Regulation for Inclusive Housing

1) The following proviso is added in Clause (1) (b) :-

“Provided that in case the Landowner / Developer desires not to utilize such additional FSI in the same land, fully or partly, then he shall be awarded TDR in lieu of such unutilized additional FSI. The utilization of this TDR shall be subject to the prevailing provisions of DCR and as per the following formula.

$$\text{Formula : } X = \left[\frac{R_g}{R_r} \right] \times Y$$

Where, **X** = Utilisation of Development Right (DR) on the receiving plot.

R_g = Land Rate in Rs. Per Sq. m. as per the Annual Schedule of Rates (hereinafter referred to as ‘ASR’) of generating plot in the year when project is sanctioned.

R_r = Land Rate in Rs. per Sqm. as per ASR of the receiving plot of the same year of generating plot.

Y = Unutilized additional FSI.”

2) The Following two provisos are added in Clause (2) (b) :-

“ Provided that the equivalent Affordable Housing Plots or 20% plot area can also be provided at some other location (s) within the same Administrative Ward of the Municipal Corporation.”

“Provided further that the equivalent Affordable Housing tenements can also be provided at some other location(s) within the same Administrative ward of the Municipal Corporation and such construction shall be free of FSI upto the limit of 50% of the admissible FSI of such alternative plot.”

3) In Clause 2 (c), instead of words “at the construction rates in the ASR applicable”, the words “at rates equal to 125% of the construction rates in the ASR applicable” are inserted.

The following two provisos are added in Clause (2) (c) :-

“Provided that there shall be no obligation to construct affordable Housing tenements in the redevelopment project of any Co-operative Housing Society in

which the carpet area of all existing individual residential tenements does not exceed 80 Sq.mtr.

Provided further that in case of individual bungalow Housing Scheme, these provisions shall not apply in case of redevelopment of individual bungalow. However, if redevelopment for total plot under layout is proposed, these provisions shall be applicable.”

4) Clause (2) (e) is modified as follows :-

“e) There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any redevelopment project under Regulation 33(5), 33(7),33(9), 33(10), 33(14), 56(3)(c), 57(4)(c) and also in development of land earmarked to the land owner/ developer as per Column No.5 of the Table, specified under Regulation 58(1)(b) as well as any Housing Scheme or residential development project wherein owing to the relevant provisions of the Development Control Regulations, more than 20% of the basic zonal FSI is required to be utilized towards construction of residential tenements for the EWS/ LIG and also for the development / redevelopment of any land owned by the Govt., or any Semi-Govt. Organisation, provided such development / redevelopment is undertaken by the Govt. or such Semi-Govt. Organization by itself or through any other agency under BOT or PPP model.

Provided that in case of development of reservation for Public Housing, Housing the Dishoused, Public Housing/High Density Housing and the EWS/LIG tenements constructed under the provisions of any other Act, these provisions shall not be applicable.

By order and in the name of Governor of Maharashtra,

(Sanjay Banait)

Under Secretary to Government.