महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

- उक्त अधिनियमाचे कलम ३७(१कक)(ग) खालील अधिसूचना.
- बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम ३१(४)(a) मधील मंजूर सुधारणाबाबत ....

महाराष्ट्र शासन
नगर विकास विभाग
क्रमांक :- टिपीबी ४३१२/३४१ / प्र.क्र. १/२०१४/ नवि-११
मंत्रालय, मुंबई :४०० ०३२,
दिनांक :- २६ सप्टेंबर, २०१७.

शासन निर्णय : सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(किशोर द. गिरोल्ला)
अवर सचिव, महाराष्ट्र शासन

प्रत :-

मा. मुख्यमंत्री महोदय यांचे प्रधान सचिव.
मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहाय्यक.

प्रति,

(१) महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
(२) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा.
(३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे
(४) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्सा हटमेंट, महापालिका मार्ग, मुंबई-४००००१.
(५) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करुन त्याच्या १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
(६) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करावी.
(७) निवड नस्ती (नवि-११)

Maharashtra Regional & Town Planning Act, 1966.

- Notification under section 37 (1AA) (C) of the said Act.
- Sanctioned Modification to Regulation 31(4)(a) of DCR,1991 for Gr. Mumbai.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumabi 400 032.
Dated :- 26th September, 2017.

NOTIFICATION

No. TPB 4312/341/CR-1/2014/UD-11:

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") 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 the 20th February, 1991 so as to come into force with effect from the 25th March, 1991;

And whereas, the provisions of Regulation 31(4)(a) of the said Regulations restricts height of 18.30 mt. above the average surrounding ground level in areas around the Nehru Centre ;

And Whereas, Govt. vide Notification No. DCR -1095/1209/CR-273/95/UD-11 dated 30/11/2002 has sanctioned certain modification to Regulation 31(4)(a) of the said Regulations, Further modification to said Regulation 31(4)(a) has been sanctioned by Govt. vide Notification No. TPB-4304/1734/CR-229/04/UD-11, dated 24/08/2004, as per aforesaid modifications following proviso has been incorporated finally :-

"Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations. However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building.";

And whereas, the Govt. has received representation that height restrictions on redevelopment as relaxed to certain extent for redevelopment under regulation 33(10) & 33(14) of the said Regulations, shall be permitted to the redevelopment in the vicinity under Regulation 33(7), 33(3) of the said Regulation;

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And whereas, the Government finds it expedient to modify Regulation 31(4)(a) of the said Regulations, and whereas, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, Government had issued Notice of even no. dated 26th August, 2016 for inviting suggestions/objections from the general public with regard to the modification in respect of "the proposed modification" proposed in the Schedule in the said Notice and appointed the Dy. Director of Town Planning, Gr. 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 whereas, the said Notice dated 26th August, 2016 was published in the Maharashtra Government Gazette dated 15-21 September, 2016 and the said Officer has submitted his report vide letter dt.27th March, 2017 through the Director of Town Planning, Maharashtra State, Pune after completing the legal procedure as stipulated under Section 37(1AA) of the said Act;

And whereas, after considering the above stated Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government is of the opinion that the proposed modification is required to be sanctioned;

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 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 Regulation, after the last entry, the Schedule appended hereunder shall be added.

This Notification shall also be published on the Government website-www.maharashtra.gov.in

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

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(Kishor D. Girolla)
Under Secretary to Government.

SCHEDULE

(Accompaniment to Notification No. TPB 4312/341/CR-1/2014/UD-11,
dated 26th September, 2017)

Regulation No.	Existing Provision	Sanctioned Provision
Regulation 31(4)(a)	(4) *Additional height and other restrictions in certain areas-* (a) In areas around the Nehru Centre.- Notwithstanding anything contained in these Regulations, the height of any building proposed for erection, re-erection or development in the area surrounding the Nehru Centre Complex bounded on the South and East by Keshavrao Khadye Marg (Clerk Road), from the east side of Haji Ali Junction, on the north-east by Dr. E. Moses Road (extended to the north-east of the Race Course) (upto the east side of Dr. Annie Besant Road meeting its junction upto Haji Ali); shall not exceed a height of 18.3 m. above the average surrounding ground level. Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations, However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building.	(4) *Additional height and other restrictions in certain areas-* (a) In areas around the Nehru Centre.- Notwithstanding anything contained in these Regulations, the height of any building proposed for erection, re-erection or development in the area surrounding the Nehru Centre Complex bounded on the South and East by Keshavrao Khadye Marg (Clerk Road), from the east side of Haji Ali Junction, on the north-east by Dr. E. Moses Road (extended to the north-east of the Race Course) (upto the east side of Dr. Annie Besant Road meeting its junction upto Haji Ali); shall not exceed a height of 18.3 m. above the average surrounding ground level. *Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations,* ***as well as for reconstruction and redevelopment of old buildings undertaken under Regulations 33(7), 33(9), and for development under Regulation 33(3) of the said Regulation for proposed buildings of Government, Semi-government and public sector undertaking.*** *However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building.*

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(Kishor D. Girolla)
Under Secretary to Government.

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

- उक्त अधिनियमाचे कलम ३७(१कक)(ग) खालील अधिसूचना.
- बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम ३१(४)(a) मधील मंजूर सुधारणाबाबत ....

महाराष्ट्र शासन
नगर विकास विभाग

क्रमांक :- टिपीबी ४३१२/३४१ / प्र.क्र. १/२०१४/ नवि-११
मंत्रालय, मुंबई :४०० ३२,
दिनांक –२५ सप्टेंबर,२०१७.

अधिसूचना

क्रमांक :- टिपीबी ४३१२/३४१ / प्र.क्र. १/२०१४/ नवि-११

ज्याअर्थी, बृहन्मुंबई क्षेत्राची विकास नियंत्रण नियमावली, १९९१ (यापुढे ज्याचा उल्लेख "उक्त विनियम " असा करण्यात आला आहे.), शासन नगर विकास विभागाकडील अधिसूचना क्र. डिसीआर / १०९०/आरडीपी/ नवि-११, दि. २० फेब्रुवारी १९९१ अन्वये महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करण्यात आला आहे.) च्या कलम ३१(१) खालील तरतूदीनुसार मंजूर झालेली असून दि. २५.३.१९९१ पासून अंमलात आलेली आहे;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ३१(४)(a) मधील तरतुदीनुसार नेहरु सेंटरच्या परिसरातील इमारतींची उंची सभोवतालच्या सर्वसाधारण जमिनीपासून १८.३० मीटर पेक्षा जास्ती नसावी असे निर्बंध आहेत;

आणि ज्याअर्थी, शासन अधिसूचना क्र. डिसीआर १०९५/१२०९/प्र.क्र.२७३/९५/नवि-११, दि.३० /११/२००२ द्वारे उक्त विनियमातील विनियम ३१(४) मध्ये सुधारणा मंजूर केली आहे. तसेच शासन अधिसूचना क्र. टिपीबी ४३०४/१७३४/प्र.क्र.२२९/०४/नवि-११, दि. २४/८/२००४ द्वारे सदर उक्त विनियमातील विनियम ३१(४) मध्ये आणखी सुधारणा मंजूर केली असून सदर सुधारणांनुसार उक्त विनियमातील विनियम ३१(४) मध्ये खालील परंतुक अंतिमत: अंतर्भूत झाले आहे :-

"Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations. However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building";

आणि ज्याअर्थी, नेहरु सेंटरच्या आजूबाजूच्या परिसरातील इमारतींचे उंचीवरील निर्बंध हे उक्त विनियमातील विनियम ३३(१०) आणि विनियम ३३(१४) अन्वये पुनर्विकासास काही प्रमाणात

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शिथिल केल्यानुसार उक्त विनियमातील विनियम ३३(७), ३३(३) अन्वये पुनर्विकासास देखील शिथिलता लागू करणेबाबत शासनास निवेदन प्राप्त झाले आहे;

आणि ज्याअर्थी, शासनाचे असे मत झाले आहे की, विनियम ३१(४)(a) मध्ये सुधारणा करणे आवश्यक आहे, आणि ज्या अर्थी, उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये प्राप्त अधिकाराचा वापर करुन, प्रस्तावित फेरबदलाविषयी सर्वसाधारण जनतेकडून हरकती / सूचना मागविण्यासाठी फेरबदलाची सूचना शासनाने दि. २६/०८/२०१६ रोजी निर्गमित करण्यात आली होती (यापुढे ज्याचा उल्लेख "उक्त फेरबदल" असा करण्यात आलेला आहे) आणि ज्याद्वारे प्रस्तावित फेरबदलाबाबत प्राप्त होणाऱ्या हरकती / सूचनांवर संबंधितांना सुनावणी देऊन शासनास अहवाल सादर करणेसाठी उपसंचालक, नगर रचना, बृहन्मुंबई यांची नेमणूक (यापुढे ज्यांचा उल्लेख "उक्त अधिकारी" असा करण्यात आला आहे.) करण्यात आली होती ;

आणि ज्याअर्थी, प्रस्तावित फेरबदलावर जनतेकडून हरकती/ सूचना मागविण्यासाठी शासन सूचना दि. २६/०८/२०१६ ही महाराष्ट्र शासन राजपत्रात १५-२१ सप्टेंबर, २०१६ रोजी प्रसिध्द करण्यात आली होती आणि उक्त अधिकारी यांनी अधिनियमाचे कलम ३७(१कक) अन्वये वैधानिक कार्यवाही पूर्ण करुन दि.२७/०३/२०१७ रोजीच्या पत्रान्वये त्यांचा अहवाल नगर रचना संचालनालयामार्फत शासनाचे अंतिम मंजूरीसाठी सादर केला आहे;

आणि ज्याअर्थी, उक्त अधिकारी यांनी सादर केलेला अहवाल विचारात घेता व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे यांचेशी सल्ला-मसलत केल्यानंतर उक्त फेरबदल जनहिताच्या दृष्टीने मंजूर करणे आवश्यक आहे, असे शासनाचे मत झाले आहे;

आणि त्याअर्थी, उक्त अधिनियमाच्या कलम ३७ चे पोट कलम (१कक) (ग) अन्वये प्रदत्त असलेल्या अधिकाराचा वापर करुन शासन याद्वारे :-

(A) उक्त फेरबदल प्रस्तावास सोबतचे परिशिष्टात दर्शविल्यानुसार मंजूरी देत आहे.
(B) सदरहू अधिसूचना शासन राजपत्रात प्रसिध्द झाल्याच्या दिनांकापासून सदर सुधारणा अंमलात येईल.
(C) आयुक्त, बृहन्मुंबई महानगरपालिका यांना निर्देशित करण्यात येते की, उक्त विनियमाच्या फेरबदलाच्या अनुसूचीमध्ये शेवटच्या नोंदीनंतर सोबत जोडलेल्या परिशिष्टाची नोंद समाविष्ट करावी.

सदर अधिसूचना शासनाच्या www.maharashtra.gov.in वेबसाइटवर प्रसिद्ध करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

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(किशोर द. गिरोल्ला)
अवर सचिव, महाराष्ट्र शासन

परिशिष्ट

(अधिसूचना क्र. टिपीबी ४३१२ /३४१/ प्र.क्र. १/२०१४/ नवि-११, दिनांक २६ सप्टेंबर,२०१७ सोबतचे परिशिष्ट)

विकास नियंत्रण नियमावलीमधील विनियम क्र.	विद्यमान तरतुद	मंजूर सुधारणा
Regulation 31(4)(a)	(4) *Additional height and other restrictions in certain areas-* (a) In areas around the Nehru Centre.- Notwithstanding anything contained in these Regulations, the height of any building proposed for erection, re-erection or development in the area surrounding the Nehru Centre Complex bounded on the South and East by Keshavrao Khadye Marg (Clerk Road), from the east side of Haji Ali Junction, on the north-east by Dr. E. Moses Road (extended to the north-east of the Race Course) (upto the east side of Dr. Annie Besant Road meeting its junction upto Haji Ali); shall not exceed a height of 18.3 m. above the average surrounding ground level. Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations, However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building.	(4) *Additional height and other restrictions in certain areas-* (a) In areas around the Nehru Centre.- Notwithstanding anything contained in these Regulations, the height of any building proposed for erection, re-erection or development in the area surrounding the Nehru Centre Complex bounded on the South and East by Keshavrao Khadye Marg (Clerk Road), from the east side of Haji Ali Junction, on the north-east by Dr. E. Moses Road (extended to the north-east of the Race Course) (upto the east side of Dr. Annie Besant Road meeting its junction upto Haji Ali); shall not exceed a height of 18.3 m. above the average surrounding ground level. *Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations,* ***as well as for reconstruction and redevelopment of old buildings undertaken under Regulations 33(7), 33(9), and for development under Regulation 33(3) of the said Regulation for proposed buildings of Government, Semi-government and public sector undertaking.*** *However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building.*

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(Kishor D. Girolla)
Under Secretary to Government