

CHE/DP/16

2013-14

Maharashtra Regional & Town Planning Act,
1966.

Directive under Section 154 (1) regarding
Clause 10(a) of Appendix III of Regulation
33(7) of Development Control Regulations for
Greater Mumbai, 1991.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumabi 400 032.
Dated 7th October 2013

No. TPB 4313/CR-84 /2013/UD-11

Read :- Order of Hon'ble High Court, Mumbai dated 20.3.2013 in Writ Petition No.
2457/2011.

ORDER

The Government in Urban Development Department issued Notification No. TPB.4308/3224/CR-268/08/A/UD-11 dt.21.5.2011 under section 37(2) of the Maharashtra Regional & Town Planning, Act 1966 to modify Regulation 33(7), of the Development Control Regulations for Greater Mumbai, 1991, whereby the State Government, inter alia, increased the minimum carpet area of the tenements for the occupants /tenants to 27.88 sq.mt. and enhanced the permissible FSI from 2.5 to 3.0 for the redevelopment projects under the said Regulation.

Clause 10(a) of Appendix-III of Regulation 33(7) as modified vide the said Notification dated 21/5/2011, allowed conversion of ongoing Redevelopment Projects in such a way that, in case any Redevelopment Project was in progress and if the construction of rehabilitation building was not completed up to plinth level then the Owner/Developer/Co-op. Housing Society, with the prior approval of Govt., could convert the proposal in accordance with the modified Regulation, only regarding the size of tenements and loading of FSI, in situ.

However, the Hon'ble High Court Mumbai in Writ Petition No. 2457/2011, vide its order dated 20.3.2013, has struck down the words –“if the construction of rehab building is not completed upto plinth level”—in the said amended provision of Clause 10(a) of Appendix III of Regulations 33(7).

In view of the above, the State Government finds it expedient to issue necessary direction under section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 to the Municipal Corporation of Greater Mumbai as under :-

2013

DIRECTION

In Clause 10(a) of Appendix-III of Regulation 33(7) the words –“if the construction of rehab building is not completed upto plinth level” stand deleted having been struck down by the Hon'ble High Court in W.P. No. 2457/2011 consequently the said clause shall be read as follows:-

“ In the case of redevelopment scheme in progress and such schemes where LOI has been issued, the Owner/Developer/Co-op. Housing Society with the prior approval of Govt. may convert the proposal in accordance with modified regulations, only regarding size of tenements and loading of FSI, in situ. However, such conversion is optional and shall not be binding.”

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

(Signature)

(Sanjay Banait)

Under Secretary to Government.

To,

The Municipal Commissioner, Greater Mumbai.

Copy to :

- 1) The Principal Secretary to Hon'ble Chief Minister.
- 2) The Personal Assistant to State Minister(Urban Development)
- 3) The Principal Secretary, Housing Deptt., Mantralava. Mumbai
- 4) The Municipal Commissioner, Greater Mumbai.

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Copy forwarded for information and necessary action please.

(Signature)
24/10
ADMINISTRATIVE OFFICER
(DEVELOPMENT PLAN)

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Sub.
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