

**Maharashtra Regional and Town  
Planning Act, 1966**

- **Notification under section 37 (2) of the ,...**
- **Modification to Regulation 33(4) of DCR for Gr. Mumbai.**

**GOVERNMENT OF MAHARASHTRA  
Urban Development Department,  
Mantralaya, Mumbai 400 032.  
Dated ..... May, 2009.**

**NOTIFICATION**

**No. TPB 4307/815/CR-257/2003/UD-11:**

Whereas the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by Government in 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/UD-11(RDP) dated 20<sup>th</sup> February, 1991 to come into force with effect from 25<sup>th</sup> March, 1991.

And whereas, the Regulation 33(4) of the said Regulations provides additional FSI for buildings of Starred Category Residential Hotels in the 'F' & 'G' Wards of Island City and the Wards of Suburbs and Extended Suburbs.

And whereas, Govt. has received representations from the organization/associations regarding that due to increase in the offices, commercial spaces for IT and Financial sector companies there is acute shortage of hotel rooms in the Mumbai City. The future demand is likely to grow on account of increased demand generated due to Mumbai being promoted as an International Financial Centre. In order to increase the hotel rooms in Mumbai there is necessity of increasing FSI for the Starred Category Hotels.

And whereas, in view of the facts and circumstances mentioned above and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government had issued the notice of even no. dated 4/12/08 (hereinafter referred to as "the said Notice") regarding the said modification, for inviting suggestions/objections from any person with respect to the said modification.

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 18/12/08 and in the news paper namely Business Standard (English) dated 1/1/09.

And whereas, as per the said notice Government had appointed Deputy Director of Town Planning Gr. Mumbai as an officer under section 162 of the said act (hereinafter referred to as "the said officer") to scrutinize any suggestions/objections if any received and to grant hearing to the persons submitting suggestions/objections including say of the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") and to submit his report to the Government regarding the said modification.

And whereas, the said officer has submitted his report vide letter No. DDTP/Br.Mumbai/37(1AA)/DCR 33(4)/688 dated 7/3/09 to the Government (hereinafter referred to as "the said Report") and recommended to sanction the said modification.

And whereas, after consulting Director of Town Planning, Maharashtra State and considering the suggestions/objections received, Government is of the opinion that the said modification should be sanctioned with some changes.

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby sanctions the said modification with certain changes as mentioned below:-

### MODIFICATION

(A) Regulation 33(4) of the said Regulation is deleted and following new provision is inserted.

#### Regulation 33(4):

**33(4) - Buildings of Starred Category Residential Hotels -** With the previous approval of the Government and subject to payment of premium fixed by the Government and paid (out of which 50% shall be payable to the Corporation) and subject to such other terms and conditions it may specify, the floor space index in the Table No.14 may be permitted to be exceeded in the case of buildings of all starred category residential hotels in independent plots and under one establishment as approved by the Department of Tourism, upto total FSI specified below and subject to following conditions:

Starred Category	Island City		Suburbs & Extended Suburbs.	
	Total FSI	Premium recovered at the rate of ready reckoner for additional FSI.	Total FSI	Premium recovered at the rate of ready reckoner for additional FSI.
1 to 3 Starred Category Hotels	3.00	25% or Rs.6000/- per sq.mt. whichever is more.	3.00 (+ 0.50 TDR)	25% or Rs.6000/- per sq.mt. whichever is more.
4 Starred Category Hotels	4.00	25% or Rs.6000/- per sq.mt. whichever is more.	3.00 (+ 0.50 TDR)	25% or Rs.6000/- per sq.mt. whichever is more.
5 Starred Category Hotels.	5.00	25% or Rs.6000/- per sq.mt. whichever is more.	3.00 (+ 0.50 TDR)	25% or Rs.6000/- per sq.mt. whichever is more.

#### Conditions:-

- (1) The additional FSI for residential starred categories hotels shall be permitted after considering the study of infrastructural facilities by the Corporation and due approval of Committee consisting under the Chairmanship of Municipal Commissioner, representative of Mumbai Metropolitan Region Development Authority, the representative of Police Commissioner (Traffic) and the representative of Tourism Department.

- (2) No condonation in parking and other requirements as in these Regulations shall be allowed except the side and rear marginal open spaces upto 25% may be granted with the special permission of the Commissioner.
- (3) 5% of total rooms shall be reserved for total 30 days in a year for Govt. at free of cost (only room charges) & it may be monitored by the Maharashtra Tourism Development Corporation and Protocol Department.
- (4) Additional FSI of more than 100% is permissible for one to three star category hotels on the plot size of not less than 2500 sq.mt. and on roads of 18 mt. width or more.
- (5) Additional off-site infrastructure facilities if stipulated by the Corporation/Committee shall be provided by the proponent at their cost.

**Note:** The use of TDR will be permissible in case of starred category residential hotels in suburbs and extended suburbs only over and above additional FSI granted under these Regulations subject to following conditions:-

- (i) Additional floor area to the extent of 0.5 FSI by way of utilization of TDR (reservation TDR, road TDR or slum TDR) will be permitted over and above the additional FSI granted in this regulations, provided overall FSI does not exceed 3.5
  - (ii) Such additional FSI (in the form of TDR) will be permitted only if additional FSI is availed under these Regulations.
  - (iii) Loading of TDR will be governed by the prescriptions contained in these Regulations.
- (B) Fixes the date of coming into force as and when this notification will publish in the official gazette.
- (C) Direct the said Corporation that, in the schedule of modifications appended to the notification sanctioning the said Development Plan after the last entry, the above entry (A) shall be added.

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

(Abhiraj Girkar)  
Under Secretary to Government.