

नगर रचना आणि मुल्यनिर्धारण विभाग
बृहन्मुंबई

जा.क्र.उसंनर/बृमु/३७ (१अेअे)/विनियम फेरबदल/७८७

इन्साहटमेंट "ई" ब्लॉक,
आझाद मैदान, महापालिका मार्ग,
मुंबई ४०० ००१
दुरध्वनी क्र. ०२२-२२६२०९३१

Email ID:- ddtpr_mumbai@rediffmail.com

दिनांक : १०/०८/२०१६.

प्रति,

- १) मा. आयुक्त,
बृहन्मुंबई महानगरपालिका,
मुख्यालय इमारत, महापालिका मार्ग,
मुंबई ४०० ००१.
- २) मा. महानगर आयुक्त,
मुंबई महानगर प्रदेश विकास प्राधिकरण,
वांद्रे-कुर्ला, संकुल, मुंबई - ४०० ०५१.
- ३) मा. मुख्य कार्यकारी अधिकारी,
झोपडपट्टी पुनर्वसन प्राधिकरण,
प्रशासकीय इमारत, अनंत काणेकर मार्ग,
वांद्रे (पूर्व), मुंबई ४०० ०५१.

विषय : महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम १९६६
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम ५६(३)(सी) व
५७(४) (सी) मधील फेरबदलाबाबत कलम ३७(१अेअे) ची सूचना.

संदर्भ : शासन, नगर विकास विभागाकडील सूचना क्र. टीपीबी-४३१३/६३०/प्र.क.१०७/
२०१३/नवि-११, दिनांक २१/०७/२०१६.

महोदय,

विषयांकित प्रकरणी संदर्भाधिन शासन, नगर विकास विभागाकडील दिनांक २१/०७/२०१६ रोजीची सूचना महाराष्ट्र शासन राजपत्र, भाग एक - मध्ये उपविभाग, गुरुवार ते बुधवार, ऑगस्ट ४-१०, २०१६ रोजी प्रसिध्द करण्यात आलेली आहे (सोबत प्रत). सदर सूचना महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम ३७(१अेअे) मधील तरतुदीनुसार प्रसिध्द करण्यात आली आहे. शासनाने उपरोक्त सुचनेद्वारे उपसंचालक, नगर रचना, बृहन्मुंबई यांना कलम ३७(१अेअे) च्या तरतुदीनुसार पुढील कायदेशीर कार्यवाही करण्याचे निर्देश दिले आहेत.

उपरोक्त अधिनियमातील तरतुदीनुसार नियोजन प्राधिकरणास सुनावणी देणे आवश्यक असल्याने उपसंचालक,नगर रचना, बृहन्मुंबई यांचेकडे दिनांक २०/०८/२०१६ रोजी सकाळी ११.०० वाजता उपसंचालक,नगर रचना, बृहन्मुंबई कार्यालय, इन्साहटमेंट, आझाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१ येथे आयोजित केली आहे. तरी सदर सुनावणीस आवश्यक त्या कागदपत्रावर उपस्थित राहून सदर फेरबदलासंबंधीचे नियोजन प्राधिकरणाचे म्हणणे मांडण्याच्या सूचना संबंधिताना देण्यात याव्यात, ही विनंती.

सहपत्रे : वरीलप्रमाणे.

आपला,



(संजय बाणाईत)

उपसंचालक,नगर रचना,
बृहन्मुंबई.

प्रत माहितीस्तव सादर :-

- १) मा.प्रधान सचिव-१, नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई ३२
- २) मा.संचालक,नगर रचना, महाराष्ट्र राज्य, पुणे.
- ३) मा.प्रमुख अभियंता (विकास नियोजन), बृहन्मुंबई महानगरपालिका, मुंबई

बृहन्मुंबई महानगरपालिका	
आयुक्तांचे कार्यालय	
11 AUG 2016	
समय	११, १२, १३, १४ १५, १६, १७, १८
क्रमांक	MGR/

MGR/ 6069 dlt 11/8/16

उचित/त्वरीत कार्यवाहीसाठी कृपया अग्रेषित

मनपा आयुक्तांचे
स्वीय चिटणीस

तर्फे (वि.सि)
महादय,

११/८/१६

बृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास नियोजन)			
यांचे कार्यालय			
११	१२	१३	१४
१५	१६	१७	१८
11 AUG 2016			
क्र.प्र.अ/दि.नि/015940			
साधारण	शहर	पूर्व. उप	प. उप
मा. अधि.	टिडीआर	लेखा	अस्था

DECLD P I

for n-c-p.

Chief Engineer (DP)

Noted

11-8-2016

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक २१ जुलै २०१६

सूचना

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्रमांक टीपीबी ४३१३/६३०/प्र. क्र. १०७/२०१३/नवि-११.— ज्याअर्थी, बृहन्मुंबई क्षेत्राची विकास नियंत्रण नियमावली (यापुढे ज्यांचा उल्लेख “उक्त विनियम” असा करण्यात आला आहे.), शासन नगरविकास विभागाकडील अधिसूचना क्र. डिसीआर/१०९०/आरडीपी/नवि-११, दिनांक २० फेब्रुवारी १९९१ अन्वये महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख “उक्त अधिनियम” असा करण्यात आला आहे.) च्या कलम ३१(१) खालील तरतुदीनुसार मंजूर झालेली असून दिनांक २५ मार्च १९९१ पासून अंमलात आलेली आहे ;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ५६(३) (सी) व ५७(४)(सी) मध्ये औद्योगिक वापर विभाग हा रहिवास/वाणिज्य वापर विभागामध्ये रूपांतरीत करणेची तरतूद आहे ;

आणि ज्याअर्थी, महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका यांनी मा. मुंबई उच्च न्यायालयामधील रिट याचिका क्र. ६५१/२०१३ मधील दिनांक १३ मार्च २०१४ चे आदेश व सदर आदेशाच्या धर्तीवर मा. उच्च न्यायालयामध्ये दाखल झालेल्या याचिका विचारात घेऊन, औद्योगिक वापर ते रहिवास/वाणिज्य वापर रूपांतरणाचे बाबतीत सुविधा क्षेत्राच्या संदर्भात विनियम ५६(३) (सी) व ५७(४)(सी) मध्ये फेरबदलाच्या अनुषंगाने उचित आदेश देणेची विनंती केलेली आहे ;

आणि ज्याअर्थी, राज्य शासनाने राज्यातील महानगरपालिकांच्या विकास नियंत्रण नियमावलीमध्ये औद्योगिक वापर ते रहिवास/वाणिज्य वापर रूपांतरणाचे संदर्भात सुधारणा प्रस्तावित केलेल्या असून, त्यामध्ये औद्योगिक वापर विभागामध्ये रहिवास/वाणिज्य वापर अधिमूल्याचा भरणा करून अनुज्ञेय करणेसंदर्भात तसेच इतरही काही सुधारणा सुचविलेल्या आहेत ;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ५६(३) (सी) व ५७(४)(सी) मधील विद्यमान तरतुदी सुधारित कराव्यात असे राज्य शासनाचे मत झालेले आहे ;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ५६(३) (सी) व ५७(४)(सी) मध्ये या सोबतच्या परिशिष्टामध्ये नमुद असलेप्रमाणे फेरबदल (यापुढे याचा उल्लेख “प्रस्तावित फेरबदल” असा केलेला आहे) सार्वजनिक हितास्तव तातडीने करणे आवश्यक झालेले आहे ;

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकार आणि त्यासंदर्भातील सर्व शक्तींचा वापर करून, शासन याद्वारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट- कलम (१कक) चे खंड(क) नुसार कोणत्याही व्यक्तीकडून सदरची सूचना शासन राजपत्रामध्ये प्रसिद्ध झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये सूचना/हरकती मागविण्यासाठी, सूचना प्रसिद्ध करित आहे ;

शासनाकडून असेही कळविणेत येत आहे की, प्रस्तावित फेरबदलाविषयी कोणत्याही हरकत/सूचना शासन राजपत्रात सदर सूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक महिन्याच्या आत उप संचालक, नगररचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई-ब्लॉक, आजाद मैदान, महापालिका मार्ग, मुंबई ४०० ००९ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उप संचालक, नगररचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होणाऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये कार्यवाही करण्यात येईल ;

परिशिष्ट

Regulation 56(3)(c) and 57(4)(c) is proposed to be replaced as follows :—

Conversion of Industrial Zone to allow the Uses permissible in Residential or Commercial Zone.

With the previous approval of the Commissioner, any open land in the Industrial Zone, (I-Zone) (including industrial estates), excluding lands of cotton textile mills, may be permitted to be converted into Commercial or Residential zone for permissible uses in the Residential Zone (R. Zone) or Commercial Zone (C Zone) subject to payment of premium to be paid equal to 20 per cent of the rate of Developed land as given in the Annual Statement of Rates published by IGR every year. The area for conversion shall be considered after deduction of area under proposed DP Road/Sanctioned Regular line/Existing Municipal Road affecting the plot/s.

Such conversion shall be subject to the following :---

(a) Conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall be permitted subject to NOC from Labour Commissioner, GoM. Provided that where conversion has been permitted on the basis of this certificate, Occupation Certificate will not be given unless a no dues certificate is granted by the Labour Commissioner.

(b) However, in respect of any open land in the Industrial Zone where industry never existed, NOC from Labour Commissioner will not be required.

(c) If the land under such conversion admeasures.

(i) less than 2000 sq.m. either 10 per cent amenity space in the form of open land or 5 per cent built up space in the proposed construction at appropriate location preferably on ground floor shall be handed over to MCGM free of cost. Such areas shall be granted over and above the FSI permissible on the plot.

(ii) Equal to 2000 sq. m or more amenity space area to be handed over to MCGM shall be as detailed below :—

Serial No.	Plot Area for conversion	% of land area as Amenity space to be handed over to MCGM	Condition
(1)	(2)	(3)	(4)
1	2000 Sq. m. or more, but less than 2 Ha.	10	Entire amenity space shall be designated as Public Open Space (PSO).
2	2 Ha. or more, but less than 5 Ha.	20	At least 50 per cent the amenity space shall be designated as POS
3	5 Ha. or more	25	reservation.

(d) These areas will be addition to the recreational space as required to be provided under regulation 23.

(e) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercial purposes.

(f) Such residential or commercial development shall be allowed within the permissible FSI of the nearby Residential or Commercial Zone.

(g) Such provisions for public utilities, amenities and open space shall be considered to be reseverations in the DP.

(h) Public utility and amenity plots shall not be developed under Accomodation of Reservation policy.

Note.—(i) Necessary segregating distance shall be provided from industiral use.

(ii) In the event of DP having provided a reservation/reservations on a plot desiring conversion from Industrial Zone to Residential/Commercial Zone, the following shall apply :-

(a) If the area under DP reservation to be handed over to MCGM (excluding the areas under DP roads/road setback) is less than the required area of public amenity space as per this Regulation, only the additional land area shall be provided for public amenity spaces.

(b) If the area under DP reservation to be handed over to MCGM, (excluding the areas under DP roads/road setback), is more than the required area of public amenity spaces as per the Regulation, then the provision for public amenity spaces is not necessary.

(c) In case of plot area under conversion is less than 2000 sq.mt. land component either 10 per cent amenity space in the form of open land or 5 per cent built up space shall be considered for the purpose of amenity space as per note(a) and (b) above.

(iii) Out of the floor area as per basis FSI, proposed to be utilized for residential development, 20 per cent of the same shall be built for residential tenements, each having built up area upto 50 sq.m. However, FSI upto 25 per cent of total floor area in residential development may be allowed to be utilized for commercial users.

(iv) If the development is already in progress and if full Occupation Certificate has not been granted to all buildings in the layout, then the land owner/developer may convert the proposal in accordance with the provisions of this Regulation subject to the following conditions :-

(a) The revised provisions will be applicable in totality. The benefit of both old and revised Regulations shall not be allowed.

(b) The benefit of revised Regulations will be applicable only in cases where,—

(i) full Occupation Certificate has not been granted to all buildings in the layout and

(ii) required public amenity space or DP reservation, if any, has been handed over to the Corporation is more than required as per new regulation shall be retained to the Corporation. If it is less than requirement as per new regulation, the requirement can be adjusted as per new regulation, may be considered by the Corporation.

सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर प्रसिद्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

किशोर द. गिरोल्ला,
शासनाचे अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 21st July 2016

Notice

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB. 4313/630/CR-107/2013/UD-11.—Whereas the Development Control Regulations of Greater Mumbai (hereinafter referred to as “the said Regulations”) have been sanctioned by the Government *vide* Urban Development Department Notification No. DCR. 1090/RDP/UD-11, dated 20th February 1991, under section 31(1) of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) to come into force with effect from 25th March 1991 ;

And whereas, the Regulations 56(3)(c) and 57(4)(c) of the said regulations deals with conversion of Industrial Zone into Residential/Commercial Zone ;

And whereas, the Municipal Commissioner, Municipal Corporation of Greater Mumbai after considering the order passed by the Hon'ble Bombay High Court in Writ Petition 651/2013 on 13th March 2014 and other Writ Petitions filed on the same line in the Hon'ble High Court, regarding issue related to amenity space in respect of conversion of Industrial Zone to Residential/Commercial Zone, requested to the State Government to issue suitable directives in respect of modification in provisions of Regulation 56(3)(c) and 57(4)(c) ;

And whereas, the State Government has proposed amendments in the Development Control Regulations of Municipal Corporation in the State in respect of such conversion of Industrial Zone into Residential/Commercial Zone, in which, Residential/Commercial development in Industrial Zone is to be permitted on payment of premium along with other modification in the Development Control Regulations of Municipal Corporations in the State ;

And whereas, the State Government is of the opinion that the existing provision of Regulation 56(3)(c) and 57(4)(c) of the said Regulations should be modified ;

And whereas, in the public interest it is necessary to urgently carry out suitable modification to the Regulation 56(3)(c) and 57(4)(c) of the said Regulations, as specifically described in the Schedule appended hereto (hereinafter referred to as “the proposed modification”).

Now, therefore, after considering the above facts and circumstances and in exercise of powers vested in it under sub-section (1AA) of section 37 of the said Act, and all other powers enabling it in this behalf, the Government hereby publishes a Notice for inviting suggestions and objections from any person with respect to proposed modification, as required by clause(a) of sub-section (1AA) of section 37 of the said Act, within a period of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*.

Any objections/suggestions in respect of the proposed modification may be forwarded before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning,

Greater Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of section 37 of the said Act.

Schedule

Regulation 56(3)(c) and 57(4)(c) is proposed to be replaced as follows :—

Conversion of Industrial Zone to allow the uses permissible in Residential or Commercial Zone.

With the previous approval of the Commissioner, any open land in the Industrial Zone, (I-Zone) (including industrial estates), excluding lands of cotton textile mills, may be permitted to be converted into Commercial or Residential Zone for permissible uses in the Residential Zone (R. Zone) or Commercial Zone (C Zone) subject to payment of premium to be paid equal to 20 per cent of the rate of Developed land as given in the Annual Statement of Rates published by IGR every year. The area for conversion shall be considered after deduction of area under proposed DP Road/Sanctioned Regular Line/Existing Municipal Road affecting the plot/s.

Such conversion shall be subject to the following :—

(a) Conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall be permitted subject to NOC from Labour Commissioner, GOM, Provided that where conversion has been permitted on the basis of this certificate, Occupation Certificate will not be given unless a no dues certificate is granted by the Labour Commissioner.

(b) However, in respect of any open land in the Industrial Zone where industry never existed, NOC from Labour Commissioner will not be required.

(c) If the land under such conversion admeasures.

(i) less than 2000 sq.m. either 10 per cent amenity space in the form of open land or 5 per cent built up space in the proposed construction at appropriate location preferably on ground floor shall be handed over to MCGM free of cost. Such areas shall be granted over and above the FSI permissible on the plot.

(ii) Equal to 2000 sq. m. or more amenity space area to be handed over to MCGM shall be as detailed below :—

Serial No.	Plot Area for conversion	% of land area as Amenity space to be handed over to MCGM	Condition
(1)	(2)	(3)	(4)
1	2000 Sq. m. or more, but less than 2 Ha.	10	Entire amenity space shall be designated as Public Open Space (PSO).
2	2 Ha. or more, but less than 5 Ha.	20	At least 50 per cent of the amenity space shall be designated as POS
3	5 Ha. or more	25	reservation.

(d) These areas will be addition to the recreational space as required to be provided under regulation 23.

(e) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercial purposes.

(f) Such residential or commercial development shall be allowed within the permissible FSI of the nearby Residential or Commercial Zone.

(g) Such provisions for public utilities, amenities and open space shall be considered to be reservations in the DP.

(h) Public utility and amenity plots shall not be developed under Accomodation of Reservation policy.

Note.—(1) Necessary segregating distance shall be provided from industrial use.

(2) In the event of DP having provided a reservation/reservations on a plot desiring conversion from Industrial Zone to Residential/Commercial Zone, the following shall apply :—

(a) If the area under DP reservation to be handed over to MCGM (excluding the areas under DP roads/road setback) is less than the required area of public amenity space as per this Regulation, only the additional land area shall be provided for public amenity spaces.

(b) If the area under DP reservation to be handed over to MCGM, (excluding the areas under DP roads/road setback), is more than the required area of public amenity spaces as per the Regulation, then the provision for public amenity spaces is not necessary.

(c) In case of plot area under conversion is less than 2000 sq.mt. land component either 10 per cent amenity space in the form of open land or 5 per cent built up space shall be considered for the purpose of amenity space as per note (a) and (b) above.

(3) Out of the floor area as per basis FSI, proposed to be utilized for residential development, 20 per cent of the same shall be built for residential tenements, each having builtup area upto 50 sq.m. However, FSI upto 25 per cent of total floor area in residential development may be allowed to be utilized for commercial users.

(4) If the development is already in progress and if full Occupation Certificate has not been granted to all buildings in the layout, then the land owner/developer may convert the proposal in accordance with the provisions of this Regulation subject to the following conditions :—

(a) The revised provisions will be applicable in totality. The benefit of both old and revised Regulations shall not be allowed.

(b) The benefit of revised Regulations will be applicable only in cases where,—

(i) full Occupation Certificate has not been granted to all buildings in the layout and

(ii) required public amenity space or DP reservation, if any, has been handed over to the Corporation is more than required as per new regulation shall be retained to the Corporation. If it is less than requirement as per new regulation, the requirement can be adjusted as per new regulation, may be considered by the Corporation.

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

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

KISHOR D. GIROLLA,
Under Secretary to Government.