

MUNICIPAL CORPORATION OF GREATER MUMBAI

CHE/DP/44/Gen/2016-17dt.24.08.2016.

CHE/DP/16806/Gen/2016-17dt24.08.2016.

24 AUG 2016

CIRCULAR

Sub: Policy guidelines for allowing Residential / Commercial users on land situated in Industrial Zoned(I to R/C) by adjusting the land affected by D.P. road/ sanctioned R.L./set back/existing Municipal Road against the amenity space required to be provide as per provisions 56(3)(C) of D.C.R.1991.

- Ref: 1) CHE/1727/DPES of 16.05.2015. -**
2) MCP/5021 dt. 17.06.2015.
3) CHE/8352/DPES dt. 30.03.2016.-
4) MCP/1747 dt. 31.03.2016. -
5)) ChE/DP/02/Gen-2016-17 dt. 02.04.16.
6) Approval No.MCP / 4405 dt.22.08.2016. -

The users permissible in residential / commercial zones are granted on lands situated in General & Special Industrial Zone (I2 & I3), as per provision 56(3)(C) & 57(4) (C) of DCR 1991(i.e. I to R/C proposals).

The provision of amenity space in such I to R/C proposals were governed by policy circulars issued from time to time, as mentioned below.

- 1) Circular No. ChE/2847/DPC dt. 4. 12.1996.
- 2) ChE/2847/DPC/Gen dtd. 19.09.97.
- 3) ChE/Gen/308/DPC dt.10.03.04.
- 4) CHE/1727/DPES of 16.05.2015. .
- 5) ChE/DP/02/Gen-2016-17 dt. 02.04.16. .

Recently, Govt of Maharashtra in Urban Development Department has published the notice for propose modification in 56(3)© & 57(4) (c) of DCR,1991 under section 37 (1AA),which shows the intention of Govt. to make it effective.

As per section 46 of the MR & TP Act, the planning Authority shall have due regards to the provision of any draft published by means of notice.

The Under Secretary, Urban Development Dept., vide no. TPB/ 4312/ 645/ CR-68 /2012 / UD-11 dt. 17.10.13 has issued the clarification, in respect of one of private Multi storied Public Parking lot on CTS No. 1448/8/A & 1448/8/D of village Eksar, Borivali. The condition no. 1 of the said clarification is reproduced as under:-

बृहन्मुंबई विकास नियंत्रण नियमावलीमधील विनियम 33 (24) च्या मंजूर तरतुदी व शासनाने क्र. टीपीबी - 4310/948/प्र.क्र.289/2010/नवि-11ए दि. 19.03.2012 च्या सूचनेनुवये महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, 1966 चे कलम 37 (1 अेअे) अनुवये प्रसिध्द केलेल्या विनियम 33 (24) मधील प्रस्तावित सुधारणा यामधील कठोरतम तरतुदी सद्यःस्थितीत अंमलात राहतील. सदर तरतुदीनुसार प्रस्तुत प्रकरणी अधिमूल्याची



रकम परिगणीत करुन विकासकाकडून वसूल करावी व त्यापैकी 50% रकम शासनाने विहित केलेल्या कार्यपध्दतीनुसार शासनाकडे भरण करण्याची दक्षता घ्यावी.

As per the above said clarification from UDD dt. 17.10.13., the stringent provisions of prevailing DCR and proposed amendments under section 37(1AA) of under MR & TP Act is to be considered.

Considering the above facts, it is necessary to amend the earlier circular issued u/no. ChE/DP/02/Gen-2016-17 dt. 02.04.16, in respect of adjustment of road areas against the Amenity space to be handed over to MCGM as the provisions of 56(3)(c) & 57 (4)(c) of DCR-1991.

In view of above, the following policy guidelines shall be followed hereafter for allowing the residential/commercial users on land situated in general Industrial & Special Industrial zoned land as per provision 56-(3)-(c) & 57-(4)-(c) of DCR-1991 :-

Sr. No.	Category of I to R/C proposals	Line of Action proposed
1	For New Proposals	To be processed as per notification No. TPB/4313/630/CR-107/2013/UD-11 dtd. 21.7.2016.
2	For Revised development permission by adding the contiguous Industrial zoned land received before or after 21.07.2016 & development permission is not issued.	The area of land under development permission already granted may be optional to the developer to be continued or otherwise, provided the same is valid. The development permission for additional industrial land for conversion (I to R/C), to be processed as per notification No. TPB/4313/ 630/CR-107/2013/UD-11 dt.21.7.2016.
3	For Revised development permission by deducting the contiguous Industrial zoned land received before or after 21.07.2016 & development permission is not issued	The Development Permission already issued for I to R/C, for the reduced land area to be considered. The proposal on the deducted land area out of the total land to be processed as per notification No.TPB/4313/630/CR-107/2013/UD-11dt. 21.7.2016.
4	Occupation certificates to all the buildings are granted as per the development permission.	To be processed as per notification No.TPB/4313/630/CR-107/2013/UD-11dt. 21.7.2016.
5	Proposals for which development permission is already issued as per the then prevailing policy, provisions & prior to 21 st July 2016, i.e. date of notification & accordingly the development is granted & in progress. (i.e. Layout, IOD,CC granted).	The Development Permission already issued for I to R/C, for the given land area to be considered..

6	Proposals for which development permission is already issued as per the then prevailing policy, provisions & prior to 21 st July 2016, i.e. date of notification & the same is valid or no time period is specified in the development permission & no the development is granted (i.e. Layout, IOD, amended plan is not granted).	The issued Development Permission already issued for I to R/C, for the given land area to be considered.
7	Development permission is issued as per the then prevailing policy, provisions, prior to 21 st July 2016, i.e. date of notification, however, the same is not revalidated as per development permission & no development is approved (i.e. Layout, IOD, amended plan is not granted).	The Development Permission to be processed as per notification No. TPB/4313/630/CR-107/ 2013/ UD-11 dtd.21.7.2016.
8	In case of amended layout / relocation of amenity space proposed under development permission already issued prior to 21 st July 2016 and without involving any change in area of amenity space to be given and where permission is valid.	The amended layout/relocation of amenity space as per D.P. Development Permission already issued for I to R/C, for the given land area to be considered, by maintaining the area of amenity space intact.

Note :-

- i) In all the categories mentioned above, developer will have option to revise/obtain the development permission for I to R/C as per notification No. TPB/4313/630/CR-107/2013/ UD -11 dtd.21.7.2016.
- ii) This circular will supersede the earlier circulars issued u/no:-
 - 1) CHE/2847/DPC dated 4.12.1996,
 - 2) CHE/2847/DPC/Gen dated 19.09.1997,
 - 3) CHE/GEN/308/DPC dated 16.03.2004 &
 - 4) CHE/1727/DPES dated 16.05.2015,
 - 5) ChE/DP/02/Gen-2016-17 dt. 02.04.16, in respect of subject matter.

This circular shall be implemented with immediate effect.

Sd/-
DY.CH.E.(D.P.) II

Sd/-
DY.CH.E.(D.P.) I

[Handwritten Signature]
24/08/16
CH.E.(D.P.)

Sd/-
Hon'ble M.C.