

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमावलीतील नियमांमध्ये नियम
३३(१) अन्वये करावयाच्या फेरबदलाबाबतची कलम ३७(१अ)
नुसार नोटीस.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन नोटीस क्रमांक: टिपीबी-४३०९/१०९०/प्र.क्र.७४/१००७/नवि-११
मंत्रालय, मुंबई : ४०० ०३९, दिनांक : ६ मे, १००९.

शासन निर्णय:- सोबतची नोटीस राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात
यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(सुधाकर चांगनुरे)
उप सचिव, महाराष्ट्र शासन.

प्रति,
महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नोरोड, मुंबई.
(त्यांना विनंती करण्यात येते की, सोबतची नोटीस महाराष्ट्र शासनाचे साधारण राजपत्रात भाग
मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय,
मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात याव्यात.)
कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.
(त्यांना विनंती करण्यात येते की, सोबतची नोटीस विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत
आवश्यक ती कार्यवाही करावी)
निवडनस्ती (नवि-११).
सेक्शन ३७ फाईल.

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

**Notice under section 37(1A) to
modify the Regulation 33(2) of
Development Control Regulation for
Gr. Mumbai.**

GOVERNMENT OF MAHARASHTRA

Urban Development Department

Mantralaya, Mumbai 400 032.

Dated 6th May, 2009.

NOTICE

No. TPB 4309/1020/CR-74/2009/UD-11:

Whereas Government in Urban Development Department, vide Notification No. DCR 1090/RDP/UD-11 dated 20/2/1991, has sanctioned the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25/3/1991;

And whereas, Regulation 33(2) of the said Regulations permit the Municipal Commissioner to grant 100% additional FSI over and above the permissible FSI for Medical Institutions of Govt. or Public Authorities or of registered public charitable trust;

And whereas, Govt. vide its Notification dated 30/10/2000 has further modified the Regulation 33(2) by adding proviso to permit additional FSI by a maximum of 200% over and above the additional FSI permitted as aforesaid to the Medical Institutions in Island City & Suburbs and extended Suburbs with the prior approval of Govt.;

And whereas, Govt. vide its Notification dated 30/11/2005 has further modified Regulation 33(2) by adding proviso to permit further additional FSI to be exceeded upto total maximum 400% over and above permissible FSI to the Medical Institutions in suburbs & extended suburbs;

And whereas, it was noticed that the above provisions of additional FSI is permitted to medical institutions of public charitable trust. There are many private hospitals which provides the same facilities as of registered trust and they requested for additional FSI for modernisation and expansion of the hospitals;

And whereas, the Govt. has taken a policy decision to permit the additional FSI to the medical institutions on the same line of public charitable trust with some conditions and to modify the said regulation accordingly;

And whereas, in exercise of the powers vested under section 37(1) of the said Act, Government vide Urban Development Department's order of even

number dated 6/10/2008, had issued directions to the Municipal Corporation of Greater Mumbai (hereinafter referred to "said Corporation") to modify Regulation 33(2) of the said Regulations (hereinafter referred to as the "said directives").

And whereas, as per the provision in sub-section (1) of section 37 of the said Act, the said Corporation is required to publish a notice regarding the said modification in official gazette within a period of 90 days from the date of issue of the said directions. However, the said Corporation has failed to publish the requisite notice within the stipulated period of ninety days.;

Now, in view of the powers vested in it under section 37(1A) of the said Act, the Government finds it expedient to publish the following notice in regard to the said modification, thereby inviting suggestions/objections from the general public within a period of one month from the date of publication of this notice in the official Gazette (Ordinary). Any suggestions/objections on the proposed modifications to be forwarded to the Deputy Director of Town and Planning, Greater Mumbai having his office at 'E' Block, ENSA Hutments, Azad Maidan, Mumbai 400 001, who is being appointed as an officer under section 162(1) of the said Act and who will submit his report to Government within 30 days after expiry of above mentioned period.

PROPOSED MODIFICATION
Modification No. 1:

The following new proviso shall be added after Regulation 33(2):

33(2)(A) Buildings of Private Medical Institutions:- The Commissioner may permit the floor spaces indices specified in Table 14 above to be exceeded in respect of buildings in independent plots of private medical institutions by 100 percent in the wards of Island City and Suburbs or extended suburbs.

Provided further that, with the previous approval of Government, the FSI in Table No. 14 for buildings of private Medical Institutions as independent plots may be permitted to be further exceeded over and above the additional FSI permitted as aforesaid by (i) maximum of 200% in Island City & (ii) maximum of 300% in suburbs and extended suburbs.

The above additional FSI shall be subjected to terms and conditions specified below. The further additional FSI thus granted shall be subject to the terms and conditions specified below.

Terms and Conditions:

- a) Out of the total additional FSI, 50% may be availed by utilising Transferable Development Rights (without payment of premium) except in the Island City, provided that the utilisation of such TDR will be allowed only after availing of the additional FSI.
- b) Such additional FSI (except the TDR component) will be permissible subject to the payment of premium to Government at the rate of 10% of market value i.e. rates of ready reckoner or as

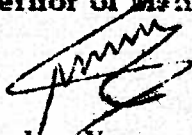
may be decided by the Govt. from time to time, out of which 50% shall be payable to the Corporation.

- c) The additional builtup area over and above the permissible FSI shall be utilised for bonafide medical purposes only.
- d) Free medical treatment to the extent of atleast 10% of the total number of beds shall be given to persons from economically weaker sections of society or to persons below the poverty line. In addition, 10% of the total number of patients in OPD shall be provided treatment at concessional rates, viz. Rates that are being charged in Govt. hospital.
- e) The Director of Health Services, Government of Maharashtra shall be the competent authority to monitor as to whether the Medical Institution is observing the terms and conditions referred to at (c), (d) above and, in case of any breach thereof or in case the medical services being rendered by the Medical Institution are not to the satisfaction of the Director of health Services, the Director of Health Services shall have the right to suitably penalise the Medical Institution.
- f) The Medical institution shall maintain records regarding free/concessional education rendered to the needy persons, which shall be made available to the Director of Health Services on demand.
- g) The Medical Institution shall furnish the requisite periodical statements to the Director of Health Services in regard to (c) and (d) above.
- h) A building for a Medical Institution containing mixed users (used under non-medical users not exceeding 10% of the permissible built-up area as per Table No. 14) shall also be eligible for further additional FSI, to be considered on the total net plot area.
- i) The Medical Institution shall file an undertaking that it shall abide by the above enumerated terms and conditions.

Modification No.2:

The words "Private Medical Institutions" shall be added after the words "Public Charitable Trust" in clause 20 relating to grant of TDR in Appendix-VII of Regulation 34 of the said Regulations.

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


(Sudhakar Nangare)
Deputy Secretary to Government.