

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
चे कलम ३७ (१ क क) अन्वये सूचना प्रसिध्द करण्याबाबत...
राज्यातील महानगरपालिकांच्या मंजूर विकास नियंत्रण
नियमावलीमध्ये विकास हक्क हस्तांतरण व समावेशक
आरक्षणांच्या माध्यमातून विकास योजनेची अंमलबजावणी
संदर्भात नवीन विनियम अंतर्भूत करण्याबाबत.....

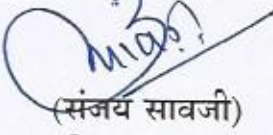
महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई-३२
दिनांक : ३०/०४/२०१५

शासन निर्णय क्र.टिपीएस-१८१३/३०६७/प्र.क्र.४९२/मनपा/नवि-१३

शासन निर्णय :- सोबतची सूचना महाराष्ट्र शासनाच्या, साधारण राजपत्रामध्ये राज्यस्तरावर
प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,




(संजय सावजी)

अवर सचिव, महाराष्ट्र शासन

प्रत,

- १) मा.मुख्यमंत्री यांचे सचिव, मंत्रालय, मुंबई.
- २) मा.राज्यमंत्री, (नगर विकास) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
- ३) प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति,

- १) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

त्यांना विनंती करण्यात येते की, सोबतची सूचना शासनाच्या दि.१३/०९/२०१० रोजीच्या
परिपत्रकातील निदेशानुसार व खालील सूचनांप्रमाणे जाहिरात म्हणून प्रसिध्द करून घेणेबाबत
सत्वर कार्यवाही करावी तसेच विभागाच्या संकेतस्थळावर त्वरीत प्रसिध्द करावी.

१	जाहिरात देणा-या कार्यालयाचे नांव	नगर विकास विभाग, मंत्रालय, मुंबई-३२.
२	जाहिरात कोणत्या दिनांकापर्यंत द्यावयाची आहे.	तात्काळ
३	प्रसिध्दीचे स्वरूप	स्थानिक
४	कोणत्या जिल्ह्यामध्ये	सोबतच्या अनुसूची-अ मध्ये-नमूद राज्यातील जिल्ह्यांमध्ये.
५	किती वृत्तपत्रात	एका मराठी व एका इंग्रजी वृत्तपत्रात
६	वृत्तपत्राचे नांव	सर्वाधिक खपाच्या वृत्तपत्रात
७	कितीवेळा	एकदा
८	जाहिरात खर्चाचे देयक कोणत्या अधिकाऱ्याकडे पाठवावयाचे त्या कार्यालयाचे नांव व संपूर्ण पत्ता	संचालक, नगर रचना, महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे-४११ ००१.

- २) संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- ३) सह संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- ४) आयुक्त, महानगरपालिका, बृहन्मुंबई / ठाणे / कल्याण-डोंबिवली / वसई-विरार / मिरा-भाईंदर / उल्हासनगर / भिवंडी-निजामपूर / पुणे / पिंपरी-चिंचवड / सोलापूर / कोल्हापूर / सांगली-मिरज-कुपवाड / नागपूर / चंद्रपूर / नाशिक / अहमदनगर / जळगाव / धुळे / मालेगाव / औरंगाबाद / नांदेड-वाघाळा / लातूर / परभणी / अमरावती / अकोला (शाखा कार्यालयामार्फत).
- ५) सह संचालक, नगर रचना, अंमलबजावणी कक्ष / मुल्यांकन / पुणे / कोकण / नाशिक / नागपूर / औरंगाबाद / अमरावती विभाग.
- ६) सहायक संचालक, नगर रचना / नगर रचनाकार, सर्व शाखा कार्यालये, नगर रचना विभाग.
- ७) अवर सचिव, नवि-११/नवि-३० / कक्ष अधिकारी, नवि-९/नवि-१२, नगर विकास विभाग, मंत्रालय, मुंबई.
- ८) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नी रोड, मुंबई.
त्यांना विनंती करण्यात येते की, सोबतची शासकीय सूचना महाराष्ट्र शासनाच्या, साधारण राजपत्रामध्ये राज्यस्तरावर प्रसिध्द करून त्याच्या प्रत्येकी ५० प्रती नगर विकास विभागास तसेच ५० प्रती संचालक, नगर रचना, महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे, यांना पाठवाव्यात.
- ९) कक्ष अधिकारी (नवि-२९) नगर विकास विभाग, मंत्रालय, मुंबई.
त्यांना विनंती करण्यात येते की, सोबतची सूचना या विभागाच्या संकेतस्थळावर प्रसिध्द करावी.
- १०) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग, मंत्रालय, मुंबई.
त्यांना विनंती करण्यात येते की, सदरची सूचना शासनाच्या संकेतस्थळावर प्रसिध्द करावी.
- ११) निवड नस्ती (कार्यासन-१३).



NOTICE

URBAN DEVELOPMENT DEPARTMENT,
Mantralaya, Mumbai 400032
Dated: 30/04/2015

Maharashtra
Regional and
Town
Planning
Act, 1966

No.TPS -1813/3067/CR-492/MCORP/13/UD-13:- Whereas, the lands reserved for public amenities, social facilities and utilities in the Development Plans (hereinafter referred to as *the said Development Plan*) of the Municipal Corporations as mentioned in Annexure-A (hereinafter referred to as *the said Planning authorities*) prepared and sanctioned under the provisions of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as *the said act*) are being generally acquired under Section 126 of the said Act read with relevant provisions of Land Acquisition Act, 1894 by granting "*Transferable Development Rights*";

And whereas, the State Government has introduced initially the concept of *Transfer of Development Rights* in the D.C.Regulations for Greater Mumbai- 1991 while sanctioning the Development Control Regulations vide Govt Notification No.DCR/1090/RDP/UD11/Dt 20.02.1991 and the Government vide Notification No. DCR 1094/529/CR-102/94/UD-11/20th April 1994 desires that the same should be made applicable to all the cities administered by Municipal Corporations and cities beyond population of 2.00 lakhs as per 1991 Census by following procedure as mentioned in section 37 of the said act and subsequently all Municipal Corporations and councils having population more than 2.00 lakh have adopted the concept of *Transfer of Development Rights* by following the procedure as laid down in section 37 of the said act;

And whereas, the Government was also of the opinion that the use of land situated within the municipal limit which has been designated or reserved for certain public purpose in the development plan shall be regulated by allowing owner for development subject to certain conditions under *Accommodation Principle*. For that purpose the Government vide Notification No.TPS-1094/CR-14/94/UD-9/7th April 1994 issued directives to all Municipal Councils/Corporations under section 37 of the said act regarding the type and manner of development / redevelopment of the reservation according to Accommodation Principle and the directives made effective with the same date pending approval to the section 37 proposal;

And whereas, most of the *Municipal Corporations* have the provisions of "*Transferable Development Rights & Accommodation Principle*" in their *sanctioned Development Control Regulations*. (hereinafter referred to as *the said Regulations*);

And whereas, the Land Acquisition Act, 1894, was replaced by the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* is an Act of Indian Parliament that regulates land acquisition and provides rules for granting compensation, rehabilitation and



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resettlement to the affected persons in India and provides provisions for fair compensation to those whose land is taken away, brings transparency to the process of acquisition of land and assures rehabilitation of those affected;

And whereas, in view of the provisions of the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**, it is necessary to allow the fair compensation for the lands reserved for public amenities, social facilities and utilities in the Development Plans prepared under the provisions of Maharashtra Regional and Town Planning Act, 1966 by granting **"Transferable Development Rights and by allowing** owner for development subject to certain conditions under **Accommodation Principle**;

And whereas, in view of the above, Government felt necessary to reform the existing **said regulations** of **"Transferable Development Rights and Accommodation Principle"** and for that purpose Government vide letter no TPS-1812/CR-122/12/UD 13/11st Oct 2012 has instructed Director of Town Planning M.S Pune to form the Study Group to revised all **the said existing regulations** of **"Transferable Development Rights and Accommodation Principle"** and also to **insert these regulations newly where not available existing Development Control Regulations**;

And whereas, Director of Town Planning M.S Pune vide letter no TDR/Sameeti/TPV 7/6042/Dt 12nd Oct 2012 has formed the study Group to examine the provisions of the newly enacted Land Acquisition Act & to suggest the reformation in the present said regulations of **transferable development rights and Accommodation Principle**;

And whereas, the study Group after careful study of the provisions of the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** has submitted the report to the Government;

And whereas, in light of recommendation of the study group, Government felt necessary to replace the all existing /proposed said regulations of **Transferable Development Rights and Accommodation Principle** from the sanctioned Development Control Regulations of the Municipal Corporations i.e. the said respective Planning Authorities;

And whereas, the Govt. of Maharashtra is satisfied that in the public interest it is necessary to incorporate urgently a comprehensive revised regulation in respect of **Transferable Development Rights and Accommodation Principle** in the sanctioned Development Control Regulations of the respective said Planning Authorities in place of the said all existing /proposed regulations of **Transferable Development Rights and Accommodation Principle** and also to **insert these regulations newly where not available in the existing Development Control Regulations**;

And whereas, Government found it expedient in the public interest to take recourse to the provisions contain in section 37 (1AA) of the said Act;



Now therefore, in exercise of the powers conferred by Clause (a) of sub-section (1AA) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as the said act) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby, in **supersession of all the earlier existing / proposed regulations and directives issued** in respects of **Transferable Development Rights and Accommodation Principle of the said Planning authorities, excluding Navi Mumbai Municipal Corporation (as mentioned in Annexure-A)**, has declared its intention to replace them and newly insert by the proposed regulations of **Transferable Development Rights and Accommodation Principle** specified in the **Appendix-B & AR** appended here to this notice (hereinafter referred to as **the proposed modification**) and for that purpose publishes a notice for inviting suggestions/objections from any person with respect to the proposed regulations within a period of one month from the date of publication of this notice in the Maharashtra Government Gazette.

Any objections and suggestions upon the said proposed modifications be forwarded before the expiry of one month from the date of publication of this notice in Maharashtra Government Gazette to the concerned Divisional Joint Director of Town Planning who is hereby authorised as an officer on behalf of Government. The objections or suggestions, which may be received by the concerned Joint Director of Town Planning, shall be considered and opportunity of being heard shall be given. Concerned Joint Director of Town Planning is hereby authorized to give hearing and to submit his report to the Government; The Government will take final decision in accordance in the provision of the section (1AA) of Section 37 of the said act.


This notice shall be kept open for inspection to the general public in the following offices for the above period on all working days.

- (i) Office of the Director of Town Planning, Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Konkan, Nashik, Nagpur, Aurangabad, Amravati Division;

This notice shall also be made available on the Government website www.maharashtra.gov.in as well as on the website of Directorate of Town Planning www.dtp.maharashtra.gov.in.

By order and in the name of Governor of Maharashtra,




(Sanjay Saoji)
Under Secretary to Government

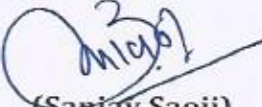
Annexure-A

**Accompaniment to the Government in Urban Development Department
Notice bearing No. TPS -1813/3067/CR-492/MCORP/13/UD-13,
dated 30/04/2015.**

Sr. No.	Name of Municipal Corporation	Joint Director, Town Planning is an officer authorized on behalf of Government
1	BrihanMumbai	Joint Director of Town Planning, Konkan Division, Navi Mumbai, Konkan Bhavan, Third Floor, CBD Belapur, Navi Mumbai-400 614.
2	Thane	
3	Kalyan-Dombivali	
4	Vasai-Virar	
5	Mira-Bhayander	
6	Ulhasnagar	
7	Bhiwandi-Nijampur	
8	Pune	Joint Director of Town Planning, Pune Division, Pune, S.No.74/2, Sahakarnagar, Sarang Society, above Bank of Maharashtra, Pune-411 009.
9	Pimpri-Chinchwad	
10	Solapur	
11	Kolhapur	
12	Sangli-Miraj-Kupwad	Joint Director of Town Planning, Nagpur Division, Nagpur, Old Secretariat, Room No.108/109, First Floor, Civil Lines, Nagpur-440 001.
13	Nagpur	
14	Chandrapur	Joint Director of Town Planning, Nashik Division, Nashik, New Central Administrative Building, First Floor, Divisional Commissionerate, Nashik Road-422 001.
15	Nashik	
16	Ahmednagar	
17	Jalgaon	
18	Dhule	
19	Malegoan	Joint Director of Town Planning, Aurangabad Division, Aurangabad, MHADA Building, Second Floor, Opp. Hotel Printravel, Station Road, Aurangabad-431 001.
20	Aurangabad	
21	Nanded-Vaghala	
22	Latur	Joint Director of Town Planning, Amravati Division, Amravati, "Nilgiri", Dr.Agarwal Building, Vijay Colony, Congressnagar Road, Amravati-444 606.
23	Parbhani	
24	Amravati	
25	Akola	

By order and in the name of Governor of Maharashtra,




(Sanjay Saoji)

Under Secretary to Government

APPENDIX - B

DRAFT REGULATIONS FOR GRANT OF TRANSFERABLE DEVELOPMENT RIGHTS

Accompaniment to the Government in Urban Development Department Notice bearing No. TPS -1813/3067/CR-492/MCORP/13/UD-13, dated 30/04/2015.

1.0) Transferable Development Rights and its applicability -

In certain circumstances, the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR). These Rights may be made available when the Authority actually intends to acquire the land for development of reservations under Section 126(1) (b) of the Maharashtra Regional and Town Planning Act, 1966. The development rights may also be available to the owner for constructed amenity handed over to the authority, subject to regulations prescribed herein under;

1.1) The owner or lessee of a plot of land which is reserved and which is to be acquired by the planning authority for a public purpose or road construction or road widening as proposed in the Draft or Sanctioned Development plan and for additional amenities which are deemed to be reservations provided in accordance with these regulations, shall be eligible for the award of Transferable Development Rights (TDR) in the form of Floor Space Index (FSI) to the extent as mentioned in regulation 2.1.1 against the surrender of land free of cost and free from all encumbrances. Such award shall entitle the owner of the land to FSI in the form of Development Rights Certificate (DRC) which he may use himself or transfer to any other person.

However in case of lessee, the award of TDR shall be subject to lessee paying the lessor or depositing with the Planning Authority/ Development Authority or Appropriate Authority, as the case may be, for payment to the lessor, an amount equivalent to the value of the lessors' interest to be determined by any of the said authorities concerned on the basis of Land Acquisition Act, 1894/the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the area of land surrendered free of cost and free from all encumbrances .

1.2) Development Rights (DRs) will be granted to an owner or lessee, only for reserved lands which are retainable under the Urban Land (Ceiling and Regulations) Act, 1976 and in respect of all other reserved lands to which provisions of aforesaid Act do not apply, and on production of a certificate to this effect from the Competent Authority under that Act before a Development Right is granted. In case of non-retainable land, the grant of Development Rights shall be to such extent and subject to such conditions as the Government may specify. Provisions of these regulations shall be subject to the orders issued by the Government from time to time in this regard.

1.3) Notwithstanding anything contained in these regulations Transferable Development Rights shall not be applicable...,

i) For retrospective development for which compensation has been already paid by any means.

ii) Where award of land has been declared under the Land Acquisition Act, 1894 or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement



Act, 2013 wherever applicable prior to publication of these regulations.

iii) Where layout is already sanctioned and possession of development plan road is taken by the planning authority prior to publication of these regulations;

iv) If development plan road is part and parcel of the layout / scheme for which net plot area is considered. If not then no TDR shall be permissible for the width of road that would be necessary according to length as per these regulations;

v) For An existing user or retention user or any required compulsory open space or recreational open space .

vi) For any designation, allocation of the zone which is not subject to acquisition.

Note-However for a plot/land reserved for any public purpose in Coastal Regulation Zone and for Bio-Diversity Park reservation if any, the decision taken by Government in future shall be applicable.

2.0) Generation of the TDR

2.1) Against surrender of land under reservation:-

2.1.1) The TDR shall be in the form of FSI which shall entitle the owner for construction of built-up area subject to provisions in these regulations. This FSI credit shall be issued in a certificate which shall be called as Development Right Certificate. For Surrender of the gross area of the reserved plot, the owner shall be entitled for TDR irrespective of user zone in congested / non-congested area from where it is originated / generated at the rate as given below.

Area	Entitlement for TDR	
Non-congested Area	200 % of the basic FSI	Maximum FSI 2.00
Congested Area	200 % of the basic FSI	Maximum FSI 2.50

Provided that leveling of the surrendered land and construction of the compound wall to the such land as the case may be shall not be insisted where it is not permissible according to the prevailing Development Control Regulations of the respective Municipal Corporations or as per the site conditions as may be decided by Municipal Commissioner, then in such cases the owner / lessee shall be entitled for TDR at the rate as given below:-

Area	Entitlement for TDR	
Non-congested Area	185 % of the basic FSI	Maximum FSI 1.85
Congested Area	185 % of the basic FSI	Maximum FSI 2.20

These regulation shall not be applicable for TDR generated from construction of amenity or construction of reservation/roads, Slum TDR, and Heritage TDR.



2.1.2) DRC shall be issued only after the reserved land is surrendered to the Municipal Corporation, free of cost and free of encumbrances and after leveling the land to the surrounding ground level and after constructing a 1.5 m. high compound wall with a gate, at the cost of the owner and to the satisfaction of the Municipal Commissioner subject to the exigency explained in 2.1.1 above. The cost of any transaction involved shall be borne by the owner or lessee.

2.1.3) Development Rights Certificate (DRC) will be issued by Municipal Commissioner who shall endorse thereon in writing in figures and in words, the FSI credit in square meters of the built-up area to which the owner or lessee of the said reserved plot is entitled, the place from where it is generated and the rate of that plot mentioned in the annual statement of rates issued by the registration department for the concerned year. A DRC will be issued only on the satisfactory compliance of the conditions prescribed in these Regulations.

2.1.4) A DRC shall be issued by the Municipal Commissioner himself as a certificate printed on bond paper in appropriate form prescribed by him. Such a certificate will be a transferable negotiable instrument after the authentication by the Municipal Commissioner. The Municipal Commissioner shall maintain a register in a form considered appropriate by him of all transactions, etc. relating to grant of utilization of DRs

2.1.5) If any contiguous land of the same owner/developer in addition to the land under reservation for which TDR is granted remains unbuildable, the Municipal Commissioner may grant TDR for such remaining unbuildable land also. If the remaining unbuildable land is from the proposed roads then such land shall be utilised for road side parking, garden, open space or road side amenities and if the remaining unbuildable land is from the proposed reservation then same shall be included in the said reservation and shall be developed for the same purpose.

2.2) Construction Amenity TDR

TDR Against construction and handing over built-up area of amenity to planning authority shall be granted as per the following norms.

2.2.1) When an owner or lessee with prior approval of Municipal Commissioner, also develops or constructs the amenity on the surrendered plot at his cost subject to such stipulations as may be prescribed and to the satisfaction of the Municipal Commissioner and hands over the said developed/constructed amenity free of cost to the Municipal Commissioner then he may be granted a further DR in the form of FSI as per the following formula:-

Construction Amenity TDR in sq.m. = A * 1.25/B

Where,

A= cost of construction of amenity in rupees as per the rates of construction mentioned in Annual Statement of Rates published by the Registration Department or as per the District Schedule of rates prepared by the Public Works Department annually whichever is acceptable by land owner.

B = land rate per sq.m. as per the Annual Statement of Rates published by the Registration Department.



For the purpose of calculation of construction amenity TDR, the rate of construction and rate of land per sq mt mentioned as above shall be of the year in which construction of amenity is commenced.

3.0) Utilisation of TDR:-

3.1) A holder of DRC who desires to use FSI Credit Certificate therein on a particular plot of land shall attach to his application for development permission, valid DRCs to the extent required.

3.2) With an application for development permission, where an owner seeks utilisation of DRs, he shall submit the DRC to the Municipal Commissioner who shall endorse thereon in writing in figures and words, the quantum of the DRC proposed to be utilised, before granting development permission, and when the development is complete, he shall endorse on the DRC in writing in figures and words the quantum of DRs actually used and the balance remaining thereafter, if any, before issue of Occupation Certificate.

If a holder of DRC intends to transfer it to any other person, he will submit the DRC to the Municipal Commissioner with an appropriate application for an endorsement of the new holder's name, i.e., transferee, on the said Certificate, without such an endorsement, the transfer shall not be valid and the Certificate will be available for use only by the earlier/original holder.

3.3) The TDR generated from any land use zone shall be **utilised** on any receiving plot irrespective of the land use zone. The **utilisation** of TDR on receiving plot shall be as per formula given below:-

Formula: $X = (R_g / R_r) \times Y$

Where, X = Utilisation of DR in sqm on receiving plot

R_g = Rate in Rs. per sq.m. as per ASR of generating plots in generating year

R_r = Rate in Rs. per sq.m. as per ASR of receiving plot in generating year

Y = TDR debited from DRC in sq.m.

3.4) DRCs may be used /utilised in the following manner:-

- i) DRCs may be used on one or more plots or land,
- ii) DRCs may be used on plots/land having Development Plan reservations of buildable nature whether vacant or already developed for the same purpose,
- iii) DRCs may be used on plots/land available with the owner after surrendering the required land to the Planning Authority under Accommodation reservation principle and also in case of composite building.
- iv) DRCs may be used on balance plots/land available after surrendering the area under reservation to the Planning Authority.



Utilisation of TDR as mention in sr no (i) to (iv) above shall be subject to the road width as prescribed below:-

Sr. No.	Plots Fronting on Road width	Basic/ normal FSI	Maximum Permissible Utilisation of TDR on Balance Plot Area	Total maximum limit of building potential in terms of FSI
1	2	3	4	5
1	Above 9 mt and up to 12 mt	1.00	0.50	1.50
2	Above 12 mt and up to 18 mt	1.00	0.75	1.75
3	Above 18 mt and up to 24 mt	1.00	1.00	2.00
4	Above 24 mt and up to 30 mt	1.00	1.25	2.25
5	More than 30 mt	1.00	1.50	2.50

(Note:- Column No 4 includes utilisation of TDR generated from Slum Rehabilitation Schemes and heritage buildings wherever applicable as per the respective regulations).

Provided that the additional FSI permissible in certain categories of buildings such as, Educational building, Registered Charitable Institutional/ Medical / Hospital Building, Star Category Hotel, Religious Building etc. as per prevailing Development Control Regulations, if any, can be availed either by full or part utilization of TDR or full or part utilization of additional FSI at the option of owner. However, the restriction of road width mentioned as above shall not be applicable when the owner exercises his option of availing utilization of additional FSI and in such cases limitation of maximum building potential as mentioned in column no 5 also shall not be applicable.

Provided also that the restrictions of road width mentioned above shall not be applicable in cases where, the permissible FSI is more than the basic FSI in various schemes such as, Slum Rehabilitation Scheme, Redevelopment of cess buildings, redevelopment of dangerous buildings, Urban Renewal Scheme, Redevelopment of MHADA building etc.

Provided further that the permissibility of loading TDR restricted by the prevailing regulations in certain specific cases if any shall continue to be in force.

Notwithstanding anything contained in any regulations, for utilisation of TDR, **balance plot area** after deducting the area of reservation, if any, shall be considered..



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3.5) DRC shall not be valid for use on receivable plots in the areas listed below:-

- a) Agricultural / no development /Green zone and Bio Diversity Park reservation in the Development Plan.
- b) Area within the flood control line i.e. blue line (prohibitive zone) as specified by Irrigation Department.
- c) Coastal regulation zone.
- d) where the permissible basic FSI is less than 1.00.

4.0) Vesting of land

4.1) The surrendered reserved land for which a DRC is to be issued shall absolutely vest in the Municipal Corporation or the State Government / Appropriate Authority free from all encumbrances .Such land shall be transferred in the City Survey Records / Revenue Records in the name of the Municipal Corporation or the State Government / Appropriate Authority as the case may be, and shall vest absolutely in the said Authority.

4.2) Whenever the Appropriate Authority (other than the State Government Department) approaches to the concerned Municipal Corporations for handing over the land reserved for it in the Development Plan ,then the Municipal Commissioner shall grant TDR to the concerned land owner and take possession of such land subject to condition that the concerned Appropriate Authority (other than the State Government Department) shall have to deposit cost of land as per the prevailing rates mentioned in the Annual Statement of Rates published by the Registration Department with the Municipal Corporation. Out of which 75% amount shall be deposited before taking possession of the area under reservation by Municipal Corporation and remaining 25% amount shall be deposited with the Municipal Corporation before handing over possession of such sites by Municipal Corporation to the said Appropriate Authority.

4.3) In case of land reserved for State Government, State Government Departments, Public Undertaking of State Government, an amount 25% of the value of land as per prevailing rates mentioned in ASR published by Registration Department shall have to be paid with the Municipal Corporation. Out of which 15% of the value of land as per the prevailing rates mentioned in ASR shall be deposited by such Appropriate Authority with the Municipal Corporation before initialising proceedings for grant of TDR & remaining 10% amount shall be deposited by such Appropriate Authority with Municipal Corporation before handing over possession of such site by Municipal Corporation to such Appropriate Authority.

Provided that the acquisition of land under reservations for Appropriate Authority other than Municipal Corporation, under the above provision, shall be initiated only after the receipt specific request from the Appropriate Authority to the Municipal Corporation.

4.4) The development on such sites vested in the Appropriate Authority shall preferably be taken in hand immediately by the respective Planning / Appropriate Authority.



5.0) Phase Programme

The Municipal Commissioner shall draw up in advance and make public from time to time a phased annual programme for generation / grant of TDR in the form of DRCs prioritising Development Plan reservations as mention below:-

- i) The reservations for which the notice under section 49 and 127 has been served on the appropriate authority.
- ii) Acquisition and construction of proposed roads/road widening in the Development Plan.
- iii) For the reserved sites which are not covered under the Accommodation Reservation Policy.
- iv) Other remaining reservations from developable/non-developable zone.


Provided that in urgent cases the Municipal Commissioner may for reasons to be recorded in writing, grant DRCs as and when considered appropriate and necessary without considering the above phased annual programme.

6.00) Effect of the Regulation:-

- a) Provision of these regulations shall not be applicable where TDR has been generated prior to publication of these regulations under the Maharashtra Regional and Town Planning Act, 1966 . Utilization of such TDR shall be allowed as per the then prevailing regulations.
- b) Notwithstanding anything mentioned in these Regulations Special Provisions mentioned in the existing Transferable Development Rights regulations of the respective Planning Authority which are not covered under these regulations shall continue to prevail unless otherwise specified.
- c) These Regulations shall come into effect only after the final sanction of the Government.

By order and in the name of Governor of Maharashtra.




(Sanjay Saoji)

Under Secretary to Government

APPENDIX AR

ACCOMMODATION RESERVATION

MANNER OF DEVELOPMENT OF RESERVED / DESIGNATED SITES IN DEVELOPMENT PLAN (ACCOMMODATION RESERVATION PRINCIPLE)

Accompaniment to the Government in Urban Development Department
Notice bearing No. TPS -1813/3067/CR-492/MCORP/13/UD-13,
dated 30/04/2015.

The use of land situated within the Municipal limit which has been designated or reserved for certain purpose in the Development Plan shall be regulated in regard to type and manner of development / redevelopment according to following Table. When owner is allowed to develop the designation / reservation, he should have exclusive ownership/ title of the land without any restriction under ULC or any other Act or regulation in force.

Sr. No.	Designation shown in the Development Plan	Acquiring Authority	Principle For Development through Accommodation Reservation
1	2	3	4
1	Open reservations like Garden, Play Ground, Open Space, Recreation Ground Park etc.	Planning Authority/ Appropriate Authority/ Owner	<p>Planning Authority / Appropriate Authority may acquire the land and develop the same for the purpose. The ancillary users like indoor games, multipurpose hall, public toilet, gymnasium, canteen, sport shop shall be allowed at one corner of the reservation subject to condition that maximum built-up area for such user shall be 15%, out of which maximum 10% shall be allowed on ground floor.</p> <p>OR</p> <p>The Commissioner/Chief Officer may allow the owner to develop the reservation on 75 % of the land and remaining 25 % land may be allowed to be developed as per adjoining use subject to following terms /conditions:-</p> <p>i) Maximum permissible FSI on remaining 25% land shall be maximum 2.00.</p> <p>ii) The Planning Authority shall grant TDR of the total area of land under reservation to the owner after</p>



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			deducting in-situ FSI utilized on 25% land as mentioned in (i). iii) No part reservation shall allowed to be developed.
2	Cremation Ground, Burial Ground, Slaughter House, Sewerage Treatment Plant, Water Treatment Plant, Water Tank etc.	Planning Authority/ Appropriate Authority	2 to 6) - The Planning Authority/ Appropriate Authority may acquire the land and develop the reservation for the same purpose.
3	Proposed Development Plan Roads/Road widening	Planning Authority/ Appropriate Authority	
4	Weekly Market, Open Market, Hawkers Market etc.	Planning Authority/ Appropriate Authority	
5	Swimming Tank/ Swimming Pool	Planning Authority/ Appropriate Authority	
6	Bus Stand, Bus Depot etc.	Planning Authority/ Appropriate Authority	
7	a) Primary School	Planning Authority/ Appropriate Authority/ Land Owner	
	b) High School	Planning Authority/ Appropriate Authority/ Land Owner	
	c) College	Planning Authority/ Appropriate Authority/ Land Owner	



		or may be allowed to develop by the Registered Public Educational Institution subject to terms /conditions as may be prescribed by the Planning Authority.
d) Educational Complex	Planning Authority/ Appropriate Authority/ Land Owner	<p>The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose</p> <p>OR</p> <p>The Planning Authority/ Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Bombay Provincial Municipal Corporations Act, 1949 to the Registered Public Educational Institution for developing and running the same.</p> <p>OR</p> <p>The owner may be allowed to develop the reservation for the same purpose or may be allowed to develop by the Registered Public Educational Institution subject to terms /conditions as may be prescribed by the Planning Authority. If the area of the reservation is more than 3.00 Hect. then the owner may be permitted to develop the reservation subject to handing over to the Planning Authority 50% land area along with 50 % construction of the amenity free of cost, constructed according to norms prescribed by the Municipal Commissioner. The owner will be entitled to have full permissible F.S.I. on the remaining area of the plot for other permissible users in adjoining zone without taking into account the area utilised for construction of reservation.</p>



8	Parking	Planning Authority/ Appropriate Authority/ Land Owner	<p>i) The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose.</p> <p>ii) The Planning Authority/ Appropriate Authority after acquiring the land or after acquiring or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Bombay Provincial Municipal Corporations Act, 1949 to the Registered Public Institution for developing and running the same.</p> <p>OR</p> <p>The Owner may be allowed to develop parking space according to the designs, specifications and conditions prescribed by the Municipal Commissioner subject to handing over of constructed parking area equal to reservation area, to Planning Authority free of cost subject to condition that,</p> <p>i) The operation and the maintenance of the facility will be decided by Municipal Commissioner.</p> <p>ii) Parking spaces may be in basement or on stilts or on first floor with separate entry & exit.</p> <p>After handing over the above said parking area to the Planning Authority, the owner will be entitled to construct full permissible F.S.I. of the plot for other permissible user in that zone, without taking into account the area handed over to the Planning Authority.</p>
9	Town Hall, drama Theatre, Auditorium etc.	Planning Authority/ Appropriate Authority/ Land Owner	<p>i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose.</p> <p>ii) The Planning Authority / Appropriate Authority after acquiring</p>



			<p>the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Bombay Provincial Municipal Corporations Act, 1949 to the Registered Public Institution to develop and running the same.</p> <p>OR</p> <p>The owner may be permitted to develop the reservation subject to handing over to the Planning Authority 50% land area along with 50% construction of the amenity / reservation of the total built-up area free of cost constructed according to norms prescribed by the Municipal Commissioner. Then the owner will be entitled to have full permissible F.S.I. on the remaining area of the plot for other permissible users in adjoining zone without taking into account the area handed over to the Planning Authority.</p>
10	Public Housing EWS/LIG Housing High Density Housing	Planning Authority/ Appropriate Authority/ Land Owner	<p>Planning Authority / Appropriate Authority may acquire the reserved land and develop for the same purpose.</p> <p>OR</p> <p>The Municipal Commissioner may allow the owner to develop the reservation, subject to handing over of 50% land alongwith constructed tenements of 25 sq.mt. carpet area to the Planning Authority free of cost. The owner shall thereafter be entitled to develop remaining plot as per the adjoining use with permissible FSI of entire plot on remaining plot without taking into account the area handed over to the Planning Authority.</p> <p>The Planning Authority / Appropriate Authority shall allot such tenement on priority to the persons dispossessed by implementation of Development Plan.</p>



11	Reservations of composite nature like Vegetable Market & Shopping Centre, Town Hall & Library, etc.	Planning Authority/ Appropriate Authority/ Land Owner	i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose. OR ii) For the reservation of composite nature, area of each user shall be considered equal i.e. 50-50% and such area shall be allowed to be developed as per the guidelines applicable for such reservation as mentioned in these regulations.
12	Reservations which are not included in these regulations but are compatible to other similar type of reservation.	Planning Authority/ Appropriate Authority/ Land Owner	The development permissions for such type of user shall be granted by the Municipal Commissioner in consultation with the Director of Town Planning, Maharashtra State, Pune, subject to verification of compatibility of both the users and allowed to be developed as per the guidelines applicable for such reservation as mentioned in these regulations.
13	Reservations for the Appropriate Authority other than Municipal Corporation	Planning Authority/ Appropriate Authority/ Land Owner	i) Wherever the reservation is to be developed by the Appropriate Authority other than Municipal Corporation, No Objection Certificate from the Appropriate Authority shall be obtained before granting development permission. ii) The concerned Appropriate Authority (other than the State Government Department) shall deposit cost of construction for the built-up area to be handed over to it, as per Annual Statement of Rates with the Planning Authority. However, the Municipal Commissioner shall handover such constructed area to the State Government / concerned State Government Department free of cost.
14	For other buildable reservations shown in Development Plan which are not covered above.	Planning Authority/ Appropriate Authority	i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose.



			<p>OR</p> <p>ii) Other reservations which are not covered above shall be allowed to be developed by the owner subject to handing over to the Planning Authority 50% independent plot along with 50% constructed amenity free of cost constructed as per norms prescribed by Municipal Corporation. Then the owner will be entitled to have full permissible F.S.I. on the land on remaining area of the land for other permissible users in adjoining zone without taking into account the area handed over to the Planning Authority.</p>
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General conditions to allow development under above regulations:-

- i) If the area of reservation is not adequate to construct independent building as mention above OR When it is not possible to handover individual plot along with public amenity, then in such cases Municipal Commissioner may allow composite building on said land subject to condition that the built up area mentioned as above may be allowed to be handed over to the Planning Authority or Appropriate Authority, as the case may be, preferably on ground floor. If ground floor is utilised for parking, then on stilt/first floor with separate entry & exist from public street.
- ii) If the number of owners is more than one, then the owner/s may come forward jointly or the owners holding atleast 50% or more area shall be allowed to develop the reservation. It is mandatory for other owners to construct amenity contiguous to the earlier development.
- iii) The owner/developer shall be entitled for construction amenity TDR as per the TDR regulations after handing over the construction amenity free of cost.
- iv) It shall be obligatory on Planning Authority to make registered agreement with the developer /owner before granting the development permission subject to terms and conditions as it deem fit. Occupancy Certificate shall be issued only after compliance of all terms & conditions and getting possession of the constructed amenity free of cost. The constructed amenity shall be made available to general public for the same public purpose within three months from the possession.
- v) Planning Authority shall prepare phase programme for development of various reservations.

By order and in the name of Governor of Maharashtra,



(Sanjay Saoji)

Under Secretary to Government

