

Status Note on ULC Lands After the Repeal Act, 1999

The Urban Land (Ceiling & Regulations) Repeal Act, 1999 has been adopted by the State of Maharashtra on 29.11.2007 (**Annexure-1**). The vesting of vacant land under sub-section (3) and (5) of Section 10 of the Principal Act, possession of the land which has been taken over by the State Government, the validity of order granting exemption under sub-section (1) of Section 20 of the Principal Act or any actions taken there under are saved by virtue of Section 3(1) of the Repeal Act, 1999.

In view of the Repeal Act, 1999 Writ Petition No.9872/2010 along with other petitions came to be filed before Hon'ble High Court, Bombay, challenging the validity of Section 20 exemption order under the provisions of Repeal Act. All these Writ Petitions were heard by full bench of Hon'ble High Court and by its order dated 23/09/2014, the Court directed that, exemption holders of Section 20 are to abide by the terms and conditions in exemption order.

In turn, Maharashtra Chamber of Housing Industries (MCHI) and others have filed seven Special Leave Petition bearing no.29006/2014 before Hon'ble Supreme Court. In this behalf, the Additional Collector and Competent Authority, Thane has filed affidavit on 15.04.2015 with prior approval of the State Government. The affidavit submitted before the Hon'ble Supreme Court states that the Scheme Holder ought to complete the Schemes in accordance with all the terms and conditions of exemption orders.

All the other SLPs before Hon'ble Supreme Court are now tagged with SLP No.29006/2014 and the Hon'ble Court by its order dated 10/11/2014 directed the respondent "not to take Coercive steps" against exemption holders. (**Annexure-2**)

Later on Maharashtra Chamber of Housing Industries has filed Interim Application No.4/2015 before Hon'ble Supreme Court (**Annexure-3**) with prayer to direct the State Government to consider the Composite Scheme suggested by them vide their applications dated 15/04/2015 and 21/11/2015 submitted to the State Govt. The Applicant also prayed for early hearing of the matter and stated that if the State Govt. is ready to formulate a Composite Scheme, they are ready to withdraw SLP. The said Interim Application came to be dismissed by Hon'ble Supreme Court on 29.01.2016. (**Annexure-4**)

02. Appointment of Committee for ULC:-

In view of Hon'ble High Court's decision and Hon'ble Supreme Courts interim order in SLP No. 29006/2014, the implementation of Schemes under section 20 of ULCR Act, 1976 is stuck for various reasons. In order view to resolve this issue, the Government of Maharashtra vide its Government Resolution dated 16.06.2017, has constituted a two member Committee of

Mr.B. N. Shrikrishna, Retd. Judge, Supreme Court and Mr.B. N. Makhija, Retd. Secretary, Government of Maharashtra to suggest appropriate recommendations for proper implementation of Schemes. (Annexure-5)

As per terms of reference mentioned in Government Resolution dated 16.06.2017, the two member committee have to give recommendations for smooth implementation of Housing and Plotting schemes or release of such lands for public housing development. The Committee is also expected to suggest appropriate recommendations regarding Agricultural exempted land, and Industrial exempted land (considering Government policy dated 23.11.2007 for Industrial Purpose). The issue of redevelopment of buildings which have been already completed under section 20 exemption order for Housing purpose, is also before the Committee for appropriate recommendations.

In this respect a public notice had been published in various Marathi and English newspapers on 27.10.2017 to bring the public views on record. (Annexure-6) The committee has received 119 representations in hard or soft copies. The applicants has raised various issued and the issues are categorised in the six different categorises.

03. Categories of applications were received to the Committee:-

Category I :-Re-Development of buildings which are already completed under exemption order.

The Government of Maharashtra repealed the Urban Land Ceiling Act, 1976 vide Government Notification dated 01-12-2007. To avoid illegal construction and transfer of lands exempted under section-20, the State Government decided to take the entries of exemption order on property card and 7/12 of extracts land and issued directions vide letter dtd.26-05-2009 to all Competent Authorities. The verbatim versions of said entries are "The land is Exemption w/s 20 scheme and the transfer of land without previous permissions of the State Government is banned". Due to these entries, the buildings which are constructed as per terms and conditions of Section 20 exemption order and now in dilapidated conditions cannot be redeveloped without prior approval of the State Government. To overcome this situation, applicants requested the committee to suggest recommendations by which redevelopment of such buildings under Section 20 can be done. The names of the person who requested to resolve redevelopment issues of the ULC buildings are given below. (Annexure-7)

Category II. :- Waiver from extension charges & conversion of schemes from Agriculture to Housing or plotting.

The State Government, U/S 20 of Urban Land (Ceiling and Regulation) Act,1976 exempted surplus vacant lands for various purposes such as housing scheme and plotting scheme in the agglomerations like Kolhapur/Pune/Solapur/Nashik etc. The exemption was also granted for Agricultural purposes in some of the agglomeration. In case of Housing Scheme, scheme holder has to complete schemes in stipulated time, failing which such scheme can be completed as per extension policy by paying extension charges. The extension charges policy is framed by Government Resolution dtd.18.2.2015.

Most of the exemption holders completed the schemes. Those failed to implement the schemes in timeframe manner, are now requesting waiver of extension charges. Some of the applicants also requested to convert the existing agriculture exemption scheme into another which is economically more viable scheme viz. Plotting/Housing Scheme. (Annexure-8)

Category III:- Application of Government Resolution dtd.9.6.2016 for Industrial exempted lands.

The State Government vide Government Resolution dtd.9.6.2016 has framed policy regarding the lands acquired by the State Government by following due process under section 10(3), 10(5) of the Principal Act and Exemption order under section 20 for housing purpose came to be issued on the same land. Simultaneously under these circumstances the State Government decided to cancel proceedings under section 10(3), 10(5) and continued the exemption order under section 20 for housing purpose. Now applicants are requesting to apply said Government Resolution for Industrial, Agriculture and for other schemes exempted under section 20. Names of the applicants who requested in this behalf are as given mentioned in Annexure-9.

Category IV :- Delete the entries of State Government from property card and 7/12 of lands exempted under section 20 of principal Act.

When the Principal Act was in force, the surplus vacant land declared under section 8(4) of the principal Act have been acquired as per provisions of the Urban Land (Ceiling and Regulations) Act, 1976. In some cases, it was brought to notice of the State

Government that there are buildings found on the acquired land. Moreover these building have been constructed after obtaining due permission i.e. I.O.D. and Commencement Certificate (C.C.) from the respective local Authorities. Some of the buildings have also obtained Occupation Certificate (O.C.).

Under these circumstances the entries regarding the vesting of the land in the name of Government becomes hurdle in transferring, developing / redeveloping such lands in the name of societies. Therefore various societies have requested to delete the entries on the property card and 7/12 of the land to ease the transfer of such land. The name of applicants requested for this purpose are mentioned in **Annexure-10**.

Category No V :- Applications received from the private institutions engaged in real estate development :

Along with all above CREDAI - MCHI the private institute has given a detailed representation in view of the High Court and Supreme Court Judgment. The suggestions are given bellow:-

- (i) In case of Agricultural lands, since this was out of preview of ULC Act, the same may be freed without any conditions whatsoever.
- (ii) In case of lands which were Surplus Vacant Land (SVL) as on the date of the Repeal Act, and where there is no exemption order, it should be clarified that it is out of the purview of the ULC Act.
- (iii) In case of Residential land schemes, even for those which are fully developed still there is entry in the 7/12 extracts of such lands whereby it is mentioned that no transfer is permitted without prior permission of UDD of the Government, This unfair condition may be removed and such entries be deleted from the 7/12 extract.

For other residential schemes which may have been partially competed till 2007, i.e. till Repeal of ULC Act, the surplus vacant land may be calculated as of 2007 and on such surplus, a one-time settlement (OTS) premium of 10% may be levied. While calculating the surplus vacant land it should be calculated after deducting the area of the reservations if any, compulsory R.G. internal roads, and other open spaces. **(It is hereby mentioned that, CREDAI in their IA filed before Supreme Court requested OTS premium of 20% of Ready Reckoner Rate land valuation may be accepted for release of the Surplus Vacant Land from the purview of Principal Act including the interpretation of Section 3(1)(b) of the Repeal Act in**

all respects. The said OTS Premium to calculated only in respect of SVL to be released.)

- (iv) For industrial lands which were allowed to be retained for the same use and not allowed transfer permissions, the surplus vacant land after authorised construction as of today may be calculated and OTS premium of 15% may be levied on such surplus land.
- (v) Wherever the developers/land owners are undertaking scheme with MHADA and/or an Affordable Housing Scheme as per the Government GR No.TPS-1212/79/C.R.60/12fUD-12 dated 7th August 2014 and/or a MMRDA's Rental Housing Scheme and/or a scheme which has a reservation for Public Housing/ High Density Housing or Housing the Dishoused under the DP/DCR and/or an Accommodation Reservation Policy u/No. TPS-1813/3067/C.R-492/13/MCORP/UD-13 dated 02.05.2016 and/or affordable housing scheme being developed under the definition given under Sec 80IB of income tax act, as per the Finance Act, 2017 then in such a case, OTS Premium need not be called upon to be paid, as the scheme by itself involves handing over of land/flats or both free of cost either to the Govt. of Maharashtra and/or to the local Municipal Corporation and such schemes are deemed to be exempted under the ULC Act and the said SVL will stand released/freed from the purview of the Principal Act including the interpretation of the Section 3(1)(b) of the Repeal Act, and as such the said SVL shall be released/free from the orders and conditions as set out in respective Exemption Orders passed under Section 20(1)of the Principal Act. The land owners/lessees shall not be required to comply with any conditions or Government Resolutions including (i) handing over of 5% built-up area in the form of constructed tenement of stipulated size at fixed costs and remaining 95% built-up area as per the regulated mechanism, (ii) payment of premium to State of Maharashtra for use of Transferable Development Rights, Fungible/ Compensatory Floor Space Index etc. as per the Government Resolution No. NJK 10(2000)/PK118/NJK-1, dated 30th June 2007 and Government Resolution No. NJK 10(2000)/PK118/NJK-1, dated 30th June 2007 and payment of penalty for extension of scheme as per Government Resolution No. Mudat 2014/PK59/NJK-2, dated 18th February 2015, (iii) the State of Maharashtra shall not apply any condition on such released SVL under the garb of implementation of housing policy and (iv) the Government

Resolution dated 22nd August 1986 and its modification Government Resolution dated 16th January 1996.

- (vi) All amounts in the garb of payment of penalty for delay in filing six monthly progress report, premiums for use of TDRs, and/or any charges collected that were taken after 2007 should be refunded.
- (vii) All Public Housing High Density Housing or High Density Housing Scheme – no flats should be insisted to be given to the Government and all flats which are taken after 2007 should be returned.
- (viii) Upon acceptance of the aforesaid OTS Premium by the State of Maharashtra in respect of such SVL, the said SVL will stand released/freed from the purview of the Principal Act including the interpretation of the Section 3(1)(b) of the Repeal Act, and as such the said SVL shall be released/ free from the orders and conditions as set out in respective Exemption Orders passed under Section 20(1) of the Principal Act. The land owners/lessees shall not be required to comply with any conditions or Government Resolutions including (i) handing over of 5% built-up area in the form of constructed tenement of stipulated size at fixed costs and remaining 95% built-up area as per the regulated mechanism, (ii) payment of premium to State of Maharashtra for use of Transferable Development Rights, Fungible/Compensatory Floor Space Index etc. as per the Government Resolution No. NJK 10(2000)/PK118/NJK-1, dated 30th June 2007 and Government Resolution No. NJK 10(2000)/PK118/NJK-1, dated 30th June 2007 and payment of penalty for extension of scheme as per Government Resolution No. Mudat 2014/PK59/NJK-2, dated 18th February 2015, (iii) the State of Maharashtra shall not apply any condition on such released SVL under the garb of implementation of housing policy and (iv) the Government Resolution dated 22nd August 1986 and its modification Government Resolution dated 16th January 1996.

a) Lands which are granted exemption under Section 20 of ULCA and yet acquired by the Competent Authority under Section 20(3) and 10(5) should be reverted back to the original owners by cancelling wrongful proceedings under Section 10(3) and Section 10(5).

b) The above concern has been addressed in the meeting dated 29.07.2015 of the sub-committee before the Hon'ble Chief Minister, Vidhan Bhavan, Mumbai for taking decision incidental to various

points concerned with Urban Land (Ceiling & Regulation) Act, 1976. As per the minutes of the said meeting it has been resolved that :

According to Section 20 of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 the order given for exemption for housing schemes is having protection and therefore the acquisition to that area should be cancelled and the name of Maharashtra Government entered in the record of rights should be deleted.

Further this issue is also partially addressed through GOM's GR dated 09/06/16 (Annexure-2). The said GR in its introductory note confirms that exempted land under section 20 are protected against/action taken under Section 10(3) and Section 109(5).

c) GOM's Minutes of Meeting dated 29.07.2015 and GOM's GR dated 09/06/16 should be made applicable to all lands whether Housing or Industry exempted under Section 20.

Lands which are allegedly acquired by the Competent Authority under Section 10(3) and 10(5) should be reverted back to the original owners by cancelling wrongful proceedings initiated under Section 10(3) and Section 10(5) and wrongful possession taken in contravention of the provision of the Urban Land (Ceiling & Regulations) Act, 1976 and also where the possession is taken after the Repeal act came into force.

We state that no possession can be taken one sided or otherwise without giving the mandatory notice of 30 days as mandated under the Principal Act and without following the due process of law. Anything in contravention of the act is bad and illegal in the eyes of law. The same is confirmed by the Hon'ble High Court in judgement passed in Johnson and Johnson Versus State of Maharashtra and even confirmed by the Hon'ble Supreme Court of India. That the possession of the lands cannot be taken without serving the Notice under 10(5) for mandatory period of 30 days. Any such acquisition done prior to the completion of the statutory period is bad in law.

We state that for those lands where the development had already commenced under the Section 22 of the Principal Act. no transfer fees premium to be levied for the removal of the name of Govt. of Maharashtra from the record of rights erroneously entered considering the same to be under Section 20. Law is clear from the point of view that where the development is carried out under

Section 22 no question of granting the exemption under Section 20 arises and hence any entry wrongly made to that effect is erroneous and needs to be deleted instantly. Further in such cases no levy of any OTS or premium shall be made.

That the ULC (UDD) Mantralaya having regard to the Voltas versus Government of Maharashtra had issued directives dated 12.05.2010 to the Divisional Commissioner, Kokan and the District Collector, Mumbai suburban to implement the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and accordingly delete the name of Govt. of Maharashtra from the record of rights for those land/s whose proceedings have been wrongfully initiated under Sec. 10(3) & 10(5) of principal act and possession have not been taken before 29.11.2007 on taken without consent or one sided.

In view of the aforesaid facts and circumstances, it is humbly requested to consider the above suggestions to resolve the crisis whereby large areas are lying undeveloped due to the prevailing situation which is neither in the interest of the common man due to the obstacle in creation of housing stock nor in the interest of the State Government/Urban Local Bodies who are losing out the revenue which could be generated through development of land parcels for housing and other purposes.

We CREDAI-MCHI hereby request you to suitably advice the Government, in this regard to resolve this vital issue. We humbly request you to also provide us personal hearing and opportunity to explain the matter to you and possible way out to resolve the matter in the interest of the public at large. The names of private institutions engaged in real estate development who submitted applications are mentioned in **Annexure-11**.

Category No. VI – Miscellaneous – Suggestions/Objections/Applications

In addition to above categories there are various representations received with one or more issues similar to above category. (Those names of applicant's representations are attached herewith as **Annexure-12**) Some suggestions from applicants are as follows:-

- i) All lands affected by ULC could be made available for implementation of schemes like Pradhan Mantri Awaas Yojana (PMAY) of the Central Government.
- ii) These lands should be released for development to the developers by charging them higher premium amount at the rate of 35-50% of land

rate, which in turn will also, reduces the tax burden on the citizens. This amount of premium could be used by the revenue department for the welfare of citizens.

- iii) The said buildings may be allowed for redevelopment without insisting N.O.C./ permission under ULC & R Act, 1976, as all the conditions of exemption orders are complied with and the land is not vacant land and now the Act is also repealed, therefore it can be allowed for redevelopment without insisting ULC NOC and without *restrictions*.

04. Views of the Urban Development Department :-

The State Government desires to enhance the Affordable Housing Stock for Lower Income and Middle Income Group. Affordable Housing refers to housing units that are affordable by section of society whose income is below median household income. Essentially these are houses in the EWS or LIG category of a size varying from 30 to 45 Sq.m. To utilize lands exempted Under Section 20 for Affordable housing following are the views of the Urban Development Department.

Category I :- Re-Development of buildings which are already completed under exemption order :-

Under the provisions of Urban Land (Ceiling & Regulations) Act, 1976 the land owner was supposed to file a land returns u/s 6(1) of the Principal Act. The authority competent in this behalf i.e. Collector/Additional Collector of respective Agglomerations, declares the surplus vacant land u/s 8(4) of the Principal Act. Subsequently, such surplus lands were either supposed to be acquired or to be exempted from the provisions of chapter III of the Principal Act to be excused from acquisition u/s 10(3), 10(5) of the Principal Act.

The land exempted under section 20 of the said Act for housing purpose were to be used to construct the tenements under affordable housing by respective exemption holder. In such constructed buildings Co-operative Housing societies have been formed by the tenement purchasers and in some cases, society formations are still pending. Now such society buildings are required to be redeveloped as those buildings are in dilapidated conditions. In view of this, many societies / individual persons have requested the committee to recommend and allow them for redevelopment of building.

In view of the provisions of the Repeal Act, 1999 the State Government, to avoid illegal construction and transfer of land exempted under section 20 Scheme, directed all the Competent Authorities of Urban Agglomeration by circular dated 1/12/2008 to take appropriate

entries of exemption schemes on property cards and 7/12 extracts. Due to this, restrictions were imposed on transfer of exempted land without permission of the State Government. Resultantly, entries in other right column of the 7/12 extract or property card become a hurdle in redevelopment and transfer of tenements of dilapidated buildings.

In the circumstances, the Urban Development Department is of the opinion that once the land exempted under section 20 is utilized for constructions of tenements with full land potential, in accordance with the terms and conditions of the exemption order, and if there is no further net surplus vacant land available in said scheme, then the buildings may be allowed for redevelopment, by charging one time premium at current ASR rates for the 5% of total exempted land in exemption order. If the exemption holder avails this scheme then entries on property card of said land will be deleted.

Category II :- The Lands which are Exempted Under Section 20 :-

In response to the public notice issued, the organization involved in real-estate development like CREDAI, MCHI etc. has also submitted a representation before the committee and expressed their views thoroughly, considering the judgment of Hon'ble High Court in Writ Petition No. 9872/2010 as well as interim order passed in SLP No. 29006/2014 filed before Hon'ble Supreme Court on 10.11.2014. The organisation also represented before State Government and Hon'ble Supreme Court in earlier time.

It is fact that as per the provision of ULCR (Repeal) Act, 1999, the exemption order u/s 20 and land acquired u/s 10(3), 10(5) of the Principal Act are protected. For the land exempted u/s 20 for various purposes viz Industrial, Housing (Plotted and Flatted scheme), Agriculture, etc., exemption holder is bound to comply with those terms/ conditions of exemption orders.

It is a fact that, there are provisions to extend the time limit mentioned in exemption order to complete the scheme by paying charges. The extension charges policy in this behalf has been framed by Govt. as per Government Resolution dtd.18.2.2015. Views of the UDD in this respect are as follows :

A. Housing and Talegaon-Dabhade Plotting Schemes U/S 20:-

At present from 1405 incomplete housing schemes and 1633 T.D. schemes under Section 20, the State Government is expected to get 8808 tenements and 143 Ha. land as a Government share But due to

non-willingness of exemption holders and sub-judice nature of the matter, implementation of Housing and Plotting schemes is badly affected and ultimately land under such schemes remains undeveloped.

In this respect CRIDAI in their IA filed before Hon'ble Supreme Court requested that One Time Premium of 20% Ready Reckoner Rate land valuation may be accepted for release of the Surplus Vacant Land from the purview of Principal Act including the interpretation of Section 3(1)(b) of the Repeal Act in all respects. The said One Time Premium to be calculated only in respect of SVL to be released. On the other hand in the representation submitted before the Committee they have requested to charge a 10% premium on surplus vacant land which is to be calculated as of 2007 and after deducting area under reservations, internal road, RG and other open spaces.

In view of above it is submitted that as requested by CRIDAI it is difficult to calculate net surplus area in each and every case after deducting area under reservations, internal roads, RG and open spaces. Instead of calculating surplus vacant land in each case, it will be appropriate to charge one time premium at the rate of 10% of current ASR in respect of total exempted land in exemption order. The lands exempted for housing purpose may be released with condition that tenements to be constructed on such freehold land should not be of more than 80 sq. m. carpet area.

Resultantly, the State Government will get premium from exempted land and such premium will be used for development of affordable housing through Government Agencies and tenements of less than 80 Sq. m. size will be constructed.

B. Lands exempted for Industrial purpose:-

- I. In nine Agglomerations total 2178 ha. land is exempted U/S 20 of ULCR Act, 1976 for industrial purpose and the restrictions are imposed on the transfer of such land without prior permission of the State Government by Resolution dated 23/11/2007. At present permissions are being granted by State Government for transfer/change of use of such land, by charging current Ready-Reckoner rate for net surplus vacant land as per G.R. dated 23/11/2007.
- II. The area of vacant land is being calculated by deducting area under building and area under various reservations as per Development Plan / Development Control Regulations, and after

charging current Ready-Reckoner Rate for vacant land permissions are granted to transfer and change of use of such lands. Subsequently, after recovery of premium on net surplus area, the remarks i.e., 'Exempted for Industrial purpose and cannot be transferred without prior permission of the State Government' are to be deleted from the other rights column of 7/12 extract of the said land.

III. Most of the lands exempted for Industrial purpose are now under residential zone due to revised / new development plan. Hence, these lands cannot be used for Industrial purpose and remains undeveloped. In view of this, the lands exempted for Industrial propose under section 20 scheme, may be released from the terms and conditions of exemption order charging a premium at the rate of 15% of current ASR in respect of the total exempted land as an one time settlement. It is to be noted that this conversion is also governed by the regular DCR provisions which have a separate premium and other condition for open space, amenity space and compulsion for commercial use.

C. The land exempted for Agricultural purpose:-

The surplus vacant lands are also exempted under section 20 for Agricultural purpose, Livestock, gardening purposes etc. Now most of these lands fall in the residential zone as per Development Plan/Revised Development Plans. Hence, for land exempted for Agricultural purposes, the land may be released from the terms and conditions by charging a premium at the rate of 10% of current ASR in respect of the total exempted land as one time settlement with the condition that tenements to be constructed on such freehold land should not be of more than 80 Sq.m. carpet area.

D. The lands are also exempted for other purposes viz gardens, open to sky, etc. under the Principal Act, 1976. In such cases the land may be released from the terms and conditions, (except if FSI of such land already used up), by charging current Ready-Reckoner rates for the 20% of total exempted land in exemption order. *And if FSI of such land is not used, then premium at the rate of 10% of current ASR will be charged for total exempted area.*

Category III :- Application of Government Resolution dtd.9.6.2016 for Industrial exempted lands.

As per the provisions of the Repeal Act, 1999, the land exempted u/s 20 and the lands which are in possession of State Govt. u/s 10(3),

10(5) are protected. In some cases, the surplus vacant lands exempted u/s 20, are acquired by the State Government under section 10(3), 10(5) of the Principal Act. Considering the legal provision of the Principal Act, either action u/s 10(3), 10(5) or exemption order u/s 20 is possible. Under these circumstances the State Government in its Cabinet Sub Committee meeting dated 10th April, 2017 has decided to apply the provisions of Government Resolution dtd. 9/6/2016 to Industrial, Agricultural and other exempted lands under Section 20 of ULCR Act.

Category IV:- Delete the entries of State Government from property card and 7/12 of lands exempted under section 20 of principal Act.

When the Principal Act, 1976 was in force, the surplus vacant lands were declared under section 8(4) of the Principal Act and such surplus lands have been acquired as per provisions of the Urban Land (Ceiling and Regulations) Act, 1976. In various cases, it is brought to notice of the committee that there are buildings already constructed on the lands prior to acquisition under 10(3) and 10(5). Moreover, some buildings have been constructed after obtaining due permission i.e. I.O.D. and Commencement Certificate (C.C.) from the concerned local authorities i.e. Municipal Corporation / Council. Some of the buildings have also obtained Occupation Certificate (O.C.).

The entries on property card and 7/12 extract regarding the vesting of the land in the name of Government have become a hurdle in conveyance of such lands in the name of societies formed by the bonafide purchasers. Therefore such societies have requested the committee to recommend to delete the entries from the property card and 7/12 of the land to ease the land transfer.

According to the provisions of the Principal Act, it was necessary either to acquire the surplus vacant land or to exempt such vacant lands from provision of acquisition. In view of above, the two fold actions in such cases can be taken:

- I. If the buildings are constructed prior to enactment of ULCR Act, 1976 with valid permissions of concerned planning authority, then such lands could not be treated as vacant lands in the eye of principal Act and action taken under 10(3), 10(5) on such land is bad in law. **Therefore if exemption under Section 20 has not been given then entries of 10(3) 10(5) on such land may be deleted to the extent of land occupied by authorised structures by charging One Time Premium at the rate of 5% of current ASR in respect of total exempted area mentioned in exemption order.**

II.If buildings are constructed after enactment of ULCR Act, 1976 and orders under 10(3) and 10(5) found to be issued and **such land has not been exempted under Section 20** then in such cases the entries of 10(3), 10(5) may be deleted and land may be released from ULC provision by charging a premium at the rate of 5% of current ASR in respect of the total constructed area of building as an one time settlement from the building or land owner. However other legal action will be initiated.

Category V :- Miscellaneous Applications

Some applicants requested / suggested that lands Under Section 20 of Urban Land (Ceiling & Regulations) Act,1976 may be used for Pradhan Mantri Awas Yojana. In this case it is submitted that the Pradhan Mantri Awas Yojana (Urban) Programme launched by Central Government for providing housing for all by 2022 through Public and Private sector partnership. On the other hand the lands under consideration are exempted lands Under Section 20 for Housing, Plotting, Industrial, Agriculture and etc. purposes. Hence, after release of such lands by charging appropriate premium, lands and fund generated through premium will be used for construction of Affordable Housing

The details of the incomplete Section 20 Schemes, Revenue likely to be generated and number of tenements to be constructed is as follows:-

A) Housing Scheme

Sr.No.	Name of Agglomeration	Number of Incomplete Scheme	Area Under Scheme (Sq.Mtr.)	Area as per 10% (Sq.Mtr.)	Average Ready Reckoner Rate Per Sq. Mtr. (Lakh)	Expected Revenue to Government (Crore)
1	Mumbai	131	2082510	208251	0.59	1229
2	Thane	815	3327672	332767.2	0.30	998
3	Ulhasnagar	197	1343499	134349.9	0.19	255
4	Nashik	36	597378	59737.8	0.23	137
5	Pune	43	224477	22447.7	0.32	72
6	Sangli	11	68568	6856.8	0.17	12
7	Solapur	6	3445	344.5	0.13	0.45
8	Kolhapur	138	1167948	116794.8	0.18	210
9	Nagpur	28	612372	61237.2	0.17	104
Total						3017

Talegaon Dabhade Plotting Schemes

Sr.No.	Name of Agglomeration	Number of Incomplete Scheme	Area Under Scheme (Sq.Mtr.)	Area as per 10% Area (Sq.Mtr.)	Average Ready Reckoner Rate Per Sq. Mtr. (Lakh)	Expected Revenue to Government (Crore)
1	Mumbai	Nil	Nil	Nil	0.59	Nil
2	Thane	217	1069869	106986.9	0.30	321
3	Ulhasnagar	Nil	Nil	Nil	0.19	Nil
4	Nashik	232	481800	48180	0.23	111
5	Pune	157	1577200	157720	0.32	505
6	Sangli	42	1835000	183500	0.17	312
7	Solapur	10	74450	7445	0.13	10
8	Kolhapur	233	2355600	235560	0.18	424
9	Nagpur	742	7450000	745000	0.17	1266
Total						2949

B) Industrial Exemption Schemes

Sr.No.	Name of Agglomeration	Area Under the Scheme (Sq.mtr..)	Area as per 15% (Sq.Mtr.)	Average Ready Reckoner Rate Per Sq. Mtr. (Lakh)	Expected Revenue to Government(Crore)
1	Mumbai	1735.155	1156770	0.59	7171
2	Thane	318060	212040	0.30	636
3	Ulhasnagar	4474.65	298310	0.19	567
4	Nashik	25830	17220	0.23	40
5	Pune	476820	317880	0.32	1017
6	Sangli	80655	53770	0.17	91
7	Solapur	45465	30310	0.13	39
8	Kolhapur	28425	18950	0.18	34
9	Nagpur	109245	72830	0.17	124
Total					9719

However, several lands in this category would have been constructed; hence revenue would be already around Rs.5000 Cr.

C) Agriculture Exemption Schemes

Sr.No.	Name of Agglomeration	Area Under the Scheme (Sq.mtr..)	Area as per 20% (Sq.Mtr.)	Average Ready Reckoner Rate Per Sq. Mtr. (Lakh)	Expected Revenue to Government(Crore)
1	Mumbai	Nil	Nil	0.59	Nil
2	Thane	Nil	Nil	0.30	Nil
3	Ulhasnagar	220100	44020	0.12	53
4	Nashik	Nil	Nil	0.23	Nil
5	Pune	2958000	591600	0.14	828
6	Sangli	451300	90260	0.11	99

7	Solapur	422000	84400	0.07	59
8	Kolhapur	22500	4500	0.12	5
9	Nagpur	Nil	Nil	0.13	Nil
Total					1044

	Total Expected Revenue	: 12010 Crore
1.	The Number of tenements to be constructed from revenue received :-	
	Tenement Area - 30 Sq.mtr.	
	Tenement = 326.7 Sq.ft. Carpet Area	: 326.7 X 1.2
		= 392.04 Sq.ft. Constructed Area
		= 400.00 Sq.ft. Approximate Area
	Average Construction Cost Per Sq.ft.	: Rs. 2500/-
	Construction Cost of one Tenement	: 400 X 2500 = Rs. 10,00,000/-
	Average cost of infrastructure per Tenement (15% of Construction)	: Rs. 1,50,000/-
	Total Construction Cost of Tenement	: Rs. 11,50,000/-
	Number of Tenements generated from Revenue received	: 12010 Crore ÷ 0.12 Crore
		= 1,00,083 Tenement

2. From the currently sanctioned schemes, Government of Maharashtra is expected to get 7500 tenements under 5% schemes. These are of 40 m2 area. Extrapolating from this, the total tenements likely to be available in open market with both price and area restriction are approximate 100000, considering these would be a mix of 40 and 80 sq.mtr. tenements if the Section 20 Schemes are completed as per approvals. However, if we provide the one time premium solution, The Government would get substantial revenue and in addition, these 1 lakh small houses will also come in the market, but without the ULC price restriction. These houses will come in the affordable housing segment, because of small size.

In addition, the Government would use the premium amount to construct and make available another 1 Lakh small homes at affordable rates across the State. These rates would be as per the pricing policy of MHADA so that the Government only recovers the cost of land and construction. Thus double the number of tenements would be available, because of the proposed solution.

4. In addition, the lands which are freed up from ULC restriction would also be available for development and would provide more houses, more employment and a boost to the economy.
