

Maharashtra Regional & Town
Planning Act, 1966.

Directive under Section 154 (1)
regarding Development Control
Regulations for Greater Mumbai,
1991.

CM
2014
02

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated 10th February, 2014.

No. TPB 4313/571/CR-133/2013/UD-11

Read :- Order of the Hon'ble Supreme Court of India dated 17th December 2013 in Civil Appeal No.11150/2013 in Special Leave Petition (Civil) No.33402/2012.

ORDER

In its Judgment dated 17th December 2013 in Civil Appeal No.11150/2013 in Special Leave Petition (Civil) NO.33402/2012, the Hon'ble Supreme Court of India has passed the following orders regarding Regulations Nos. 23, 33(7), 38(34), 43(1)(A) of the Development Control Regulations for Greater Mumbai, 1991 :-

"(1) The Minimum recreational space as laid down under Development Control Regulation (DCR)23, cannot be reduced on the basis of DCR 38(34). The recreational space, if any, provided on the podium as per DCR 38(34) shall be in addition to that provided as per DCR 23.

(2) The second proviso to DCR 43(1)(A), concerning fire protection requirements, is held to be bad in law. Even for the reconstruction proposals of plots upto the size of 600 sq. mts, under DCR 33(7), open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side will have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building."

02. In view of the above, the State Government finds it expedient to issue necessary directives under section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 to the Municipal Corporation of Greater Mumbai, Mumbai Metropolitan Region Development Authority and Slum Rehabilitation Authority as under :-

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DIRECTION

1) In clause 34 of Regulation 38, for the words "The recreational space prescribed in D.C. Regulation 23 may be provided either at ground level or an open to sky podium", the following shall be substituted :-

"The Minimum recreational space as laid down under Regulation 23, shall be provided at ground level only. The recreational space, if any, provided on the podium under this Regulation shall be in addition to that provided as per Regulation 23."

2) For the second proviso of clause (1)(A) of Regulation 43, the following shall be substituted :-

" Provided further that even for the proposals of plots upto the size of 600 sq. mts. under DCR 33(7), open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the manoeuvrability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building."

The above directives shall apply to those developments where building plans were not approved, or where the Commencement Certificate (CC) had not been issued on 17th December, 2013 i.e. the date of the aforesaid order passed by Hon'ble Supreme Court. All the authorities concerned shall ensure strict compliance of the aforesaid directives.

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

(Sanjay Banait)

Under Secretary to Government.

To,

The Municipal Commissioner, Municipal Corporation of Greater Mumbai.

Copy to :

- 1) The Principal Secretary to Hon'ble Chief Minister.
- 2) The Personal Assistant to State Minister(Urban Development)
- 3) The Metropolitan Commissioner, MMRDA.
- 4) The Principal Secretary, Housing Deptt., Mantralaya, Mumbai.
- 5) The Vice Chairman and Managing Director, MHADA.
- 6) Chief Executive officer, Maharashtra Industrial Development Corporation.
- 7) Chief Executive officer, Slum Redevelopment Authority.
- 8) The Director of Town Planning, Maharashtra State, Pune.
- 9) The Deputy Director of Town Planning, Gr. Mumbai, Mumbai.
- 10) The Chief Engineer(DP), Municipal Corporation of Greater Mumbai.
- 11) The Desk Officer, UD-29, being requested to publish the said order on Official Website of Maharashtra Government.
- 12) Select File (UD-11)

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(विकास विभाग)