

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६  
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम  
३३(७), परिशिष्ट-IV च्या खंड १०(a) मधील मंजूर फेरबदलाबाबत  
कलम ३७(१अेओ)(सी) खालील सूचना अधिसूचना

## महाराष्ट्र शासन

### नगर विकास विभाग

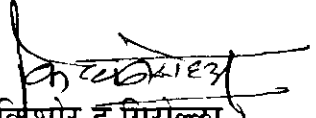
क्रमांक :- टिपीबी ४३१३ / प्र.क्र. ८४ / २०१३ / नवि-११

मंत्रालय, मुंबई : ४०० ३२,

दिनांक - १९ जुलै २०१६.

**शासन निर्णय :** सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

  
( किशोर द. गिरिल्ला )

अवर सचिव, महाराष्ट्र शासन.

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

(१) प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई ४०० ०३२.

(२) आयुक्त, बृहन्मुंबई महानगरपालिका.

(३) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा.

(४) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे

(५) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.

(६) उप संचालक, नगर रचना, बृहन्मुंबई.

(७) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

( त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या २५ प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

(८) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग (त्यांना विनंती करण्यात येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी)

(९) निवड नस्ती (नवि-११)

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

**Sanctined Modification to Clause 10(a) of Appendix-III of Regulation 33(7) of DCR for Gr. Mumbai, 1991 under Section 37(1AA)(c) of the Act.**

**GOVERNMENT OF MAHARASHTRA  
Urban Development Department,  
Mantralaya, Mumabi 400 032.  
Dated : 19<sup>th</sup> July 2016.**

**NOTIFICATION**

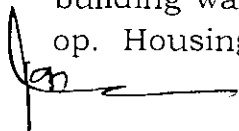
**No. TPB 4313/CR-84/2013/UD-11:**

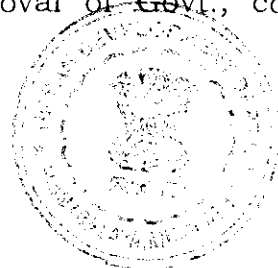
Whereas the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by the Government in the Urban Development Department, under Section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. DCR 1090/RDP/UD-11 dated 20<sup>th</sup> February, 1991 so as to come into force with effect from the 25<sup>th</sup> March, 1991;

And whereas, Regulation 33(7) of the said Regulations deals with reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Municipal Corporation of Greater Mumbai (hereinafter referred to as the "the said Corporation") or of old buildings belonging to the Police Department;

And whereas, the Government in Urban Development Department has issued Notification No. TPB.4308/3224/CR-268/08/A/UD-11 dt.21.5.2011 under Section 37(2) of the Maharashtra Regional & Town Planning Act, 1966 to modify Regulation 33(7) of the said Regulation, whereby the State Government, inter alia, increased the minimum carpet area of the tenements for the occupants /tenants to 27.88 sq.mt. and enhanced the permissible FSI from 2.5 to 3.0 for the redevelopment projects under the said Regulation;

And whereas, Clause 10(a) of Appendix-III of Regulation 33(7) as modified vide the said Notification dated 21/5/2011, allowed conversion of ongoing Redevelopment Projects in such a way that, in case any Redevelopment Project was in progress and if the construction of rehabilitation building was not completed up to plinth level then the Owner/Developer/Co-op. Housing Society, with the prior approval of Govt., could convert the





proposal in accordance with the modified Regulation, only regarding the size of tenements and loading of FSI, in situ;

And whereas, the Hon'ble High Court Mumbai in Writ Petition No. 2457/2011, vide its order dated 20.3.2013, has struck down the words –“if the construction of rehab building is not completed upto plinth level”—in the said amended provision of Clause 10(a) of Appendix III of Regulations 33(7) and the Government in Urban Development Department has issued Order No. TPB 4313/CR-84/2013/UD-11 dated 7<sup>th</sup> October 2013 under Section 154 of the said Act as per the said order of the Hon'ble High Court;

And whereas, the Government in the Urban Development is of the opinion that for proposals of conversion of ongoing redevelopment project, the necessary verification is to be made by Vice President & Chief Executive Officer, Mhada and such powers should be exercised by the Vice President & Chief Executive Officer, Mhada for better administration;

And whereas, after considering the above facts, in the public interest it was necessary to urgently carry out suitable modification to the Clause 10(a) of Appendix-III of Regulation 33(7), the State Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice of even No. dated 19<sup>th</sup> May 2015 for inviting suggestions/objections from the general public with regard to the modification in respect of Clause 10(a) of Appendix-III of Regulation 33(7) (hereinafter referred to as “the proposed modification”), proposed in the Schedule appended to the said Notice there to and appointed the Deputy Director of Town Planning, Greater Mumbai as the Officer (hereinafter referred to as “the said Officer”) to submit a Report on the suggestions/objections received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the Municipal Corporation of Greater Mumbai;

And whereas, the said Notice dated 19<sup>th</sup> May 2015 was published in the Maharashtra Government Gazette dated 4- 0<sup>th</sup> June 2015 (hereinafter referred to as “the Official Gazette”) and the said Officer has submitted his Report vide letter dt. 23.10.2015 through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

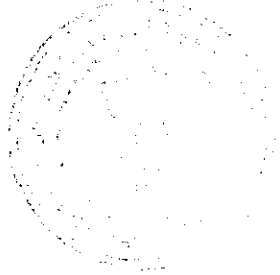
And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with some changes;

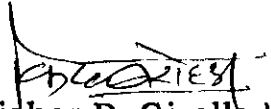
Now, therefore, in exercise of the powers conferred upon it under Section 37(1AA)(c) of the said Act, the Government hereby:-

- A) Sanctions the proposed modification as described more specifically in the Schedule appended hereto.
- B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.
- C) Directs the Municipal Corporation of Greater Mumbai that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereunder shall be added.

This Notification shall also be available on the Govt. of Maharashtra website : [www.maharashtra.gov.in](http://www.maharashtra.gov.in)

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



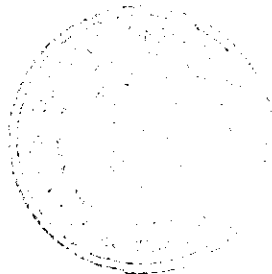
  
(Kishor D. Girolla )


**Under Secretary to Government**

**SCHEDULE**

( Accompaniment to Notification No. TPB 4313 / CR-84 / 2013 / UD-11, dated 19<sup>th</sup> July 2016)

| <b>Existing Provision</b><br>(As per order vide dt. 7.10.2013 under Section 154 of the Maharashtra Regional and Town Planning Act, 1966 )  | <b>Sanctioned Provision</b>  |
|--|--|
| <p><b><u>Clause 10(a) of Appendix-III of Regulation 33(7)</u></b><br/>In the case of redevelopment scheme in progress and such schemes where LOI has been issued, the Owner/Developer/Co-op. Housing Society with the prior approval of Govt. may convert the proposal in accordance with modified regulations, only regarding size of tenements and loading of FSI, in situ. However, such conversion is optional and shall not be binding.</p> | <p><b><u>Clause 10(a) of Appendix-III of Regulation 33(7).</u></b><br/>In the case of redevelopment scheme in progress and such schemes where LOI has been issued, the Owner/Developer/Co-op. Housing Society may convert the proposal with the approval of Vice President &amp; Chief Executive Officer, Maharashtra Housing and Area Development Authority, in accordance with modified regulations, only regarding size of tenements and loading of FSI, in situ. However, such conversion is optional and not be binding and further subject to ascertaining and due verification of redevelopment scheme in progress by Vice President &amp; Chief Executive Officer, Maharashtra Housing and Area Development Authority.<br/>Provided that in case of buildings of corporation, the conversion is allowed with approval of Municipal Commissioner subject to ascertaining and due verification of redevelopment scheme by him.</p> |



  
(Kishor D. Girolla)

**Under Secretary to Government**