

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

Proposed modification to incorporate provision in Development Control Regulations of Greater Mumbai in respect of Risk based building permission procedure under Section 37(1AA) of the Act

GOVERNMENT OF MAHARASHTRA

Urban Development Department,

Mantralaya, Mumbai 400 032.

Dated :- 22nd March, 2017.

NOTICE

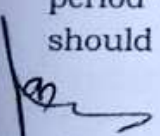
No. TPB 4317/109 /CR-14/2017/UD-11 :-

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 the 20th February, 1991 so as to come into force with effect from the 25th March, 1991;

And whereas, in order to improve the India's rank at world level, the Department of Industrial Promotion & Policy (DIPP), GOI & World Bank are insisting for introducing the 'Risk Based Building Proposal approval process for granting the Construction permit for ease of Doing Business in Real Estate Sector ;

And whereas, the Municipal Commissioner vide letter dated 23rd January 2017 has requested for inclusion of new provision in respect of Risk based building permission approval procedure in the said Regulations and also proposed to authorize the Architect/ License Surveyor to grant the building approval in certain cases based on risks on account of different parameters ;

And whereas, the Government in the Urban Development Department is of opinion that to reduce number of procedure and time period in building permission procedure, the Architect/ License Surveyor should be empowered to grant provisional approval;



And whereas, Government in the Urban Development Department vide order of even No. dated 2nd March 2017, has issued directives under Section 154 of the said Act that, a new provisions in respect of Risk based building permission procedure, which has been submitted by the Municipal Commissioner vide letter dated 23rd January 2017 shall come into force forthwith from the date of order ;

And whereas, the Government also felt in the public interest that it is necessary to urgently carry out suitable modification to the said Regulation in this regard, as specifically described in the Schedule appended hereto (hereinafter referred to as "the proposed modification");

Now therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act, and all other powers enabling it in this behalf, the Government hereby publishes a Notice for inviting suggestions and objections from any person with respect to proposed modification, as required by clause (a) of sub-section (1AA) of the Section 37 of the said Act, within a period of one month from the date of publication of this Notice in the Maharashtra Government Gazette.

Any objections/ suggestions in respect of the proposed modification may be forwarded before the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of Section 37 of the said Act and pending sanction to the proposed modifications under clause (c) of Section 37(1AA) of the said Act by the Government, the directives issued under 154 of the said Act, vide order dated 2nd March 2017, shall remain in force.

This Notice shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in

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


(K.D.Girotra)

Under Secretary to Government.

A new Regulation is proposed to be inserted as follows:-

Risk based building permission procedure

ANNEXURE- I

Approvals of Building / structure, based on Risk Based categorization for Fast Tracking Approval.

1. LOW RISK BASED APPROVAL :- Risk Based Building proposal approval for proposed Residential, commercial, industrial buildings/structures on vacant land, as per risk based classification matrix given in Table – A, below:-

TABLE- A

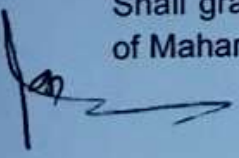
Sr. No.	Parameters/ Category.	Low Risk	Moderate Risk
1	Plot status	Vacant	Vacant
2	Type of structure/building	Ground storied	Ground& one(1) storied
3	Height of proposed Building/Structure -mts.		
a	Residential	2.75 mts. To 3.90 mts.(Single Building)	Above 3.90 mts and up to 7.80 mts.(Single building)
b	Commercial, Non-residential	3.00 mts. to 3.90 mts.(Single Building)	Above 3.90 mts and up to 7.80 mts.(Single building)
c	Industrial	3.60 mts.to 4.20 mts.(Single Building)	Above 4.20 mts and up to 8.40 mts.(Single building)
4	Total Built Up Area(Counted in FSI)	Up to 500.00 sqmt.	More than 500.00sqmt up to 1000.00 sqmt.
5	Front open spaces	4.50 mts	4.50 mts.
6	Side open spaces	1/3 rd of building height, with minimum of 3.60 mts for residential building, 4.50 mts for commercial building. The minimum open space shall be 4.50 mts & 6.00 mts in city and	1/3 rd of building height, with minimum of 3.60 mts for residential building, 4.50 mts for commercial building. The minimum open space shall be 4.50 mts & 6.00 mts in city and elsewhere, respectively.

		elsewhere respectively.	
7	Basement.	Without Basement. No podium	Without Basement. No podium
8	Parking adequacy	Adequate.	Adequate.
9	Tree cutting.	Not permitted.	Not permitted
10	Tree replantation.	Not permitted	Not permitted
11	Reservations on plot.	Shall not be under any reservation	Shall not be under any reservation.
12	Type of structure	RCC. Steel frame structure for Industrial building/structure may be considered	RCC. Steel frame structure for Industrial building/structure may be considered
13	Civil Aviation Height permissibility.	As per CCZM plan.	As per CCZM plan.
14	Heritage Structure / Heritage precinct.	Shall not be Heritage structure or in precinct.	Shall not be Heritage structure or in precinct.
15	Experience Criteria for Architect /L.S. for granting Building Completion Certificate cum Occupation Completion Certificate.	Architect registered with Council of Architect /L.S. registered with MCGM	Architect registered with Council of Architects/L.S. registered with MCGM & have obtained at least 10 Occupation Completion Certificate/ Building Completion Certificate or both
15	Prohibited, restricted, buffer zones/ regulations	Shall not be affected by any buffer zone/Restricted Zones.	
Note : - plans shall be in consonance with provisions of Development Control Regulations.			

2. Procedure

Architect/ License Surveyor (L.S.) (Architect registered with Council of Architecture & License Surveyor registered with MCGM) are empowered to grant provisional approval with conditions to the building proposal plans for Residential building/structure as categorised as **Low Risk & Moderate Risk** in Table –A given above, subject to the following,

- The proposal shall be on vacant plot only and shall not affect by any buffer zone/s such as MMRDA, MRDA, Railways, Defense, CRZ, etc.
- The proposal shall comprised of Notice u/s 337/342 of MMC Act, 1888 & application u/s 44/69 of MR&TP Act, 1966 , in format prescribed by Municipal Commissioner, along with documents, undertakings required for the proposal as per regulation & prepared by Municipal Commissioner, time to time. All the documents shall be signed by the Architect /L.S. confirming with the original documents.(Annexure-I)

- iii. The work shall be supervised by the Architect/L.S. and ensure that the same is carried out as per the approval.
 - iv. Confirmation of ownership of premises / land in the name of applicant.
 - v. The building proposal for the proposed building shall be as per the provisions of Development Control Regulation.
 - vi. The Building proposal approval shall be given directly in the form of Commencement certificate for entire proposed work at once as mentioned in clause xvii
 - vii. Architect/L.S. shall check the plinth of the approved building/structure and submit the certificate to that effect to the commissioner, before starting the super structure work of the building/structure.
 - viii. Architect/L.S. shall issue the provisional approved plans & approval letters with digital signature.
 - ix. The approval of building proposal will be inclusive of all type of approvals, such as, amended plan approval, commencement certificate, Building Completion certificate cum occupation certificate, for proposed building/structure, after completion of work in all respect, as per the criteria specified in Table-A above.
 - x. Architect/L.S. appointed for the proposal shall submit the periodic site progress & inspection report to the MCGM as desired by the Commissioner, time to time.
 - xi. On completion of work Architect/L.S. shall submit the Building completion certificate to the MCGM for the proposed building/structure. Thereafter, Architect/L.S., shall issue the BCC cum Occupation certificate, as required as per the provision of Acts, to the proposed building/structure.
 - xii. Architect/L.S. shall submit site inspection report along with photographs/video clips, at stages, viz :- While submitting the building proposal, after completion of plinth work, first floor level, second floor/terrace floor level and finally at the time of submitting Building completion certificate.
 - xiii. It will be the responsibility of Architect/L.S., site Supervisor & structural Engineer appointed for the proposed development, jointly or severally to ensure that the work is carried out as per the approval only, any deviation required during the construction shall be approved by Architect/L.S. before execution only.
 - xiv. The remarks, completion, design required for the internal infrastructure facilities such as ,Storm water ,drain, Plumbing, Mechanical & electrical facilities, STP, Parking mauverability, etc. within the plot shall be certified by the qualified consultants appointed by the applicant.
 - xv. The proposal shall be essentially process through online building proposal approval system only.
 - xvi. All documents shall be digitally certified by Architect /L.S.
 - xvii. The junior most Officer at ward level, authorized by Municipal Commissioner Shall grant formal approval and commencement certificate under Section 45 of Maharashtra Regional and Town Planning Act, 1966, within 10 days.
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- 18) Digitally signed, Remarks, design, planning, etc. from the respective consultant for the following.
- a. Third party certification parking arrangement and maneuverability.
 - b. Internal SWD.
 - c. Internal Water works and Rain water Harvesting.
 - d. Internal Drainage Works.
 - e. Internal Mechanical & Electrical.
 - f. Structural design & plan showing the structural details for the proposed building.
 - g. Detail Plan & Design for Sewerage Treatment Plant from consultant, wherever required.
 - h. Internal Road.
 - i. Horticulture
 - j. Solid Waste Management Plan.
- 19) Registered comprehensive undertaking/declaration from the developer agreeing to the Terms & Conditions of the approval
- 20) Copies of plan showing Demarcation for Regular /sanctioned/proposed lines and reservations through A.E.(Survey) jointly with DILR.
- 21) Identification proforma with PAN Card of Applicant, all consultants, Architects/L.S.


(Kishor D.Girolla)

Under Secretary to Government.