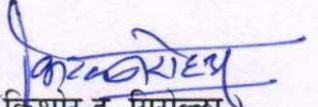


महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ च्या
विनियम ३३(७) आणि ३३(३)(A) मधील मंजूर
फेरबदलाबाबत कलम ३७(१अेअे)(सी) खालील
अधिसूचना..

महाराष्ट्र शासन
नगर विकास विभाग

क्रमांक :- टिपीबी ४३१३/१४५/प्र.क्र. ११९(२)/ २०१३/ नवि-११
मंत्रालय, मुंबई : ४०० ३२,
दिनांक - २ सप्टेंबर २०१५.

शासन निर्णय : सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(किशोर द. गिरोल्ला)

अवर सचिव, महाराष्ट्र शासन.

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

- (१) अपर मुख्य सचिव, गृह विभाग, मंत्रालय मुंबई - ३२.
- (२) आयुक्त, बृहन्मुंबई महागनरपालिका.
- (३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे
- (४) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
- (५) उप संचालक, नगर रचना, बृहन्मुंबई.
- (६) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
- (७) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग (त्यांना विनंती करण्यात येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी)
- (८) निवड नस्ती (नवि-११)

Maharashtra Regional & Town Planning Act,
1966.

Sanctioned Modification to Regulation 33(7) &
33(3)(A) of DCR of Gr. Mumbai, 1991, under
section 37(1AA)(c) of the Act.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated : 2nd September 2015

NOTIFICATION



No. TPB 4313/145 /CR-119(2)/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 20th February, 1991 so as to come into force with effect from the 25th March, 1991;

And whereas, Regulation 33(3)(A) of the said Regulations deals with the additional F.S.I., for building of the Government and the Corporation being used as staff quarters and Regulation 33(7) of the said Regulations deals with reconstruction or redevelopment of cessed buildings in the Island City and Old building of the Corporation or old buildings belonging to the Police Department;

And whereas, the Govt. in Home Department vide G.R. No. RSA-609/CR-432/Pol-7/ dated 17th November, 2009 has framed policy for creating staff quarters for Police personnel including Police Officers, with additional F.S.I.;

And whereas, the Govt. in the Urban Development Department, in view of the above policy, is of the opinion that in the public interest, it is desirable to grant additional F.S.I. for creating staff quarters for not only Police personnel but also other employees of the Govt. and its statutory bodies and the Municipal Corporation of Greater Mumbai and accordingly, it is necessary to urgently carry out suitable modification to the existing Regulation 33(3)(A) and 33(7);

And whereas, after considering the above facts, the State Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice No. TPB 4313/145 /CR-119/2013/UD-11 dated 3rd January 2015 for inviting suggestions/objections from the general public with regard to the modification in respect of Regulation 33(3)(A) and 33(7). (hereinafter referred to as "the proposed

modification") proposed in the annexure appended to the said Notice 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 3rd January 2015 was published in the Maharashtra Government Gazette (Extra-Ordinary Gazette) dated 6th January 2015 (hereinafter referred to as "the Official Gazette") and the said Officer has submitted his Report vide letter dt. 17.6.2015 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

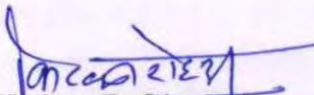
Now, therefore, in exercise of the powers conferred upon it under Section 37(1AA)(c) of the said Act, the Government hereby:-

- 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

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




(Kishor D. Girolla)

Under Secretary to Government.



SCHEDULE

(Accompaniment to Notice No. TPB-4313/145/CR-119(2)/2013/UD-11, dated 2nd September 2015.)

| Existing Regulation | Sanctioned Regulation |
|--|--|
| <p>33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation or of old buildings belonging to the Police Department.</p> <p>For reconstruction/ redevelopment to be under taken by Cooperative Housing Societies of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of cessed buildings existing prior to 30/9/1969 in Island City which attract the provisions of MHADA Act, 1976 and for reconstruction/ redevelopment of the buildings of Corporation, the Floor Space Index shall be 3.00 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more</p> <p>For reconstruction / redevelopment of buildings belonging to Police Department, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra, constructed prior to 1940, the Floor Space Index shall be 2.5 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more.</p> <p>Note:- The development of land for Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra shall be permitted by the Commissioner after due approval of the committee mentioned in Note-3 below regulation 33(3)(A)</p> | <p>33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation .</p> <p>For reconstruction/ redevelopment to be under taken by Cooperative Housing Societies of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of cessed buildings existing prior to 30/9/1969 in Island City which attract the provisions of MHADA Act, 1976 and for reconstruction/ redevelopment of the buildings of Corporation, the Floor Space Index shall be 3.00 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more</p> |



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33(3)(A) Buildings of Government and the Corporation being used for staff quarters:

The Commissioner may permit the Floor Space Indices specified in Table 14 above to be exceeded by 50 per cent in case of buildings of Government and Municipal Corporation of Greater Mumbai for use as their staff quarters in the suburbs and extended suburbs only.

However in cases of buildings of Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra for use as their Staff Quarters in the Island City, Suburbs and extended Suburbs, the Commissioner may permit the Floor Space indices specified in Table No. 14 above to be exceeded up to 2.5 FSI.



Notes:-

1) It shall be permissible to submit a composite scheme for the development or redevelopment of land of Department of Police, Police Housing Corporation, Jail and Home Guard for the utilisation of permissible commercial user under D.C. Regulation; so that commercial potential of

33(3)(A) Development /Redevelopment for construction of staff quarters of Govt. or its statutory bodies or Municipal Corporation of Greater Mumbai, on lands belonging to such Public Authorities.

(1) The Commissioner may permit the Floor Space Indices specified in Table 14 above to be exceeded up to **3.00** FSI on the gross plot area in the Island City, the Suburbs and the Extended suburbs, solely for the project of construction of staff quarters (hereinafter referred to as “ staff quarters project”) for the employees of the Government, or its statutory bodies or the Municipal Corporation of Greater Mumbai (hereinafter collectively referred to as “ User Authority”), on land belonging to such User Authority, by the Public Works Department of the Govt. of Maharashtra or MHADA or Maharashtra Police Housing Corporation or Municipal Corporation of Gt. Mumbai or any other Public Agency nominated by the Govt. for this purpose, which would also include any Special Purpose Vehicle, wherein the Govt. or a fully owned Company of the Govt. holds at least 51% equity share (hereinafter collectively referred to as “Implementing Public Authority”).

Provided that the Floor Space Indices specified in Table 14 above may be permitted to be exceeded up to **4.00** FSI on the gross plot area in case of plots of such User Authority, having area of 4000 sq.mtr. or above, which front on roads having width of 18.00m or more.



one plot can be shifted to other plot, provided the aggregate FSI on any plot shall not exceed 2.5.

2) The above FSI for any composite scheme, may be used by the Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra for its own purpose and also for free sale component for cross subsidizing the development of Staff Quarters. However, the ratio between the two components shall be such that the FSI for departmental use shall be minimum 50% of the total permissible FSI for the aforesaid project, provided the FSI of individual plot shall not exceed the limit of 2.5.

3) The above development shall be permitted by the Commissioner only after the due approval of the following committee: -

Chief Secretary Chairman.

Additional Chief Secretary (Home) ...

Member.

iii) Principal Secretary (UD) ... Member.

iv) Director General of Police ... Member.

v) Police Commissioner ... Member.

vi) Secretary (PWD) (Works) ... Member.

vii) Managing Director ... Member
Secretary.

(Police Housing Corporation)

(2) For the purpose of calculating the FSI, the entire area of the layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered.

Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.

(3) The total permissible FSI under this Regulation shall be utilized for construction of staff quarters for the User Authority, subject to the following :-

(i) The area of staff quarters for various categories of employees shall be as per the norms prescribed by the concerned User Authority and in no case shall the area of Staff Quarters exceed the maximum limit of carpet area as prescribed therein.

(ii) (a) Commissioner may also permit upto $1/3^{\text{rd}}$ of the total permissible FSI under this Regulation for construction of free sale area (hereinafter referred to as "free sale component") to be disposed of by the Implementing Public Authority as provided herein.

The free sale component shall preferably be constructed in a separate block. Sub-division of plots shall be permissible on the basis of equitable distribution of FSI, in case construction of free sale component is permitted by Commissioner.

(b) If the User Authority requires



construction of staff quarters to the extent of full permissible FSI of 3.0/4.0, then the User Authority shall pay full cost of construction to the Implementing Public Authority, in lieu of the free sale component.

(c) The flats constructed under the free sale component shall be first offered to the Central Govt., its statutory bodies, Central / State PSUs for purchase as staff quarters and if the Central Govt. or its statutory Bodies or Central / State PSUs do not indicate willingness to purchase the same within the prescribed time limit, such flats shall be sold in open market.

(d) In case of staff quarters of Police personnel, The free sale component may be utilized for commercial use as per potential of plot as decided by following committee :-

- 1)Municipal Commissioner-- Chairman
- 2)Police Commissioner -- Member
- 3)Collector of concerned District -- Member
- 4) Superintendent Engineer -- Member
P.W.D.

Provided that the construction under free sale component shall be sold in open market. The condition mentioned at (c) above is not applicable in case of staff quarters of police personnel.



(4) For providing the requisite off-site infrastructure for the increased population, an infrastructure charge at the rate of 7% of the Land Rates as per the Annual Statement of Rates (ASR) of the year of approval of the staff quarter project shall be chargeable for the extra FSI (excluding the fungible FSI) granted to such project, over and above the basic zonal permissible FSI, by the Municipal Corporation of Greater Mumbai for developing necessary off site infrastructure.

(5) (i) No premium shall be charged for the fungible FSI admissible as per DCR 35(4) for the construction of staff quarters.

(ii) No premium shall be payable for stair case and lift lobby.

(iii) Open space deficiency shall be charged at the rate of 2.5% of the land rate of ASR.

(iv) The provisions of Inclusive Housing shall not applicable for development under this Regulation.

(6) For any staff quarters project under this Regulation, a Development Agreement shall be executed between the User Authority and the Implementing Public Authority, which, inter alia, shall authorize the Implementing Authority to dispose of the flats constructed under the free sale component of the project, wherever applicable.

(7) The Regulation 33(3)(A) shall also be applicable to the project construction of staff quarters for the personnel of the Central India Security Force (CIFS)

33(3)(B) Development /Redevelopment for construction of staff quarters of Govt. or its statutory bodies or Municipal Corporation of



Greater Mumbai on private lands.

(1) The commissioner may permit construction of staff quarters for the employees of the Government or its statutory bodies or the Municipal Corporation of Greater Mumbai (hereinafter referred to as "User Authority") on private plots of lands, having minimum area of 2000n sq.mtr. and abutting a road having minimum width of 12 mt. and grant incentive FSI, as provided herein below, in lieu of the built-up area of staff quarters created and handed over free of cost to the User Authority, subject to the following provisions.

- (i) The area of staff quarters for various categories of employees shall be as per the norms prescribed by the concerned User Authority and in no case shall the area of Staff Quarters exceed the maximum limit of carpet area as prescribed therein.
- (ii) Incentive FSI shall be admissible against the FSI required for construction of Staff Quarters as per following table :-

Table A

| Location of Project | Incentive (As % of required b. u. area of staff Quarters) |
|----------------------------------|---|
| Island City | 40% |
| Suburbs & extended Suburbs | 80% |



- (iii) The incentive FSI given on this account shall be over and above the FSI permissible on such plot under any other provision of the DCR, depending on the type of development envisaged on such plot. This incentive FSI shall be allowed to be used on the same plot in accordance with the provisions of DCR/DP, wherein the overall limit of maximum permissible FSI as given in the tables below:-

| Plot Area | Minimum Road Width | Maximum Permissible FSI |
|---|--------------------|-------------------------|
| 2000 sq.mtr. or more but less than 4000 sq.mtr. | 12.00 mtr. | 3.00 |
| 4000 sq.mtr. or more | 18.00 mtr. | 4.00 |

- (iv) It shall be permissible to use the FSI admissible under table 14 of Regulation 32(hereinafter referred to as Basic F.S.I.) for the proposals in consonance with DCR/DP, provided the land is situated in Residential/Commercial Zone.
- (v) For the purpose of calculating the FSI under this Regulation, the entire area of the layout, including Development Plan roads and internal roads but excluding the land under the reservation of public amenities, shall be considered. Sub-division of plots shall be permissible on the basis of



equitable distribution of FSI, for construction of free sale component, by utilizing the Basic F.S.I. and the Incentive F.S.I. as provided herein.

Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.

- (vi) (a) No premium shall be charged for the fungible FSI admissible as per DCR 35(4) for the construction of staff quarters.
- (b) No premium shall be payable for stair case and lift lobby.
- (c) Open space deficiency shall be charged at the rate of 2.5% of the land rate of ASR.
- (d) The provisions of Inclusive Housing shall not be applicable for development under this Regulation.
- (vii) For providing the requisite off site infrastructure for the increased population, an infrastructure charge at the rate of 7% of the Land Rate as per the ASR of the year of approval of the development project shall be chargeable for the extra FSI (excluding the fungible FSI) granted for such project, over and above the basic zonal permissible FSI by the Municipal Corporation of Greater Mumbai for developing necessary off site



infrastructure.

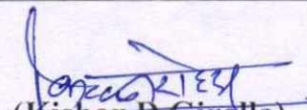
(viii) No development / redevelopment of any vacant plot belonging to a private landholder for constructing staff quarters for a User Authority shall be permitted by the Municipal Commissioner without prior approval of the location and requirement of such Staff Quarters by the Committee mentioned below :-

- | | |
|---|----------|
| i) Municipal Commissioner (MCGM) | Chairman |
| ii) Police Commissioner, Mumbai..... | Member |
| iii) Chief Executive Officer (MHADA)..... | Member |
| iv) Chief Engineer, PWD, Mumbai Circle | Member |
| v) Representative of the concerned User Authority not below the rank of Regional Head of Dept. | Member |

(ix) In case of flats proposed for conservancy staff quarters under this regulation, certain percentage of flats as decided by State Government shall be available on ownership basis under Shram Saphalya Scheme.

(2) The Regulation 33(3)(B) shall also be applicable to the projects of construction of staff quarters for the personnel of the Central India Security Force (CIFS)




(Kishor D. Girolla)

Under Secretary to Government.