

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ मधील
विनियम ३५(४) मधील फेरबदलाची कलम ३७(१अ) (सी)
खालील अधिसूचना.

महाराष्ट्र शासन

नगर विकास विभाग

क्रमांक :- टिपीबी ४३१३/९६२/प्र.क्र. ४४/२०१४/नवि-११

मंत्रालय, मुंबई : ४०० ०२१,

दिनांक - २१ मे, २०१५

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

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



(संजय बाणाईत)

अवर सचिव, महाराष्ट्र शासन.

प्रत,

मा. मुख्यमंत्री महोदयांचे सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

- (१) प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई-३२.
- (२) आयुक्त, बृहन्मुंबई महानगरपालिका.
- (३) 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 करुन त्याच्या १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
- (८) कक्ष अधिकारी, कार्यासन नवि-२९, (त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी.)
- (९) निवड नस्ती (नवि-११)

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

**Sanctioned Modification to replace the
Explanatory Note (i) to Regulation 35(4) of
Development Control Regulation for Gr.
Mumbai, 1991 under Section 37(1AA) (c).**

GOVERNMENT OF MAHARASHTRA

Urban Development Department,

Mantralaya, Mumbai 400 032.

Dated :- 21st May, 2015

NOTIFICATION

No. TPB 4313/962 /CR-44/2014/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, the Govt. in the Urban Development Department, vide Notification No. CMS 4311/452/CR-58/2011/UD-11 Dated 6th January 2012 has incorporated a new Regulation 35(4) in the said Regulations for Compensatory Floor Space Index. As per the provisions of Regulation 35(4), the Compensatory Floor Space Index is admissible without payment of premium with specified conditions for redevelopment under Regulation 33(5), 33(7), 33(9), 33(10);

And whereas, the Explanatory Note (i) to Regulation 35(4) does not have sufficient clarity regarding the applicability of Regulation 35(4) to a building under construction, which had received IOD/IOA for a part of the building before the incorporation of Regulation 35(4) in the said Regulation;

And whereas, the Govt., is satisfied that in the public interest it is desirable to Urgently modify the said Explanatory Note (i) to Regulation 35(4) of the said Regulation 35(4);

And whereas, the Govt., in exercise of the powers conferred under sub-section (1AA) of Section 37, issued a Notice of even no. dated 9th September, 2014 for inviting suggestions/objections from the general public with regard to the modification proposed in the Schedule appended to the said Notice(hereinafter referred to as "the proposed modification") and appointed 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 whereas, the said notice was published in the Maharashtra Government Gazette (Extra Ordinary Part-I, Konkan Division Supplementary) (hereinafter referred

to as "the Official Gazette") dt. 9th September, 2014 and the said Officer has submitted his report after completing all legal procedure vide letter No.145, dt. 20/02/2015;

And whereas, after considering the report of the said Officer, the suggestions /objections received from the general public and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification should 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 with some changes, 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 said Corporation that in the schedule of Modification sanctioning the said Regulations after the last entry, the Schedule referred to at (A) above shall be added.

A copy of this Notification shall be made available for inspection for a period of one month in the office of the Chief Engineer, (Development Plan) Municipal Corporation of Greater Mumbai.

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

By order and in the name of Governor of Maharashtra,



(Sanjay Banait)

Under Secretary to Government.

SCHEDULE

(Accompaniment to Notification No. TPB 4313/962 /CR-44/2014/UD-11:

Dated :- 21st May, 2015.)

**The Explanatory Note (i) to Regulation 35(4) of the Development Control
Regulation for Greater Mumbai, 1991, is replace as follows:-**

“(i) If an IOD/IOA has already been granted in respect of a building, which is under construction and not complete on the date of coming into force of this regulation, then at the option of the owner/developer, the regulation prevailing prior to 6th January, 2012 shall be applicable to subsequent amendments to the IOD/IOA and to sanctioned plans, to the extent such amendments provide for additional development in relation to such building, subject to charging premium at the maximum rate charged for approval to lift, Lobby, Staircase by the Municipal Corporation of Greater Mumbai.”



(Sanjay Banait)

Under Secretary to Government.