

The Maharashtra Regional and Town Planning Act, 1966

Directives under Section 154 regarding levy and sharing of premium amount between Government and respective said Authorities while granting Additional FSI to Educational, Medical Institutions, Institutional Buildings and Starred Category Hotels.

**Government of Maharashtra
Urban Development Department,
Mantralay, Mumbai 400032.
Dated: 14/03/2016**

Government Directives

The Maharashtra Regional and Town Planning Act, 1966

TPS-1815/2647/CR-13/15/UD-13

Additional FSI for Educational, Medical Institutions, Institutional Buildings and Starred Category Hotels (hereinafter referred to as the said *Uses*) subject to payment of *premium* is permissible with the previous approval of the Government as per the provisions in the Development Control Regulations or Development Control and Promotion Regulations (hereinafter referred to as *the said provision of the said Regulations*) of the respective Planning Authorities, local Authorities, Special Planning Authorities, Area Development Authorities (hereinafter referred to as *the said Authority*) and in the areas of Regional Plans;

Whereas the Government has earlier issued directives vide Order No 1094/425/CR 74/94/UD-11/Dt 14th December 1998 and Order No. TPS-sankirna/1006/CR-74/06/UD-13, dated 26/06/2006 under section 154 of the Maharashtra Regional and Town Planning Act, 1966, for *Municipal Corporations* to adopt the rates for levy of premium and sharing of premium amount between Government and the said Authority while permitting additional FSI for the said uses;

The Government has examined the *said provision of the said Regulations* and felt it necessary to revise the rates of premium and have uniform policy for levy and sharing of premium amount between Government and the *said Authorities* and also in Regional Plan areas and is of the opinion that the powers regarding grant of additional FSI be delegated to the respective Authorities;

In view of the facts and circumstances referred to above and in exercise of the powers conferred under **Section 154** of the said Act and notwithstanding anything contained in the said regulations of the said authorities, the Government of Maharashtra in supersession of all previous directives issued in this behalf is pleased to issue following revised directives to all the *said Authorities* and in Regional Plan areas for levy and sharing of premium amount for grant of additional FSI between Government and respective said Authorities ;

DIRECTIVES-

1) Government of Maharashtra hereby delegates the powers exercisable by it under the said provisions of the said Regulations of the respective **said Authorities** for granting additional FSI on payment of premium as specified hereunder subject to conditions as mentioned in **Schedule A** appended hereto;

S.No	Authority	Powers Delegated to
1	Mumbai Metropolitan Regional Development Authority (MMRDA)	Metropolitan Commissioner
2	City and Industrial Development corporation (CIDCO)	Managing Director
3	Maharashtra State Road Development Corporation (MSRDC)	
4	Municipal Corporation (All)	Municipal Commissioner
5	Nagpur Improvement Trust (NIT)	Chairman
6	Pune Metropolitan Regional Development Authority (PMRDA)	Chief Executive Officer
7	Maharashtra Industrial development corporation (MIDC/)	
8	Pimpri Chinchwad New Town Development Authority (PCNTDA)	
9	All Special Planning Authorities (SPAs) / All Area Development Authorities (ADAs) / All New Town Development Authorities (NTDAs)	

2) All the said Authorities are hereby directed under section 154 of the said Act to adopt the procedure and rates of premium given in the **Schedule-A** attached herewith for levy and sharing of premium amount for grant of additional FSI between Government and the respective Authority. The rate of premium and other conditions as mentioned in the **Schedule-A** shall also be applicable to sanctioned DCPR of Regional Plans and Municipal Councils / Nagar Panchayat Areas.

3) Government further directs that the procedure and the rates given in the **Schedule-A** attached herewith shall have immediate effect from the date of these directives.

These directives are issued in concurrence with Finance Department under official reference No.540/व्यय-३.

These directives shall also be published on the Government website www.maharashtra.gov.in (कायदे / नियम).

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

(Sanjay Saoji)
Under Secretary to Government

Copy for information and necessary action to:-

- 1) Metropolitan Commissioner MMRDA
- 2) Managing Director CIDCO/MSRDC
- 3) Chairman NIT Nagpur
- 4) Commissioner Municipal Corporation (All)
- 5) The Director of Town Planning, Maharashtra State, Pune.
- 6) Chief Executive Officer MIDC/PCNDTA/PMRDA
- 7) The Collector of concerned district (All)
- 8) Divisional Joint Director of Town Planning, Pune/Konkan/Amravati/Nagpur/
Aurangabad / Nashik.
- 9) Deputy Director of Town Planning, Urban Reserch Cell Pune
- 10) Assistant Director of Town Planning of concerned district.
- 11) All Municipal Commissioners.
- 12) Chief Officers Municipal Councils and Nagar panchayats. (All)

Schedule-A

Rates of Premium for allowing additional FSI to Educational, Medical Institutions, Institutional Buildings and Starred Category Hotels subject to conditions

a) Grant of Additional FSI and Rate of Premium to be levied:-

Rates of Premium to be levied for allowing additional FSI to Educational, Medical Institutions, Institutional Buildings and Starred Category Hotels as per the Development Control Regulations of respective Planning Authorities/ Special Planning Authorities/Area Development Authorities / New Town Development Authorities and for Regional Plan areas shall be as mentioned in the following table.

a) Rate of Premium:-

Sr. No.	Type of user/building	Premium shall be worked out at the percentage (%) given below considering the rate of said land given in the Annual Statement of Rates published by the Registration Department for that year.		
		For - A+, A, B and C class Municipal Corporations/ SPAs /ADAs/NTDAs	For - D class Municipal Corporations	For - A, B and C class Municipal Councils and Nagar Nanchayats & in RP Areas
1	Educational:			
	a) Primary School, Secondary School.	20%	15%	10%
	b) College/Educational Institutes.	30%	25%	20%
	c) Special Educational Institutes for Physically handicapped/Mentally ill	10%	10%	10%
2	Medical:			
	a) Hospitals, Maternity Homes, Health Centres of registered Medical Public Trust.	30%	25%	20%
	b) Private Medical Institutions.	40%	35%	30%
3	Commercial:			
	a) 2 to 4 Starred Category Hotels.	40%	35%	30%
	b) 5 Starred Category Hotels.	50%	45%	40%

b) Conditions for Premium:-

i) Premium shall be charged as above for the Additional FSI granted as on the date of issue of letter of intent asking the owners to pay requisite amount of premium.

ii) Out of the total premium, 50% amount is to be paid to the Government and balance 50% shall be paid to the respective Authorities. Premium payable to the Government shall be deposited in the concerned account of Major Head of Urban Development Department at Government Treasury by the Planning Authority.

Major Head - 0217- URBAN DEVELOPMENT

Scheme Name-800- other receipt amount (01) Town and Regional Planning Receipt amount

Detail Head - (01) (07) other Items

Scheme Code - 021701610100

iii) Share of Government shall be paid within 3 months from the date of letter of intent issued by the respective Authority.

iv) In case the owner fails to pay the premium amount within the time limit prescribed above at (iii), Government shall work out the revised amount of premium at the time of issue of new letter of intent.

v) If the additional FSI is not utilised by the owner / developer within 4 years from letter of intent, on the request of owner within such period, the amount of premium so deposited for such additional FSI shall be refunded by deducting 10% amount. After 4 years no refund of amount is permissible. However with the prior approval of Government this condition can be relaxed in deserving cases on merits.

c) Conditions for Medical Building Use: -

i) Free medical treatment to the extent of atleast 20 % of the total number of beds shall be given to persons from economically weaker sections of society or to persons below the poverty line. In addition, 10 % of the total number of patient in OPD shall be provided treatment at concessional rates viz., rates that are being charged in Government hospitals. The District Civil Surgeon shall be the competent Authority to monitor as to whether the medical institution is observing the terms and conditions referred as above.

ii) The Medical Institution shall maintain records regarding free/ concessional medical treatment rendered to the needy persons, which shall be made available to the Director of Health Services on demand.

iii) The Medical Institution shall file an undertaking that it shall abide by the above enumerated terms and conditions.

iv) The trustees of Medical Institution shall furnish the requisite periodical statements to the Director of Health Services in regard to above.

d) Conditions for Educational Building Use:-

i) While granting Additional FSI to Educational Institutions offering primary and secondary education 5 % seats shall be reserved for admission to Government nominees. Deputy Director, Education Department shall be competent to decide such nominations. However, this condition shall not be applicable for Higher Education, Technical Education and Medical Education.

ii) As and when required, some rooms of Educational Buildings shall be made available to the Government by the concerned institutions.

iii) The Educational Institution shall maintain records regarding free / concessional education rendered to the needy persons, which shall be made available to the Director of School Education, Higher and Technical Education on demand.

iv) The Director of School Education, Government of Maharashtra shall be the Competent Authority to monitor as to whether the Educational Institution is observing the terms and conditions referred to at (i) ,(ii)and (iii) above and, in case of any breach thereof or in case the Education being rendered by the Educational Institution is not to the satisfaction of the said Department, the Director of School Education shall have the right to suitably penalise the Educational Institution

v) The Educational Institution shall file an undertaking that it shall abide by the above enumerated terms and conditions.

vi) Adequate Parking facilities required as per prevailing Development Control Regulation shall be provided.

e) Conditions for Star Category Hotel Use:-

i) While granting Additional FSI to starred category Residential Hotels 5% of rooms shall be reserved for Government officer / Government nominees free of cost. Provided that such rooms be reserved for a period of not exceeding thirty days in a calendar year in a particular hotel. The head of respective authorities shall be competent to decide and monitor whether the institution is observing the terms and conditions as mentioned.

f) Other general conditions: -

i) The additional built up area over and above the permissible FSI shall be utilised for respective bonafide purposes only.

ii) If the owner / developer desires to avail such additional FSI in future for new buildings , then while seeking building permission at first instance, the building plan shall be submitted considering the Marginal distances as required for the height of buildings for such additional FSI. No condonation in the required open spaces, parking and other requirements shall be allowed.

However in case of existing buildings while availing such additional FSI , such condonation may be considered on merits by the Authority only if it is satisfied that there is other specific constraint leading to hardship provided it strictly conforms to structural and fire safety norms.

iii) Classification of Municipal Corporations shall be as per Government Resolution No.MCO 201/ CN.153/UD-14, dated 01/09/2014 and as amended from time to time.

iv) Existing Provision of Development Control Regulations of the said Authority with regard to allowing certain percentage of mix uses, allowing additional FSI by way of TDR shall prevail.

v) Other provisions of Development Control Regulations of the said Authority which are not covered above shall prevail.

vi) The proposals which are submitted to Government prior to these directives shall be cleared by the respective Authorities as per these directives.

vii) The Authority shall send annually the list of all cases to Government and Director Town Planning M.S. Pune for which the additional FSI is granted as per these directives. The Director of Town Planning or the Officer nominated by him shall inspect 10% cases randomly from such list and send report to Government.

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

(Sanjay Saoji)
Under Secretary to Government