

**S. S. Hussain** I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/16-17/071

September 09, 2016

Sub: Clarification in respect of provision of 20% BUA in the form of residential tenements having built up area upto 50 Sqmt while allowing residential user on land situated in industrial zone.

- Ref: 1) TPB-4304/2770/CR-312/04/UD11 dated 14 May 2007.  
2) TPS-1205/2436/CR-286/05/UD-12 dated 19 June 2007.  
3) Our letter no. MCHI/CEO/15-16/UD-12 dated 17 March 2016.  
4) TPB-4313/630/CR-107/2013/UD-11 dated 21 July 2016.

Dear *Shri Nitin Kaxeer*

Please refer to our previous letter dt. 17<sup>th</sup> March 2016 regarding the subject matter mentioned above. A copy of the same is enclosed for ready reference.

The Development Control Regulation for Greater Mumbai and Thane region were sanctioned by the State Govt in the year 1991 & 1994 respectively. The regulations were amended from time to time. Accordingly, Regulation no. 56 and 57 of DCR 1991 of MCGM & Regulation no. 65 of DCR 1994 of TMC were modified vide above referred notifications at Sr. no 1 & 2 above for allowing residential /commercial user on land situated in industrial zone.

As per modified DCR 56 (3)(c) and 57 (4)(c) of DCR 1991 for Greater Mumbai and DCR 65, Appendix M-6.1 for Thane, a following note was added in the said regulations -

*"Out of the total floor area proposed to be utilized for residential development, 20% of the same shall be built for residential tenements having built up area 50 Sq. Mt."*

The Municipal Corporation of Greater Mumbai as well as Thane Municipal Corporation while allowing residential user on Industrial zone land are insisting for residential tenements having 50 sqmts BUA on 20% of the total floor area i.e. on FSI+ TDR component. In the past also PEATA and MCHI has requested the Municipal Commissioner of MCGM to work out 20 % tenements upto 50 Sq. Mt. on basic zonal FSI and not on TDR component. It is learnt that pursuant to the request made by PEATA, the MCGM has sought clarification from UD department regarding working of tenements of 20% BUA upto 50 Sqmt. The said clarification is not yet received from UD.

The request made by PEATA as well as MCHI is based on the following points which should be taken into consideration -

1. As per clarification dt. 14.07.1994 issued by UD vide regulation 62 (3) of DCR 1991 for the development of plots under reservation of Public Housing, 10% of the permissible built up area in the form of tenements required to be handed

over to MCGM for rehabilitation of PAP is insisted on basic FSI and not on TDR component.

2. As per recent notification issued by UD for Inclusive housing, the same is required to be provided upto 20% of the basic zonal FSI & not on TDR component.
3. In case of development of buildable reservation under regulation 9 of DCR 1991, the area of built up amenity to be handed over to MCGM is worked out on basic FSI and not on TDR component. The area proposed for utilization of TDR is always allowed to be utilized without any restriction.
4. The TDR is generated out of handing over of land to MCGM against various reservations as stipulated in regulation 34 of DCR 1991. The MCGM gets the said land free of cost and free of encumbrances for purpose of public utilities. As such, there shall be no restriction on utilizing the said area for residential tenements.
5. The State Govt in UD department has recently issued a draft notification as referred at Sr. no. 4 above for replacing Reg 56(3)(c) & 57(4)(c) Of DCR of Greater Mumbai for conversion of Industrial zone to allow uses permissible in Residential & Commercial zone. A copy of the same is enclosed for ready reference. The note III of the said notification reads as,

*"Out of the floor area as per basic FSI, proposed to be utilized for residential development, 20% of the same shall be built for residential tenements, each having built up area up to 50 sq.mt."*

In view of the above points, MCHI-CREDAI would like to request you to please issue clarification to Municipal Corporation of Greater Mumbai as well as Thane Municipal Corporation for working out 20% built up area for tenements upto 50 Sqmt on basic zonal FSI only and not on TDR component or any additional FSI permitted under other provisions of DCR.

Yours



(S. S. Hussain)

To,  
**Dr. Nitin Kareer (I.A.S.)**  
Principal Secretary - I,  
Urban Development Department,  
Government of Maharashtra,  
Mantralaya, Mumbai - 400 032

9.9.16  
Urban Development Deptt.  
Mantralaya, Mumbai - 400  
PSUD-1

**S. S. Hussain** I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/15-16/241

March 17, 2016

**Sub: Clarification in respect of provision of 20% BUA in the form of residential tenements having built up area upto 50 Sq.mt. while allowing residential user on land situated in industrial zone.**

Ref: 1) TPB-4304/2770/CR-312/04/UD11 dated 14 May 2007.  
2) TPS-1205/2436/CR-286/05/UD-12 dated 19 June 2007.

Dear

The Development Control Regulation for Greater Mumbai and Thane region were sanctioned by the State Government in the year 1991 & 1994 respectively. The regulations were amended from time to time. Accordingly, Regulation no. 56 and 57 of DCR 1991 of MCGM & Regulation no. 65 of DCR 1994 of TMC were modified vide above referred notifications for allowing Residential/Commercial user on land situated in Industrial zone.

As per modified DCR 56 (3)(c) and 57 (4)(c) of DCR 1991 for Greater Mumbai and DCR 65, Appendix M-6.1 for Thane, a following note was added in the said regulations -

**"Out of the total floor area proposed to be utilized for residential development, 20% of the same shall be built for residential tenements having built up area 50 Sq. Mt."**

The Municipal Corporation of Greater Mumbai as well as Thane Municipal Corporation while allowing residential user on Industrial zone land are insisting residential tenements having 50 sq mts BUA on 20% of the total floor area i.e. on FSI+ TDR component. In the past also PEATA and MCHI has requested the Municipal Commissioner of MCGM to work out 20% tenements up to 50 Sq. Mt. on basic zonal FSI and not on TDR component. It is learnt that pursuant to the request made by PEATA, the MCGM has sought clarification from UD department regarding working of tenements of 20% BUA up to 50 Sq mts. The said clarification is not yet received from Urban Development Department.

The request made by PEATA as well as MCHI-CREDAI is based on the following points which may be taken into consideration by the department -

1. As per clarification dt. 14.07.1994 issued by Urban Development Department vide regulation 62 (3) of DCR 1991 for the development of plots under reservation of Public Housing, 10% of the permissible built up area in the form of tenements required to be handed over to MCGM for rehabilitation of PAP is insisted on basic FSI and not on TDR component.

2. As per recent notification issued by Urban Development Department for Inclusive housing, the same is required to be provided up to 20% of the basic zonal FSI & not on TDR component.
3. In case of development of buildable reservation under regulation 9 of DCR 1991, the area of built up amenity to be handed over to MCGM is worked out on basic FSI and not on TDR component. The area proposed for utilization of TDR is always allowed to be utilized without any restriction.
4. The RG area is considered by deducting 15% of the balance area of plot and is not applicable to TDR component
5. The TDR is generated out of handing over of land to MCGM against various reservations as stipulated in regulation 34 of DCR 1991. The MCGM gets the said land free of cost and free of encumbrances for purpose of public utilities. As such, there shall be no restriction on utilizing the said area for residential tenements.

In view of the above points, MCHI-CREDAI would like to request you to please issue the clarification addressing Municipal Corporation of Greater Mumbai as well as Thane Municipal Corporation for working out 20% built up area for tenements up to 50 Sq.mts. on basic zonal FSI and not on TDR component.

Yours



(S. S. Hussain)

To,  
**Dr. Nitin Kareer (I.A.S.)**  
Principal Secretary - I,  
Urban Development Department,  
Government of Maharashtra,  
Mantralaya, Mumbai - 400 032.

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17/3/16  
Urban Development Dept.  
Mantralaya, Mumbai - 400

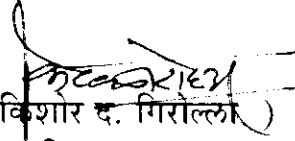
महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६  
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम ५६(३)(सी)  
व ५७(४)(सी) मधील फेरबदलाबाबत कलम ३७(१अ)अ  
खालील सूचना.....

**महाराष्ट्र शासन**  
**नगर विकास विभाग**

क्रमांक :- टिपीबी ४३१३ / ६३०/प्र.क्र. १०७/२०१३/ २०१३/ नवि-११  
मंत्रालय, मुंबई : ४०० ३२,  
दिनांक - २१ जुलै २०१६.

शासन निर्णय : सोबतची इंग्रजी व मराठी सूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

  
( किशोर द. गिराल )

अवर सचिव, महाराष्ट्र शासन.

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति.

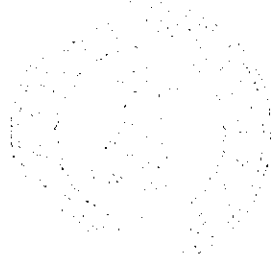
- (१) आयुक्त, बृहन्मुंबई महागनरपालिका.
- (२) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा.
- (३) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
- (४) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे
- (५) उप संचालक, नगर रचना, बृहन्मुंबई.

२/- सदर सूचना शासनाच्या दिनांक १३.९.२०१० रोजीच्या परिपत्रकातील निदेशानुसार व खालीलप्रमाणे जाहिरात म्हणून प्रसिध्द करुन घेणेबाबत सत्वर कार्यवाही करावी.

१)	जाहिरात देणा-या कार्यालयाचे नांव	नगर विकास विभाग, मंत्रालय, मुंबई-३२.
२)	जाहिरात कोणत्या दिनांकास द्यावयाची आहे	तात्काळ
३)	प्रसिध्दीचे स्वरूप	स्थानिक
४)	कोणत्या जिल्हयामध्ये	बृहन्मुंबई महागनरपालिका क्षेत्रामध्ये
५)	किती वृत्तपत्रात	एका मराठी व एका इंग्रजी वृत्तपत्रात
६)	वृत्तपत्राचे नांव	सर्वाधिक खपाच्या वृत्तपत्रात
७)	किती वेळा	एकदा
८)	जाहिरात खर्चाचे देयक कोणत्या	आयुक्त, बृहन्मुंबई महागनरपालिका

अधिका-याकडे पाठवावयाचे त्या कार्यालयाचे नांव व संपूर्ण पत्ता	
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- (६) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.  
( त्यांना विनंती करण्यात येते की, सोबतची शासकीय सूचना 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 and  
Town Planning Act, 1966.**

- 
- **Proposed Modification to  
Regulation 56(3)(c) & 57 (4) (c)  
of Development Control  
Regulation for Gr. Mumbai  
under section 37(1AA).**

**GOVERNMENT OF MAHARASHTRA  
Urban Development Department,  
Mantralaya, Mumbai 400 032.**

**Dated: 21<sup>st</sup> July, 2016**

**NOTICE**

**No. TPB-4313/630/CR-107/2013/UD-11**

Whereas the Development Control Regulations of Greater Mumbai (hereinafter referred to as "the said Regulations") have been sanctioned by the Government vide Urban Development Department Notification No. DCR 1090/RDP/UD-11 dated 20<sup>th</sup> February, 1991, under section 31(1) of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25/3/1991;

And whereas, the Regulation 56(3)(c) and 57(4)(c) of the said regulations deals with conversion of industrial zone into Residential/ Commercial Zone;

And whereas, the Municipal Commissioner, Municipal Corporation of Greater Mumbai after considering the order passed by the Hon'ble Bombay High Court in Writ Petition 651/2013 on 13<sup>th</sup> March 2014 and other Writ Petitions filed on the same line in the Hon'ble High Court, regarding issue related to amenity space in respect of conversion of Industrial Zone to Residential/Commercial Zone, requested to the State Government to issue suitable directives in respect of modification in provisions of Regulation 56(3)(c) and 57(4)(c);

And whereas, the State Government has proposed amendments in the Development Control Regulations of Municipal Corporation in the State in respect of such conversion of industrial zone into Residential/ Commercial Zone, in which, Residential / Commercial development in Industrial Zone is



to be permitted on payment of premium along with other modification in the Development Control Regulations of Municipal Corporations in the State;

And whereas, the State Government is of the opinion that the existing provision of Regulation 56(3)(c) and 57(4)(c) of the said Regulations should be modified;

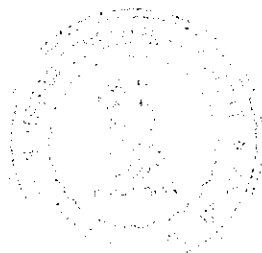
And whereas, in the public interest it is necessary to urgently carry out suitable modification to the Regulation 56(3)(c) and 57(4)(c) of the said Regulations, as specifically described in the Schedule appended hereto (hereinafter referred to as "the proposed modification") :

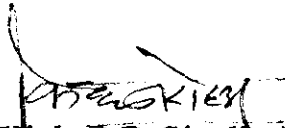
Now, therefore, after considering the above facts and circumstances and in exercise of powers vested in it under sub-section (1AA) of Section 37 of the said Act, and all other powers enabling it in this behalf, the Government hereby publishes a Notice for inviting suggestions and objections from any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

This Notice 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 Notice No. TPB-4313 /630/ CR-107/2013/UD-11 dated  
21<sup>st</sup> July 2016 )

Regulation 56(3)(c) and 57(4)(c) is proposed to be replaced as follows:-

### Conversion of Industrial Zone to allow the Uses permissible in Residential or Commercial Zone.

With the previous approval of the Commissioner, any open land in the Industrial Zone, (I- Zone) (including industrial estates), excluding lands of cotton textile mills, may be permitted to be converted into Commercial or Residential zone for permissible uses in the Residential Zone (R- Zone) or Commercial Zone (C Zone) subject to payment of premium to be paid equal to 20% of the rate of Developed land as given in the Annual Statement of Rates published by IGR every year. The area for conversion shall be considered after deduction of area under proposed DP Road/Sanctioned Regular line/Existing Municipal Road affecting the plot/s.

Such conversion shall be subject to the following:

**(a)** Conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall be permitted subject to NOC from Labour Commissioner, GoM. Provided that where conversion has been permitted on the basis of this certificate, Occupation Certificate will not be given unless a no dues certificate is granted by the Labour Commissioner.

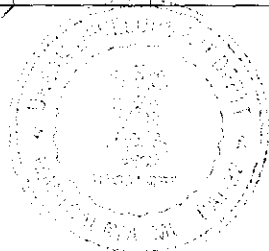
**(b)** However, in respect of any open land in the Industrial Zone where industry never existed, NOC from Labour Commissioner will not be required.

**(c)** If the land under such conversion admeasures

(i) less than 2000 sq. m, either 10% amenity space in the form of open land or 5% built up space in the proposed construction at appropriate location preferably on ground floor shall be handed over to MCGM free of cost. Such areas shall be granted over and above the FSI permissible on the plot.

(ii) Equal to 2000 sq. m or more amenity space area to be handed over to MCGM shall be as detailed below-

Sr. No	Plot Area for conversion	% of land area as Amenity space to be handed over to MCGM	Condition
1	2000 sq. m or more, but less than 2 ha	10	Entire amenity space shall be designated as Public Open Space(PSO)



2	2 ha or more, but less than 5 ha	20	At least 50% of the amenity space shall be designated as POS reservation.
3	5 ha or more	25	

(d) These areas will be addition to the recreational space as required to be provided under regulation 23.

(e) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercial purposes.

(f) Such residential or commercial development shall be allowed within the permissible FSI of the nearby Residential or Commercial Zone.

(g) Such provisions for public utilities, amenities and open space shall be considered to be reservations in the DP.

(h) Public utility and amenity plots shall not be developed under Accomodation of Reservation policy.

**Note:**

**I.** Necessary segregating distance shall be provided from industrial use.

**II.** In the event of DP having provided a reservation/reservations on a plot desiring conversion from Industrial Zone to Residential / Commercial Zone, , the following shall apply:

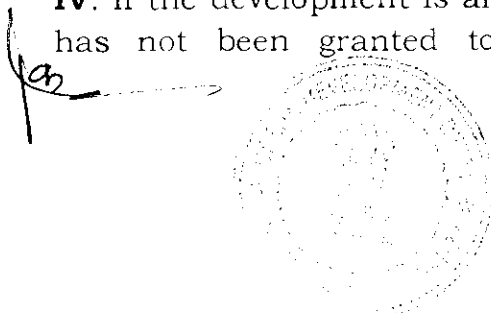
a. If the area under DP reservation to be handed over to MCGM(excluding the areas under DP roads / road setback) is less than the required area of public amenity space as per this Regulation, only the additional land area shall be provided for public amenity spaces.

b. If the area under DP reservation to be handed over to MCGM, (excluding the areas under DP roads / road setback), is more than the required area of public amenity spaces as per this Regulation, then the provision for public amenity spaces is not necessary.

c. In case of plot area under conversion is less than 2000 sq.mt. land component either **10%** amenity space in the form of open land or 5% built up space shall be considered for the purpose of amenity space as per note (a) and (b) above.

**III.** Out of the floor area as per basic FSI, proposed to be utilized for residential development, 20% of the same shall be built for residential tenements, each having built up area up to 50 sq. m. However, FSI upto 25% of total floor area in residential development may be allowed to be utilized for commercial users.

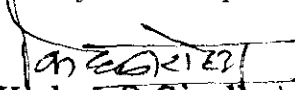
**IV.** If the development is already in progress and if full Occupation Certificate has not been granted to all buildings in the layout, then the land



owner/developer may convert the proposal in accordance with the provisions of this Regulation subject to the following conditions:

- a) The revised provisions will be applicable in totality. The benefit of both old and revised Regulations shall not be allowed.
- b) The benefit of revised Regulations will be applicable only in cases where
  - (a) full Occupation Certificate has not been granted to all buildings in the layout and
  - (b) required public amenity space or DP reservation, if any, has been handed over to the Corporation is more than required as per new regulation shall be retained to the Corporation. If it is less than requirement as per new regulation, the requirement can be adjusted as per new regulation, may be considered by the Corporation.



  
( Kishor D. Girola )  
Under Secretary to Government.

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६  
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम  
५६(३)(सी) व ५७(४)(सी) मधील फेरबदलाबाबत कलम  
३७(१अ) खालील सूचना.....

महाराष्ट्र शासन  
नगर विकास विभाग  
मंत्रालय, मुंबई ४०००३२  
दिनांक - २१ जुलै २०१६

### सूचना

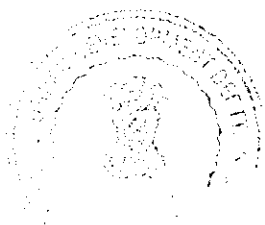
क्रमांक :- टिपीबी ४३१३ / ६३०/प्र.क्र. १०७/२०१३/ २०१३/ नवि-११

ज्याअर्थी, बृहन्मुंबई क्षेत्राची विकास नियंत्रण नियमावली (यापुढे ज्याचा उल्लेख "उक्त विनियम" असा करण्यात आला आहे.), शासन नगर विकास विभागाकडील अधिसूचना क्र. डिसीआर / १०९०/आरडीपी/ नवि-११, दि. २० फेब्रुवारी १९९१ अन्वये महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करण्यात आला आहे.) च्या कलम ३१(१) खालील तरतूदीनुसार मंजूर झालेली असून दि. २५.३.१९९१ पासून अंमलात आलेली आहे;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ५६(३)(सी) व ५७(४)(सी) मध्ये औद्योगिक वापर विभाग हा रहिवास/वाणिज्य वापर विभागामध्ये रुपांतरित करणेची तरतूद आहे;

आणि ज्याअर्थी, महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका यांनी मा.मुंबई उच्च न्यायालयामधील रिट याचिका क्र.६५१/२०१३ मधील दिनांक १३ मार्च २०१४ चे आदेश व सदर आदेशाच्या धर्तीवर मा. उच्च न्यायालयामध्ये दाखल झालेल्या याचिका विचारात घेवून, औद्योगिक वापर ते रहिवास/वाणिज्य वापर रुपांतरणाचे बाबतीत सुविधा क्षेत्राच्या संदर्भात विनियम ५६(३)(सी) व ५७(४)(सी) मध्ये फेरबदलाच्या अनुषंगाने उचित आदेश देणेची विनंती केलेली आहे;

आणि ज्याअर्थी, राज्य शासनाने राज्यातील महानगरपालिकांच्या विकास नियंत्रण नियमावली मध्ये औद्योगिक वापर ते रहिवास/वाणिज्य वापर रुपांतरणाचे संदर्भात सुधारणा प्रस्तावित केलेल्या असून, त्यामध्ये औद्योगिक वापर विभागामध्ये रहिवास/वाणिज्य वापर अधिमूल्याचा भरणा करून अनुज्ञेय करणेसंदर्भात तसेच इतरही काही सुधारणा सुचविलेल्या आहेत;



आणि ज्याअर्थी, उक्त विनियमातील विनियम ५६(३)(सी) व ५७(४)(सी) मधील विद्यमान तरतुदी सुधारित कराव्यात असे राज्य शासनाचे मत झालेले आहे;

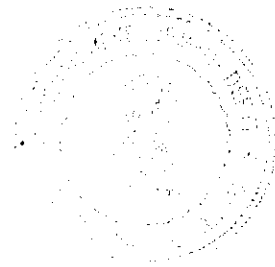
आणि ज्याअर्थी, उक्त विनियमातील विनियम ५६(३)(सी) व ५७(४)(सी) मध्ये यासोबतच्या परिशिष्टामध्ये नमूद असलेप्रमाणे फेरबदल ( यापुढे याचा उल्लेख “ प्रस्तावित फेरबदल ” असा केलेला आहे) सार्वजनिक हितास्तव तातडीने करणे आवश्यक झालेले आहे;

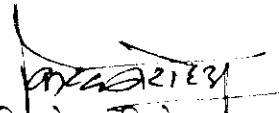
आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याद्वारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट कलम (१कक) चे खंड(क) नुसार कोणत्याही व्यक्तीकडून सदरची सूचना शासन राजपत्रामध्ये प्रसिध्द झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये सूचना/हरकती मागविण्यासाठी, सूचना प्रसिध्द करित आहे;

शासनाकडून असेही कळविणेत येत आहे की, प्रस्तावित फेरबदलाविषयी कोणत्याही हरकत/सूचना शासन राजपत्रात सदर सूचना प्रसिध्द झाल्याच्या दिनांकापासून एक महिन्याच्या आत उपसंचालक, नगर रचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई-ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४००००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उपसंचालक, नगर रचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होणा-या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७च्या पोट कलम (१कक) अन्वये कार्यवाही करण्यात येईल;

सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या वेबसाईटवर प्रसिध्द करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



  
(किशोर द. गिरोल्ला)  
शासनाचे अवर सचिव.

## परिशिष्ट

( सूचना क्र. टिपीबी ४३१३ / ६३०/प्र.क्र. १०७/२०१३/ २०१३/ नवि-११, दिनांक २१ जुलै २०१६ सोबतचे परिशिष्ट)

Regulation 56(3)(c) and 57(4)(c) is proposed to be replaced as follows:-

### Conversion of Industrial Zone to allow the Uses permissible in Residential or Commercial Zone.

With the previous approval of the Commissioner, any open land in the Industrial Zone, (I- Zone) (including industrial estates), excluding lands of cotton textile mills, may be permitted to be converted into Commercial or Residential zone for permissible uses in the Residential Zone (R- Zone) or Commercial Zone (C Zone) subject to payment of premium to be paid equal to 20% of the rate of Developed land as given in the Annual Statement of Rates published by IGR every year. The area for conversion shall be considered after deduction of area under proposed DP Road/Sanctioned Regular line/Existing Municipal Road affecting the plot/s.

Such conversion shall be subject to the following:

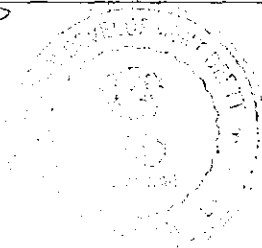
- (a) Conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall be permitted subject to NOC from Labour Commissioner, GoM. Provided that where conversion has been permitted on the basis of this certificate, Occupation Certificate will not be given unless a no dues certificate is granted by the Labour Commissioner.
- (b) However, in respect of any open land in the Industrial Zone where industry never existed, NOC from Labour Commissioner will not be required.

(c) If the land under such conversion admeasures

(i) less than 2000 sq. m, either 10% amenity space in the form of open land or 5% built up space in the proposed construction at appropriate location preferably on ground floor shall be handed over to MCGM free of cost. Such areas shall be granted over and above the FSI permissible on the plot.

(ii) Equal to 2000 sq. m or more amenity space area to be handed over to MCGM shall be as detailed below-

Sr. No	Plot Area for conversion	% of land area as Amenity space to be handed over to MCGM	Condition
1	2000 sq. m or more, but less than 2 ha	10	Entire amenity space shall be designated as Public Open Space(PSO)



2	2 ha or more, but less than 5 ha	20	At least 50% of the amenity space shall be designated as POS reservation.
3	5 ha or more	25	

(d) These areas will be addition to the recreational space as required to be provided under regulation 23.

(e) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercial purposes.

(f) Such residential or commercial development shall be allowed within the permissible FSI of the nearby Residential or Commercial Zone.

(g) Such provisions for public utilities, amenities and open space shall be considered to be reservations in the DP.

(h) Public utility and amenity plots shall not be developed under Accomodation of Reservation policy.

**Note:**

**I.** Necessary segregating distance shall be provided from industrial use.

**II.** In the event of DP having provided a reservation/reservations on a plot desiring conversion from Industrial Zone to Residential /Commercial Zone, , the following shall apply:

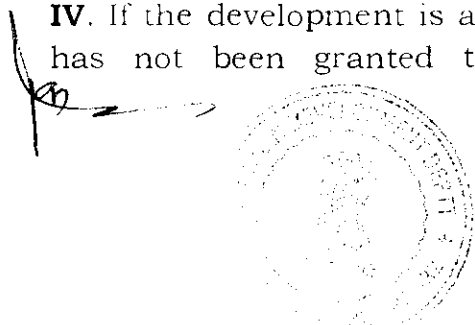
a. If the area under DP reservation to be handed over to MCGM(excluding the areas under DP roads / road setback) is less than the required area of public amenity space as per this Regulation, only the additional land area shall be provided for public amenity spaces.

b. If the area under DP reservation to be handed over to MCGM, (excluding the areas under DP roads / road setback), is more than the required area of public amenity spaces as per this Regulation, then the provision for public amenity spaces is not necessary.

c. In case of plot area under conversion is less than 2000 sq.mt. land component either **10%** amenity space in the form of open land or 5% built up space shall be considered for the purpose of amenity space as per note (a) and (b) above.

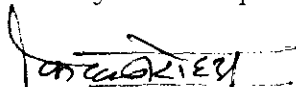
**III.** Out of the floor area as per basic FSI, proposed to be utilized for residential development, 20% of the same shall be built for residential tenements, each having built up area up to 50 sq. m. However, FSI upto 25% of total floor area in residential development may be allowed to be utilized for commercial users.

**IV.** If the development is already in progress and if full Occupation Certificate has not been granted to all buildings in the layout, then the land



owner/developer may convert the proposal in accordance with the provisions of this Regulation subject to the following conditions:

- a) The revised provisions will be applicable in totality. The benefit of both old and revised Regulations shall not be allowed.
- b) The benefit of revised Regulations will be applicable only in cases where
  - (a) full Occupation Certificate has not been granted to all buildings in the layout and
  - (b) required public amenity space or DP reservation, if any, has been handed over to the Corporation is more than required as per new regulation shall be retained to the Corporation. If it is less than requirement as per new regulation, the requirement can be adjusted as per new regulation, may be considered by the Corporation.

  
( Kishor D. Girolla )

**Under Secretary to Government.**

