

राज्यातील महानगरपालिका / नगरपरिषदांसाठी मंजूर केलेले विकास हक्क हस्तांतरण (TDR) नियमावली संदर्भात महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम-३७ (१ क क) अन्वये नोटीस.

**सूचना**  
**महाराष्ट्र शासन**  
**नगर विकास विभाग,**  
**मंत्रालय, मुंबई-३२**  
**दिनांक : १४/०३/२०१७**

क्र.टिपीएस-१८१६/प्र.क्र.५७३/१६/नवि-१३

सोबतची सूचना महाराष्ट्र शासनाच्या साधारण राजपत्रामध्ये राज्यस्तरावर प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,

(रा.म.पवार)  
अवर सचिव, महाराष्ट्र शासन

प्रत,

- १) मा.मुख्यमंत्री यांचे सचिव, मंत्रालय, मुंबई.
- २) मा.राज्यमंत्री, (नगर विकास) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
- ३) प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति,

- १) संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- २) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- ३) सह संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- ४) आयुक्त, महानगरपालिका (सर्व महानगरपालिका) (शाखा कार्यालयामार्फत).
- ५) सह संचालक, नगर रचना, अंमलबजावणी कक्ष / मुल्यांकन / पुणे / कोकण / नाशिक / नागपूर / औरंगाबाद / अमरावती विभाग.
- ६) सहायक संचालक, नगर रचना / नगर रचनाकार, सर्व शाखा कार्यालये, नगर रचना विभाग.
- ७) अवर सचिव, नवि-११/नवि-३० / कक्ष अधिकारी, नवि-९/नवि-१२, नगर विकास विभाग, मंत्रालय, मुंबई.
- ८) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नी रोड, मुंबई.- त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या, **साधारण** राजपत्रामध्ये राज्यस्तरावर प्रसिध्द करून त्याच्या प्रत्येकी ५० प्रती नगर विकास विभागास पाठवाव्यात.
- ९) कक्ष अधिकारी (नवि-२९) नगर विकास विभाग, मंत्रालय, मुंबई - त्यांना विनंती करण्यात येते की, सोबतची सूचना या विभागाच्या संकेतस्थळावर प्रसिध्द करावी.
- १०) निवड नस्ती (कार्यासन-१३).

## NOTICE

Government of Maharashtra  
Urban Development Department  
Mantralaya, Mumbai-32  
Date:14/03/2017.

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

**No. TPS -1816/CR-573/16/UD-13:** Whereas, in exercise of the powers conferred by Clause (c) of sub-Section (1AA) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the "said Act") and all other powers enabling in that behalf, the Government of Maharashtra finally sanctioned the **"Transferable Development Rights"** regulations as mentioned in **Annexure-B** (hereinafter referred to as 'the said final TDR regulations) in respect of **Municipal Corporations as mentioned in Annexure-A** of the notification No. **TPS -1813/ 3067/ CR-122/ MCORP/ 12/ UD-13** Dt.28/01/2016, and notification No. **TPS -1813/ 3067/ CR-122/ MCORP/ Konkan Div/ 12/ UD-13** dt.29/01/2016, and as mentioned in Schedule in respect of Municipal Corporation of Greater Mumbai vide notification No. **TPS -1813/ 3067/ CR-122/ MCORP/ 12/ UD-13** dt.16/11/2016 and as mentioned in Annexure-A in respect of all Municipal Councils vide notification No. **TPS -1813/ 3067/ CR-122/ MCOUNCIL/ 12/UD-13** dt.06/02/2016 (hereinafter referred to as 'the said notifications);

And whereas, under the provision of Regulation No 4.1 of the said TDR regulations the quantum of generation of TDR for reservation in CRZ/BDP/HTHS areas or in areas which have some natural or legal constraint / impediments on development shall be as decided by the Government separately (hereinafter referred to as 'the said Regulation) ;

And whereas after considering the legal impediments on construction in such areas, the Government of Maharashtra is of the opinion that the quantum of generation of TDR for reservations which have some legal constraint on development shall be 50 % of generation of TDR as mentioned in Regulation No 4.1.1 as specifically mentioned in **Schedule 'A'** (hereinafter referred to as the said proposed Modification) and for that purpose the Government found it expedient in the public interest to take recourse of the provisions contained in Section 37(1 AA) of the said Act to incorporate the said proposed modification in the said TDR regulations of Municipal Corporations & Councils mentioned in the said notifications;

Now therefore, **in exercise of the powers conferred by clause (c) sub-section (1 AA) of Section-37 of the Maharashtra Regional and Town Planning Act, 1966** (Mah. XXXVII of 1966) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby declares its intention to incorporate the said proposed modification and for that purpose publishes a notice for inviting suggestions/objections from any person with respect to the said proposed regulations within a period of one month from the date of publication of this notice in the Maharashtra Government Gazette.

Any objections and suggestions to the said proposed modifications be forwarded before the expiry of one month from the date of publication of this notice in Maharashtra Government Gazette to the concerned Divisional Joint Director of Town Planning who is hereby authorised as an **officer** under section **162** of the said act on behalf of Government. The objections or suggestions, which may be received by the concerned Officer appointed, shall be considered and opportunity of being heard shall be given. Concerned Officer appointed under section 162 of the said act, is hereby authorized to give hearing and to submit report to the Government. The Government will take final decision in accordance with the provision of the section (1 AA) ( c ) of Section 37 of the said act.

This Notice shall be kept open for inspection to the general public in the following offices for the above period on all working days.

- (i) Office of the Director of Town Planning, Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Konkan  
Aurangabad, Amravati Division;

This Notice shall also be published on the Government website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) (कायदे / नियम).

By order and in the name of Governor of Maharashtra,

**(R.M.Pawar)**  
**Under Secretary to Government**

**Schedule 'A'**  
**Accompaniment to the Government in Urban Development Department**  
**Notice No. TPS -1816/CR-573/16/UD-13, dated 14/03/2017.**

<b>Sanctioned proviso of the said TDR Regulation No.4.1.1</b>	<b>Proposed Modification</b>
Provided that the quantum of generation of TDR as prescribed above, shall not be applicable for TDR generated from construction of amenity or construction of reservation/roads, Slum TDR, and Heritage TDR. Also the quantum of Transferable Development Rights (TDR) generated for reservation in CRZ / BDP / HTHS / Low Density Zone / Hazardous Zone/No development Zone areas or in areas which have some natural or legal constraint on development shall be as decided by the Government separately.	Provided that the quantum of generation of TDR as prescribed above, shall not be applicable for TDR generated from construction of amenity or construction of reservation/roads, Slum TDR, and Heritage TDR. The quantum of Transferable Development Rights (TDR) generated from reservations in areas having full legal impediment / constraint on Construction or development shall be <b>50 % of normal TDR</b> generated as prescribed above in Regulation No 4.1.1. Where there is no such impediment / constraint to development or construction the normal regulation No.4.1.1 shall apply.

**02.** The above modification shall not apply to **Bio Diversity Park Reservation** as well as HTHS proposed in Pune Development Plan and any other Development Plan. Those will be notified separately.

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

**(R.M.Pawar)**  
**Under Secretary to Government**

## **DIRECTIVES**

Government of Maharashtra  
Urban Development Department  
Mantralaya, Mumbai-32  
Date: 14/03/2017.

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

**No. TPS -1816/CR-573/16/UD-13:** Whereas, in exercise of the powers conferred by Clause (c) of sub-Section (1AA) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the "said Act") and all other powers enabling in that behalf, the Government of Maharashtra finally sanctioned the ***“Transferable Development Rights”*** regulations as mentioned in **Annexure-B** (hereinafter referred to as 'the said final TDR regulations) in respect of **Municipal Corporations as mentioned in Annexure-A** of the notification No. **TPS -1813/ 3067/ CR-122/ MCORP/ 12/ UD-13** Dt.28/01/2016, and notification No. **TPS -1813/3067/ CR-122/ M CORP/ Konkan Div/ 12/ UD-13** dt.29/01/2016, and as mentioned in Schedule in respect of Municipal Corporation of Greater Mumbai vide notification No. **TPS -1813/ 3067/ CR-122/ MCORP/ 12/ UD-13** dt.16/11/2016 and as mentioned in Annexure-A in respect of all Municipal Councils vide notification No. **TPS -1813/ 3067/ CR-122/ MCOUNCIL/ 12/UD-13** dt.06/02/2016 (hereinafter referred to as 'the said notifications);

And whereas, under the provision of Regulation No 4.1 of the said TDR regulations the quantum of generation of TDR for reservation in CRZ/BDP/HTHS areas or in areas which have some natural or legal constraint / impediments on development shall be as decided by the Government separately (hereinafter referred to as 'the said Regulation) ;

And whereas after considering the legal impediments on construction in such areas, the Government of Maharashtra is of the opinion that the quantum of generation of TDR for reservation which have some legal constraint on development shall be 50 % of generation of TDR as mentioned in Regulation No 4.1.1 and for that purpose the Government found it expedient in the public interest to take recourse of Section 154 of the said Act, to issue **directives in this regard;**

Now therefore, **in exercise of the powers conferred by Section 154(1) of the Maharashtra Regional and Town Planning Act, 1966** (Mah. XXXVII of 1966 ) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby accordingly issues the **following directives** for allowing generation of TDR from such areas to all the planning authorities (including MCGM) in Maharashtra pending sanction to the said proposed modification published under section 37(1 AA) (c) of the said Act, vide Government notice No. TPS -1816/CR-573/16/UD-13, dt.14/03/2017;

### **Directives**

<b>Sanctioned proviso of the TDR said Regulation No.4.1.1</b>	<b>Directives Under Section 154 of the said Act</b>
Provided that the quantum of generation of TDR as prescribed above, shall not be applicable for TDR generated from construction of amenity or construction of reservation/roads, Slum TDR, and Heritage TDR. Also the quantum of Transferable Development Rights (TDR) generated for reservation in CRZ / BDP / HTS / Low Density Zone / Hazardus	Provided that the quantum of generation of TDR as prescribed above, shall not be applicable for TDR generated from construction of amenity or construction of reservation/roads, Slum TDR, and Heritage TDR. The quantum of Transferable Development Rights (TDR) generated from reservations in areas having full legal impediment / constraint on Construction or development shall be <b>50 % of</b>

Zone/No development Zone areas or in areas which have some natural or legal constraint on development shall be as decided by the Government separately.	<b>normal TDR</b> generated as prescribed above in Regulation No 4.1.1. Where there is no such impediment / constraint to development or construction the normal regulation No.4.1.1 shall apply.
---	---

**02.** The above directives will not apply to **Bio Diversity Park Reservation** as well as HTHS proposed in Pune Development Plan and any other Development Plan. Those will be notified separately.

**03.** The provisions of these directives shall have effect from the date of publication in the Maharashtra Government Gazette.

These directives shall be kept open for inspection to the general public in the following offices for the above period on all working days.

- (i) Office of the Director of Town Planning, M. S. Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Kokan, Aurangabad, Amravati Division;
- (iii) Commissioner Municipal Corporation (All)
- (iv) Chief Officer, Municipal Council (All)

This Notice shall also be made available on the Government website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) (कायदे / नियम).

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

**(R.M.Pawar)**  
**Under Secretary to Government**

**सूचना**  
**महाराष्ट्र शासन**  
**नगर विकास विभाग,**  
**मंत्रालय, मुंबई-३२**  
**दिनांक : १४/०३/२०१७**

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना, अधिनियम, १९६६

क्र.टिपीएस-१८१६/प्र.क्र.५७३/१६/नवि-१३ :- ज्याअर्थी महाराष्ट्र प्रादेशिक नियोजन व नगर रचना, अधिनियम, १९६६ (यापुढे उक्त "अधिनियम" उल्लेख केलेला) चे कलम ३७ (१ क क) अन्वये प्राप्त अधिकारात महाराष्ट्र शासनाने हस्तांतरणीय विकास हक्काबाबतची तरतूद त्यासोबत जोडलेल्या **परिशिष्ट ब** नुसार (यापुढे उक्त "अंतिम हस्तांतरणीय विकास हक्क नियम" उल्लेख केलेले) त्यासोबतच्या **परिशिष्ट अ** मध्ये नमूद नुसार राज्यातील महानगरपालिकांच्या मंजूर विकास नियंत्रण नियमावलीत समाविष्ट करणेबाबत अधिसूचना क्र. टिपीएस-१८१३/३०६७/ प्र.क्र. १२२/मनपा/१२/नवि-१३, दि.२८/०१/२०१६ तसेच क्र. टिपीएस-१८१३/३०६७/ प्र.क्र.१२२/ मनपा/ कोकण विभाग/१२/नवि-१३, दि.२९/०१/२०१६ अन्वये तसेच बृहन्मुंबई महानगरपालिकेबाबत अधिसूचना क्र. टिपीएस-१८१३/३०६७/ प्र.क्र.१२२/ मनपा/ १२/नवि-१३, दि.१६/११/२०१६ अन्वये तसेच अधिसूचना क्र. टिपीएस-१८१३/३०६७/प्र.क्र.१२२/नपा/१२/नवि-१३, दि.०६/०२/२०१६ मध्ये **परिशिष्ट अ** मध्ये नमूद केलेल्या नगरपरिषदांबाबत मंजूर केलेली आहे. (यापुढे उक्त "अधिसूचना" उल्लेख केलेले);

आणि ज्याअर्थी उक्त "अंतिम हस्तांतरणीय विकास हक्क नियमांतील तरतूद क्र.४.१ नुसार सीआरझेड/बीडीपी/डोंगरमाथा डोंगरउतार तसेच ज्या क्षेत्रात विकासासाठी काही कायदेशीर बंधने आहेत त्याबाबत देय होणारा हस्तांतरणीय विकास हक्क स्वतंत्रपणे शासनाकडून निश्चित करण्यात येणार असल्याबाबत नमूद आहे (यापुढे उक्त "विनियम" उल्लेख केलेले);

आणि ज्याअर्थी, उक्त क्षेत्रात बांधकामांवर असणाऱ्या कायदेशीर मर्यादा/बंधने विचारात घेऊन अशा आरक्षणासाठी उक्त विनियमातील तरतूद क्र.४.१.१ नुसार अनुज्ञेय होणाऱ्या हस्तांतरणीय विकास हक्क परिमाणाच्या ५० % हस्तांतरणीय विकास हक्क अनुज्ञेय करणे आवश्यक असून त्याकरिता या सूचनेच्या सोबतच्या **परिशिष्ट अ** मध्ये नमूद नुसार (यापुढे उक्त "प्रस्तावित फेरबदल" उल्लेख केलेले) सार्वजनिक जनहिताच्या दृष्टीने उक्त प्रस्तावित फेरबदल करणेसाठी उक्त अधिनियमाच्या कलम ३७ (१ क क) अन्वये कार्यवाही करणे आवश्यक असल्याचे शासनाचे मत झाले आहे ;

आणि त्याअर्थी, उक्त अधिनियमाच्या कलम ३७ (१ क क)(क) अन्वये प्रदत्त अधिकारानुसार तसेच या अनुषंगिक प्राप्त अधिकाराचा वापर करून शासन याद्वारे **परिशिष्ट अ** मध्ये नमूद प्रस्तावित फेरबदलाबाबत आम जनतेकडून सूचना/हरकती मागविण्यासाठी नोटीस प्रसिध्द करीत आहे. प्रस्तावित फेरबदलासंदर्भात काही हरकती व सूचना असल्यास त्या सदरची नोटीस महाराष्ट्र शासन राजपत्रात प्रसिध्द झाल्याच्या दिनांकापासून ३० दिवसांच्या आत संबंधित विभागाचे

सह संचालक, नगर रचना यांचेकडे लेखी स्वरूपात पाठवाव्यात. प्राप्त हरकती व सूचनांना सुनावणी देण्याकरिता तसेच उक्त अधिनियमाच्या अन्वये कलम ३७ (१ क क) अन्वये विहित केलेली कार्यवाही पूर्ण करून प्रस्ताव शासनास सादर करणेकरिता उक्त अधिनियमातील कलम १६२ (१) अन्वये संबंधित विभागाचे सह संचालक, नगर रचना यांची **अधिकारी** म्हणून नियुक्ती करण्यात येत आहे.

प्रस्तुतची सूचना त्यासोबतच्या प्रस्तावित फेरबदल दर्शविणाऱ्या **"परिशिष्ट- अ"** सह नागरिकांच्या अवलोकनार्थ कामकाजाच्या दिवशी कार्यालयीन वेळेत खालील कार्यालयात उपलब्ध करण्यात यावी :-

- १) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- २) सह संचालक, नगर रचना, पुणे/नाशिक/नागपूर/कोकण/औरंगाबाद/अमरावती.

सदरहू सूचना शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) (कायदे व नियम) या वेबसाईटवर देखील प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,

**(रा.म.पवार)**  
**अवर सचिव, महाराष्ट्र शासन**