URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400032, dated 20th February 1991**(Amended till 01.10.2016)**

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

No. DCR.1090/RDP/UD-11.-Whereas the Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said Municipal Corporation") being the Planning Authority for the areas under its jurisdiction under clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. Act No. XXXVII of 1966) (hereinafter referred to as "the said Act") has by a declaration under sub-section (1) of section 23 ,read with section 38 of the said Act ,given notice of its intention to prepared a revised Development Plan for Greater Mumbai, which has been published in the *Maharashtra Government Gazette*, Mumbai Divisional Supplement of 13th January 1977;

And whereas the said Municipal Corporation after following the legal formalities stipulated under the said Act has submitted under subsection (1) of section 30 of the said Act, the Revised Draft Building bye-laws and Development Control Rule to the State Government on 30th April, 1985 for sanction;

And whereas the Government of Maharashtra, after consulting the Director of Town Planning considered the said draft Building bye-laws and Development Control Rules submitted by the said Corporation and published, in exercise of the powers conferred by sub-section (1) of section 31 of the said Act, revised draft Development Control Rules for Greater Mumbai as in the Schedule appended to the Government Notice, Urban Development Department, No. DCR 1089/3814/RDP/UD-11-1, dated 14th December 1989 in the *Maharashtra Government Gazette*, Extra-ordinary Part I , Konkan Divisional Supplement, dated 14th December 1989, inviting objections and suggestion from any person in respect of the, said revised draft Development Control Rules for Greater Mumbai and by Government Notification , Urban Development Department , No. DCR. 1084 /3814/(a)/RDP/UDO 11, dated 14th December 1989, published in the *Maharashtra Government Gazette* Extra-ordinary, Part I, Konkan Divisional Supplement, dated 16th December 1989 appointed Shri G.S. Pantbalekundri, Deputy Director of Town planning and Ex-officio Deputy Secretary to Government Urban Development Department, as the officer (hereinafter referred to as " the said officer") to hear objections and suggestion from any person in respect of the said draft revised Development Control Rules for Greater Mumbai and to submit to the State Government his report thereon as required under sub-section (2) of section 31 of the said Act;

And whereas the said officer after hearing and consideration of objections and suggestions, submitted his report to Government on 29th June, 1990;

And whereas in accordance with sub-section (3) of section 31 of the said Act, Government has taken into consideration the objections and suggestions received and the report of the said officer;

And whereas in accordance with the first proviso to sub-section (1) of section 31 of the said Act, the State Government has, by its Notification, Urban Development department, No. TPB. 4387/716/UD-11 (RDP), dated the 12th June 1990, extended the period for sanctioning the said draft Building Bye-laws and Development Control Rules for the said Corporation up to and inclusive of 31st March 1991;

And whereas the Government of Maharashtra considers it appropriate and proper that the said Development Control Rules for Greater Mumbai shall be called the Development Control Regulations for Greater Mumbai.

Now, therefore, in exercise of powers conferred by sub-section (1) of section 31 of the said Act and all other powers enabling in that behalf the Government of Maharashtra-

(a) sanctions the Development Control Regulations for Greater Mumbai, 1991 as specified in the Schedule appended hereto; and

(b) fixes 25th March 1991 to be the date on which the final Development Control Regulations for Greater Mumbai, 1991 as specified in Schedule I of this notification shall come into force.

Note. - Copies of the Development Control Regulations for Greater Mumbai as in the Schedule to this Notification as sanctioned by the State Government are kept for sale at the Government Printing , Stationary and Publication , Publications Branch, Netaji Subhash Road, Charni Road, Mumbai 400 004 and shall be kept open for inspection by the public during working hours for a period of one year at the office of the-

(1) The Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Municipal Head Office, Mahapalika Marg, Mumbai 400 001.

(2) The Deputy Director of Town Planning Greater Mumbai," E" Block, Ensa, Hutments, Azad Maidan. Mahapalika Marg, Mumbai 400 001.

SCHEDULE

PART-I

ADMINISTRATION

1. *Short title, extend and commencement.* – (1) *Title*-These Regulations shall be called the Development Control Regulations for Greater Mumbai, 1991 (hereinafter called “these Regulations”).

(2) *Jurisdiction*. -These Regulations apply to building activity and development work in areas under the entire jurisdiction of the Municipal Corporation of Greater Mumbai (hereinafter called "the Corporation "). If there is a conflict between the requirements of these Regulations and those of any other rules or byelaws, these Regulations shall prevail:

Provided however that in respect of areas included in a finally sanctioned Town Planning Scheme, the Scheme Regulations shall prevail, if there is a conflict between the requirements of these Regulations and the Scheme Regulations.

(3) *Date of coming into force.*- These Regulations shall come into force on 25th March 1991 and shall replace the existing Development Control Rules for Greater Mumbai framed under the Maharashtra Regional and Town Planning Act, 1966 (Mah. Act No. XXXVII of 1966).

2 Definitions of Terms and Expressions.- (1) *General*--In these Regulations, unless the context otherwise requires, the terms and expressions shall have the meaning indicated against each of them.

(2) *Meaning as in the Acts, Rules, etc.*- Terms and expressions not defined in these Regulations shall have the same meanings as in the Maharashtra Regional and Town Planning Act, 1966 (Mah. Act No. XXXVII of 1966) or the Mumbai Municipal Corporation Act, 1888 (Mumbai Act No. III of 1888) and the rules or bye-laws framed thereunder, as the case may be, unless the context otherwise requires.

(3) Definitions. – (1) "Accessory building" means a building separated from the main building on a plot, and put to one or more accessory uses.

(2) "Accessory use" means use of the building subordinate and customarily incidental to the principal use.

(3) "Act" means-

(i) The Mumbai Municipal Corporation Act, 1888 (Mumbai Act No. III of 1888); or

(ii) The Maharashtra Regional and Town Planning Act, 1966 (Mah. Act No. XXXVII of 1966); as stated in the text.

(4) "Advertising sign" means any surface or structure with characters, letter or illustrations applied thereto and displayed in any manner whatsoever out of doors for the purpose of

advertising or giving information regarding or to attract the public to any place, person, public performance, article or merchandise, and which surface or structure is attached to, forms part of, or is connected with any building, or is fixed to a tree or to the ground or to any pole, screen, fence or hoarding or displayed in space, or in or over any water body included in the limits of Greater Mumbai i.e. City, suburbs or extended suburbs as defined in section 3 of the Mumbai Municipal Corporation Act, 1888, and area specified in Part II to IV of Schedule `A` to the Greater Mumbai Laws and Mumbai High Court (Declaration of Limits) Act, 1945.

(5) "Air-conditioning" means the process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirement of an enclosed space.

(6) "Addition and/or alteration" means change from one occupancy to another, or a structural change, such as addition to the area or height, or the removal of part of a building, or a change to the structure, such as the construction or cutting into or removal of any wall or part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support, or a change to or closing or any required means of ingress or egress, or change to fixtures or equipment, as provided in these Regulations.

(7) "Amenity" means roads, streets, open spaces, parks recreational grounds, play grounds, gardens, water supply, electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences.

(8) "Automatic sprinkler system" means an arrangement of pipes and sprinklers, automatically operated by heat and discharging water on fire, simultaneously setting an audible alarm.

(9) "Balcony" means a horizontal projection, including a parapet, hand-rail balustrade, to serve as a passage or sitting out place.

(10) "Basement or cellar" means the lower storey of a building below, or partly below the ground level.

(11) "Building " means a structure, constructed with any materials whatsoever for any purpose, whether used for human habitation or not, and includes-

(i) Foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms;
(ii) Verandahs, balconies, cornices, projections;
(iii) part of a building or anything affixed thereto;
(iv) any wall enclosing or intended to enclose any land or space, signs and outdoor display structures;
(v) tanks constructed for storage of chemicals or chemicals in liquid form;
(vi) all types of buildings defined in (a) to (p) below, but tents, shamianas and tarpaulin shelters erected for temporary purposes for ceremonial occasions, with the permission of the Commissioner, shall not be considered to be "buildings".

(a) "Assembly building" means a building or part thereof where groups of people congregate or gather for amusement, recreation, social, religions, patriotic, civil, travel and similar purposes. "Assembly buildings" include buildings of drama and cinema theatres, "drive-in-theatres, assembly halls, city halls, town halls, auditoria, exhibition halls, museums, "mangal karyalayas", skating rinks, gymnasia, stadia, restaurants, eating or boarding houses, places of worship, dance halls, clubs, gymkhanas, road, air, sea or other public transportation stations, and recreation piers.

(b) "Business building" means any building or part thereof used for transaction of business and/or keeping of accounts and record therefor; offices, banks, professional establishments , court houses being classified as business buildings,if their principal function is transaction of business and/or keeping of books and records.

(c) "Detached building " means a building with walls and roofs independent of any other building and with open spaces on all sides.

(d) "Educational building" means a building exclusively used for a school or college, recognised by the appropriate Board or University, or any other competent authority involving assembly for instruction, education or recreation incidental to educational use, and including a building for such other users incidental thereto such as a library or a research institution. It shall also include quarters for essential staff required to reside in the premises, and a building used as a hostel captive to an educational institution whether situated in its campus or not.

(e) "Hazardous building" means a building or part thereof used for-

(i) storage, handling, manufacture or processing of radioactive substances or of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes or explosive emanations;

(ii) "storage, handling, manufacture or processing of which involves highly corrosive, toxic or noxious alkalis, acids, or other liquids, gases or chemicals producing flame, fumes and explosive mixtures or which result in division of matter into fine particles capable of spontaneous ignition.

(f) "Industrial building" means a building or part thereof wherein products or material are fabricated, assembled or processed, such as assembly plants, laboratories, power plants, refineries, gas plants, mills, dairies and factories.

(g) "Institutional building" means a building constructed by Government, Semi-Government organisations or registered Trusts and used for medical or other treatment, a hostel for working women or for an auditorium or complex for cultural and allied activities or for an hospice, care of persons suffering from physical or mental illness, handicap, disease or infirmity care of orphans, abandoned women, children and infants, convalescents, destitute or aged persons and for penal or correctional detention with restricted liberty of the inmates ordinarily providing sleeping accommodation, and includes dharamshalas, hospitals, sanatoria, custodial and penal institutions such as jails, prisons, mental hospitals, houses of correction, detention and reformatories.

(h) "Mercantile building" means a building or part thereof used as shops, stores or markets for display and sale of wholesale or retail goods or merchandise, including office, storage and service facilities incidental thereto located in the same building.

(i) "Multi-storeyed building" or High-rise building" means a building of a height of 24 meters or more above the average surrounding ground level.

(j) "Office building" (Premises), means a building or premises or part thereof whose sole or principal use is for an office or for office purposes or clerical work. "Office purposes" includes the purpose of administration, clerical work, handling money, telephone, telegraph and computer operation; and "clerical work" includes writing, book-keeping, sorting papers typing, filing, duplicating, punching cards or tapes, machines calculations, drawing of matter for publication and editorial preparation of matter for publication.

(k) "Residential building" means a building in which sleeping accommodation is provided for normal residential purposes, with or without cooking or dining facilities, and includes one or more family dwellings, lodging or rooming houses, hostels, dormitories, apartment houses, flats, and private garages of such buildings.

(l) "Semi-detached building" means a building detached on three sides with open space as specified in these Regulations.

(m) "Special building" means-

(i) a building solely used for the purpose of a drama or cinema theatre, a drive-in-theatre, an assembly hall or auditorium, an exhibition hall, theatre museum, a stadium, a "mangal karyalaya" or where the built-up area of such a user exceeds 600 sq.m. in the case of mixed occupancies;

(ii) an industrial building ;

(iii) a hazardous building ;

(iv) a building of wholesale establishment ;
(v) a residential hotel building or centrally air-conditioned building which exceeds
(a) 15 m. in height, or
(b) a total built-up area of 600 sq.m.

(n) "Storage building" means a building or part thereof used primarily for storage or shelter of goods, wares merchandise and includes a building used as a warehouse cold storage freight depot, transit shed, store house, public garage hangar, truck terminal, grain elevator, barn and stable.

(o) "Unsafe building" means a building which-
(i) is structurally unsafe,
(ii) is insanitary,
(iii) is not provided with adequate mean of egress,
(iv) constitutes a fire hazard,
(v) is dangerous to human life,
(vi) in relation to its existing use' constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.

(p) "Wholesale establishment " means an establishment wholly or partly engaged in wholesale trade and manufacturers wholesale outlets, including related storage facilities, warehouses and establishments engaged in truck transport, including truck transport booking agencies.

(12) "Building line" means the line upto which the plinth of a building adjoining a street or an extension of a street or on a future street may lawfully extend and includes the lines prescribed, if any, in any scheme and/or development plan.

(13) "Built-up area" means the area covered by a building on all floors including cantilevered portion, if any, but excepting the areas excluded specifically under these Regulations.

(14) "Cabin" means a non-residential enclosure constructed of non-load bearing partitions.

(15) "Carpet area" means the net usable floor area within a building excluding that covered by the walls or any other areas specifically exempted from floor space index computation in these Regulations.

(16) "Chimney" means a construction by means of which a flue is formed for the purpose of carrying products of combustion to the open air and includes a chimney stack and the flue pipe.

(17) "Chajja" means a structural overhand provided over opening on external walls for protection from the weather.

(18) "Chowk" means a fully or partially enclosed space permanently open to the sky within a building at any level; inner chowk being enclosed on all sides except as provided in clause (a) of Sub-Regulations (9) of Regulations 29 and an outer chowk having one unenclosed side.

(19) "Combustible material" means that material which when burnt adds heat to a fire when tested for combustibility in accordance with the IS: 3808-1966 Method of Test for combustibility of Building Materials, National Building Code.

(20) "Convenience shopping," means shops, each with a carpet area not exceeding 20 sq.m. except where otherwise indicated and comprising those dealing with day to day requirements, as distinguished from wholesale trade or shopping. It includes-
(i) Food grain or ration shops, each with carpet area not exceeding 50 sq. m.
(ii) Pan Shops.
(iii) Tobacconists
(iv) Shops for collecting and distribution of clothes and other materials for cleaning and dyeing establishments.
(v) Tailor or darner shops.

(vi) Groceries, confectioneries, wine and general provision shops each with a carpet area not exceeding 50 sq. m.
(vii) Hair dressing saloons and beauty parlours.
(viii) Bicycles hire and repair shops.
(ix) Vegetable and fruits shops.
(x) Milk and milk products shops.
(xi) Medical and dental practitioners' dispensaries or clinics, pathological or diagnostic clinics and pharmacies, each with a carpet area not exceeding 50 sq. m.
(xii) Florists.
(xiii) Shops dealing in ladies ornaments such as bangles etc.
(xiv) Shops selling bakery products.
(xv) Newspaper magazines stalls and circulating libraries.
(xvi) Wood, coal and fuel shops each with a carpet area not exceeding 30 sq.m.
(xvii) Books and stationery shops or stores.
(xviii) Cloth and garment shops.
(xix) Plumbers', electricians, radio, television and video equipment repair shops and video libraries.
(xx) Restaurants and eating houses each with a carpet area not exceeding 50 sq.m.
(xxi) Shoes and sports shops each with a carpet area not exceeding 75 sq.m.

With the approval of the Corporation, the Commissioner may from time to time add to, alter or amend the above list.

(21) "Contiguous holding" means contiguous piece of land in one ownership irrespective of separate property register cards.

(22) "Corridor " means a common passage or circulation space including a common entrance hall .

(23) "Courtyard" means a space permanently open to the sky within the site around a structure and paved/concreted.

(24) "Dharmashala" means a building used as a place of religious assembly, a rest house a place in which charity is exercise with religious or social motives, or a place wherein a certain section of people have a right of, or are granted, residence without payment or no nominal payment.

(25) "Drain" means a system or a line of pipes, with their fittings and accessories such as manholes, inspection chambers, traps, gullies, floor traps used for drainage of buildings or yards appurtenant to the buildings within the same curtilage. A drain includes an open channel or conveying surface water or a system for the removal of any liquid.

(26) "Enclosed staircase" means a staircase separated by fire resistant walls and door from the rest of the building.

(27) "Escape route" means any well ventilated corridor, staircase or other circulation space, or any combination of the same, by means of which a safe place in the open air at ground level can be reached.

(28) "Existing building" means a building or structure existing authorisedly before the commencement of these Regulations.

(29) "Existing use," means use of a building or a structure existing authorisedly before the commencement of these Regulations.

(30) "Exit" means a passage channel or means of egress from any building, storey or floor area to a street or other open space of safety; horizontal outside and vertical exits having meanings at (i), (ii) and (iii) respectively as under:

(i) "Horizontal exit" means an exit which is a protected opening through or around at fire wall or a bridge connecting two or more buildings.

(ii) "Outside exit" means an exit from a building to a public way, to an open area leading to a public way or an enclosed fire resistant passage leading to a public way.

(iii) "Vertical exit" means an exit used for ascending or descending between two or more levels, including stairways, smoke-proof towers, ramps, escalators and fire escapes.

(31) "External wall" means an outer wall of a building not being a party wall even though adjoining a wall of another building and also means a wall abutting on an interior open space of any building.

(32) "Fire and/or emergency alarm system" means an arrangement of call points or detectors, sounders and other equipments for the transmission and indication of alarm signals, Working automatically or manually in the case of fire or other emergency.

(33) "Fire lift" means a special lift designed for the use of fire service personnel in the event of fire or other emergency.

(34) "Fire proof door" means a door or shutter fitted to a wall opening, and constructed and erected with the requirement to check the transmission of heat and fire for a specified period.

(35) "Fire Pump" means a machine, driven by external power for transmitting energy to fluids by coupling the pump to a suitable engine or motor, which may have varying outputs/capacity but shall be capable of having pressure of 3.2 kg/cm2 at the topmost level of a multi-storied or high rise building.

(36) "Booster fire pump" means a mechanical/electrical device which boosts up the water pressure at the top level of multistoryed /high rise building and which is capable of a pressure of 3.2 kg/cm2 at the nearest point.

(37) "Fire resistance" means the time during which a fire resistant material i.e. material having a certain degree of fire resistance, fulfills its function of contributing to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint. The fire resistance test of structures shall be done in accordance with IS: 3809-1966 Fire Resistance Test of Structure.

(38) "Fire separation" means the distance in metre measured from any other building on the site or from another site, or from the opposite side of a street or other public space to the building.

(39) "Fire service inlet" means a connection provided at the base of a building for pumping up water through-in-built fire-fighting arrangements by fire service pumps in accordance with the recommendations of the Chief Fire Officer.

(40) "Fire tower" means an enclosed staircase which can only be approached from the various floors through landings or lobbies separated from both the floor area and the staircase by fire-resisting doors and open to the outer air.

(41) "Floor" means the lower surface in a storey on which one normally walks in a building, and does not include a mezzanine floor. The floor at ground level with a direct access to a street or open space shall be called the ground floor; the floor above it shall be termed as floor 1, with the next higher floor being termed as floor 2, and so on upwards.

(42) "Floor space index (FSI)" means the quotient of the ratio of the combined gross floor area of all floors, excepting areas specifically exempted under these Regulations, to the total area of the plot, viz. :-

$$\text{Floor Space Index (FSI)} = \frac{\text{Total covered area on all floors}}{\text{Plot area}}$$

(43) "Footing" means a foundation unit constructed in brick work, stone masonry or concrete under the base of a wall or column for the purpose of distributing the load over a large area.

(44) "Foundation" means that part of the structure which is in direct contact with and transmitting loads to the ground.

(45) "Front" means the space between the boundary line of a plot abutting the means/ of access/road/street and the building line. Plots facing two or more means of accesses/roads/streets shall be deemed to front on all such means of accesses/roads/streets.

(46) "Gallery" means an intermediate floor or platform projecting from a wall of an auditorium or a hall, providing extra floor area, and/or additional seating accommodation. It also includes the structures provided for seating in stadia.

(47) "Garage-Private" means a building or a portion thereof designed and used for the parking of vehicles.

(48) "Garage-Public" means a building or portion thereof, designed other than as a private garage, operated for gain, designed and/or used for repairing, servicing, hiring, selling or storing or parking motor-driven or other vehicles.

(49) "Habitable room" means a room occupied or designed for occupancy for human habitation and uses incidental thereto, including a kitchen if used as a living room, but excluding a bath-room water closet compartment, laundry, serving and storing pantry, corridor, cellar, attic, store-room, pooja-room and spaces not frequently used.

(50) "Hazardous material" means-

i) radio active substances;
ii) material which is highly combustible or explosive and/or which may produce poisonous fumes or explosive emanations or storage, handling, processing or manufacturing of which may involve highly corrosive, toxic or noxious alkalis or acids or other liquids;
iii) other liquids or chemicals producing flame, explosive, poisonous, irritant or corrosive gases or which may produce explosive mixtures of dust or fine particles capable of spontaneous ignition.

(51) "Height of a building" means the vertical distance measured, in the case of flat roofs, from the average level of the ground around and contiguous to the building to the highest point of the building and, in the case of pitched roofs, upto the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and, in the case of gables facing the road, the mid-point between the eaves level and the ridge.

(52) "Height of a room" means the vertical distance measured, from the finished floor surface to the finished ceiling/slab surface. The height of a room with a pitched roof means the average height between the finished floor surface and the bottom of the eaves and the bottom of the ridge.

(53) "Home occupation" means customary home occupation other than the conduct of an eating or a drinking place offering services to the general public, customarily carried out by a member of the family residing on the premises without employing hired labour, and for which there is no display to indicate from the exterior of the building that it is being utilised in whole or in part for any purpose other than a residential or dwelling use, and in connection with which no article or service is sold or exhibited for sale except that which is produced therein, which shall be non-hazardous and not affecting the safety of the inhabitants of the building and the neighborhood, and provided that no mechanical equipment is used except that as is customarily used for purely domestic or household purposes and/or employing licensable goods. If motive power is used, the total electricity load should not exceed 0.75 KW. "Home Occupation" may also include such similar occupations as may be specified by the

Commissioner with the approval of Corporation and subject to such terms and conditions as may be prescribed.

(54) "Ledge" or "Tand" means a shelf-like projection supported in any manner, except by vertical supports, within a room itself but without a projection of more than half a meter.

(55) "Architect" means an architect who is an associate or corporate member of the Indian Institute of Architects or who holds a degree or diploma which makes him eligible for such membership for such qualifications listed in Scheduled XIV of the Architects Act, 1972 and being duly registered with the Council of Architecture under that Act.

(56) "Licensed Surveyor/Engineer/Structural Engineer/Supervisor" means a qualified surveyor, engineer, structural engineer or supervisor, licensed by the Commissioner.

(57) "Lift" means a mechanically guided car, platform or transport for persons and materials between two or more levels in a vertical or substantially vertical direction.

(58) "Loft" means an intermediate floor between two floors or a residual space in a pitched roof above normal level constructed for storage.

(59) Masonry " means an assemblage of masonry units properly bound together by mortar.

(60) "Masonry unit" means a unit whose net cross-sectional areas in every plane parallel to the bearing surface is 75 percent or more of its gross cross-sectional area measured in the same plane. It may be either clay, brick, stone, concrete block or sand-lime brick.

(61) "Mezzanine floor" means on intermediate floor, not being a loft, between the floor and ceiling of any storey.

(62) "Non-combustible" means not liable to burn or add heat to a fire when tested for combustibility in accordance with the IS-3808-1966 Method of Test for Combustibility of Building Materials.

(63) "Occupancy" or "Use" means the principal occupancy for use or which a building or a part of it is used or intended to be used, including contingent subsidiary occupancies; mixed occupancy buildings being those in which more than one occupancy are present in-different portions of the buildings.

(64) "Open space," means an area forming an integral part of a site left open to the sky.

(65) "Owner" means a person who receives rent for the use of the land or building or would be entitled to do so if it were let, and includes :-

(i) an authorised agent or trustee who receives such rent on behalf of the owner;
(ii) a receiver, executor or administrator, or a manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of the owner;
(iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purposes; and
(iv) a mortgagee in possession.

(66) "Parapet" means a low wall or railing built along the edge of the roof or a floor.

(67) "Parking space," means an enclosed or unenclosed covered or open area sufficient in size to park vehicles. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

(68) "Partition" means an interior non-load bearing divider one storey or part storey in height.

(69) "Permanent open air space" means air space permanently open-

(i) if it is a street,
(ii) if its freedom from encroachment is protected by any law or contract ensuring that the ground below it is either a street or is permanently and irrevocably appropriated as an open space.

In Determining the open air space required for construction of a building, any space occupied by an existing structure may, if it is ultimately to become a permanently open air space, be treated as if it were already such a place.

(70) "Permission " means a valid permission or authorisation in writing by the competent authority to carry out development or a work regulated by the Regulations.

(71) "Plinth" means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.

(72) "Plinth area" means the built-up covered area measured at the floor level of the basement or of any storey.

(73) "Plot" means a parcel or piece of land enclosed by definite boundaries.

(74) "Porch" means a covered surface supported on pillars or otherwise for the purpose of a pedestrian or vehicular approach to a building.

(75) "Retention activity" means an activity or use which is allowed to continue, notwithstanding its non-conforming nature in relation to the use permitted in the adjoining or surrounding area.

(76) "Road/Street " means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place or bridge, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme, and includes all bunds channels, ditches, storm-water drains, culverts, sidewalks, traffic islands, road-side trees and, hedges, retaining walls, fences, barriers and railings within the street lines.

(77) "Road/Street level or grade" means the officially established elevation or grade of the centre line of the Street upon which a plot fronts, and if there is no officially established grade, the existing grade of the street at its mid-point.

(78) "Road/Street line" means the line defining the side limits of a road/street.

(79) "Road width" or "Width of road/street" means the whole extent of space within the boundaries of a road when applied to a new road/street, as laid down in the city survey or development plan or prescribed road lines by any act or law and measured at right angles to the course or intended course of direction of such road.

(80) "Row housing" means a row of houses with only front, rear and interior open spaces.

(81) "Semi-detached building" means a building detached on three side with open spaces as specified in these Regulations.

(82) "Service road" means a road/lane provided at the front, rear or side of a plot for service purposes.

(83) "Site" means a parcel or piece of land enclosed by definite boundaries.

(84) "Site, Corner" means a site at the junction of land fronting on two or more roads or streets.

(85) "Site, Depth of" means the mean horizontal distance between the front and rear site boundaries.

(86) "Site with double frontage" means a site having a frontage on two streets other than a corner plot.

(87) "Site, Interior or Tandem" means a site access to which is by a passage from a street whether such passage forms part of the site or not.

(88) "Smoke-stop door" means a door for preventing or checking the spread of smoke from one area to another.

(89) "Stair -cover "means a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from the weather and not used for human habitation.

(90) "Storey" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

(91) "Tenement" means an independent dwelling unit with a kitchen. or a cooking alcove.

(92) "Theatre" means a place of public entertainment for the purpose of exhibition of motion picture and or dramas and other social or cultural programmes.

(93) "Tower-like structure " means a structure in which the height of the tower -like portion is at least twice that of the broader base.

(94) "Travel distance, " means the distance from the remotest point on a floor of a building to a place of safety be it vertical exit or a horizontally exit or an outside exit measured along the line of travel.

(95) "Volume to plot ratio (V.P.R.) " means the ratio expressed in meters of the volume of a building measured in cubic meters to the areas of the plot measured in square meters.

(96) "Water closet (W.C.) " means a privy with an arrangement for flushing the pan with water, but does not include a bathroom.

(97) "Water course " means a natural channel or an artificial channel formed by training or diversion of a natural channel meant for carrying storm and waste water.

(98) "Water course, Major" means a water course which carries storm water discharging from a contributing area of not less than 160 hectares, the decision of the Commissioner on the extent of the contributing area being final. A minor water course is one which is not a major one.

(99) "Window " means an opening other than a door, to the outside of a building which provides all or part of the required natural light, ventilation or both to an interior space.

(100) [Information Technology Establishment means an establishment which is in the business of the developing either software or hardware.][(1)]

(101) [Fitness centre in a building means and includes the built up premises including toilet facilities provided in the building including gymnasium for the benefit of its inmates and for the purpose of fitness, physical exercises, yoga and such other activities as may be permitted by the corporation from time to time.][(2)]

(102) [The Biotechnology Unit" shall mean and include Biotechnology units which are certified by the Development Commissioner (Industries) or any other officer authorized by him in this behalf.][(3)]

(103) [The extent of area of "Gaothan" shall be as shown on the plan.][(4)]

3. Applicability –

(1) *Development and construction* -Except as hereinafter otherwise provided, these Regulations shall apply to all development, redevelopment, erection and/or re-erection of a building, change of user etc. as well as to the design, construction or reconstruction of, and additions and alterations to a building.

(2) *Part construction* -Where the whole or part of building is demolished or altered or reconstructed/removed, except where otherwise specifically stipulated, these Regulations apply only to the extent of the work involved.

(3) *Change of occupancy*- Where the occupancy of a building is changed, except where otherwise specifically stipulated these Regulations apply to all parts of the building affected by the change.

(4) Reconstruction - The reconstruction in whole or part of a building which has ceased to exist due to an accidental fire, natural collapse or demolition, having been declared unsafe or which is likely to be demolished by or under an order of the Corporation or the Bombay Housing and Area Development Board and for which the necessary certificate has been given by either the said Corporation or the Board shall be allowed subject to the Regulations in Appendix II.

(5) Exclusions - Nothing in these Regulations shall require the removal, alteration or abandonment or prevent the continuance of the lawfully established use or occupancy of an existing building or its use unless, in the opinion of the Commissioner, such a building is unsafe or constitutes a hazard to the safety of adjacent property.

[ ](1) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/UD-11 Dt. 17.02.2000.

[ ] (2) This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB-4303/13/CR-249/2003/UD-11 Dated 8th September,2006.

[ ] (3) This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No.TPB /4304/2354/CR-62/07/UD-11 dated 8th May, 2007.

[ ] (4) This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.TPB-4302/1730/CR-233/2002/UD-11 dated 30th July,2008

4. Development permission and commencement certificate -

(1) Necessity of obtaining permission - No person shall erect or re-erect a building or alter any building or carry out any development or redevelopment, on any plot or land or cause the same to be done without first obtaining separate development permission and a commencement certificate from the Commissioner.

(2) I*tems of operational construction by some authorities excluded* - Construction for operational purposes, including maintenance of operational structures, by the following organisations, authorities or departments, whether temporary or permanent, may be exempted by the special permission of the Commissioner in each case from the purview of these Regulations, except those relating to floor space index and fire precautions:-

i. Railways;
ii. National Highways;
iii. National Waterways;
iv. Major ports;
v. Aerodromes and Airports;
vi. Posts and Telegraphs, Telephones, Television, Wireless, Broadcasting authorities and the authorities of other similar forms of communication;
vii. Regional grids, towers, gantries, switchyards, contact rooms for distribution, etc. of electricity;
viii. Defence Authorities;
ix. Any other essential public services as may be notified by the State Government.

All such constructions shall, however, conform to the prescribed requirement for the provision of essential services, water supply connections drains, etc. to the satisfaction of the Commissioner.

(3) Operational constructions excluded - The following constructions for operational purposes of the organisations, authorities or department listed above are exempted from the purview of these Regulations except those relating to floor spaces index and fire precautions:-

(i) Repairs and renovation of existing installations of building used for operational purposes only which do not involve addition to or increase of build-up-areas.

(ii) In the case of the Railways-

a) repairs and renovation of existing railway tracks, including culverts, over bridges, under- passes or bridges, tunnels and side drains;

b) platforms, goods sheds and offices, parcel offices, sub-stations, foot-over bridges turn-tables, lifting towers, gantries, signal and signal boxes or control cabins in hump yards;

c) running (loco) sheds, carriage and wagon depots, carriage washing places, overhead or ground level water tanks, pipelines and pumping station; running rooms, train examiners' offices, yard depots, permanent way inspectors' and signal inspectors' stores in railway yards and all overhead electric equipments for traction.

(iii) Store sheds, when ancillary to operational requirement only;

Provided that, for the construction of new railway lines or tracks the approval of the State Government shall be necessary. For construction of new buildings, goods stores, sheds or platforms, parcel offices and workshops or for purposes of major remodeling, the approval of the Commissioner shall be necessary.

Further provided that, the following constructions by the organisations, authorities or departments listed in sub-Regulations (2) herein shall not be deemed to be operational for the purpose of exemption under the said Regulations, namely:-

(i) Residential buildings, commercial buildings, office buildings and industrial buildings (other than gate lodges, essential operational staff quarters and the like), roads and drains, hospitals, clubs, institutes and schools in residential, commercial or industrial areas of the colonies of such organisations, authorities or departments.

(ii) Construction, installation or any extension of any building in the case of any service other than those mentioned in this Regulation.

(4) *Validity of development permission*. - If a development permission has been issued before the date of commencement of these Regulations, but the development is not started within a year from the date of such permission, the said development permission shall be deemed to have lapsed.

(5) *Applicability to partially completed works*. - For partially completed works, started with due permission before these Regulations have come into force, the Commissioner may not, for reasons to be recorded in writing, necessarily insist on compliance with the provisions of these Regulations for extending the period of the development permission, which shall not exceed that specified in section 48 of the Maharahstra Regional land Town Planning Act, 1966.

5. Procedure for obtaining Development Permission and Commencement Certificate.-

(1) *Notice of intention* - Every person who intends to carry out a development or redevelopment erect or re-erect a building or alter any building or part of a building shall give a notice in writing to the Commissioner of his said intention in the form in Appendix X and such notices shall be accompanied by plans and statements with sufficient number of copies, as required by sub-Regulations (2) and (3) hereunder. The plans may be ordinary prints. One set of such plans shall be retained in the office of the Commissioner for record after the issue of permission or refusal.

(2) *Copies of plans and statements* -

(i) *Notice*.- The notice referred to in sub Regulations (2) of Regulations 6 shall be accompanied by as many copies of plans as the Commissioner may prescribe after taking into consideration the clearances required from other agencies.

(ii) *Size*-The size of drawing sheets shall be any of those specified in Table 1 hereunder.

TABLE 1
Drawing sheet Sizes

Serial No.1 (1)	Designation (2)	Trimmed Size (mm) (3)
1	AO	841-1189
2	A1	594-841
3	A2	420-594
4	A3	297-420
5	A4	210-297
6	A5	148-210

(iii) Colouring notations for plans.-The plans shall be coloured as specified in Table 2 hereunder. The prints of the plants shall be on one side of the paper only.

TABLE 2
Colouring of Plans

Sr. No. (1)	Item (2)	Site Plan (3)	Building Plan (4)
1.	Plot Lines	---------- Thick Black----------	
2.	Existing Street	Green	----------
3.	Future Street	Green Dotted	----------
4.	Permissible Building	Thick Dotted Black	----------
5.	Open Spaces	---------- No Color----------	
6.	Work proposed to be demolished	---------- Yellow hatched ----------	
7.	Proposed work	---------- Red filled in ----------	
8.	Drainage and Sewerage work	---------- Red Dotted ----------	
9.	Water Supply Work	---------- Blue Dotted thin ----------	
10.	Deviations	---------- ------ Red Hatched ----------	
11.	Recreation Ground	---------- Green Wash ----------	
12.	Roads and Set backs	---------- Burnt sienna ----------	
13.	Reservation	---------- Appropriate colour code -------	

Note.- Existing work to be hatched black; for land development/sub-division/lay-out suitable colouring notations shall be used duly indexed.

(3) *Information accompanying notice.* -(i) Key plan, site plan, etc. to accompany notice.- The notice shall be accompanied by the key plan (location plan), a site plan, sub-division/lay out plan, building plan, specifications and certificate of supervision, ownership, title, etc. as prescribed in clauses (ii) to (xiii) below.

(ii) Ownership title and area.-Every application for development permission and commencement certificate shall be accompanied by the following documents for verifying the ownership and area etc. of the land:-

Attested copy or original sale/lease deed/power of attorney /enabling ownership documents wherever applicable;
Property register card of a date not earlier than twelve months of the date of submission of the development proposal;
Statement of area of the holding by triangulation method from the qualified licensed technical personnel or architect with an affidavit from the owner in regard to the area in the form prescribed by the Commissioner.;
Any other document prescribed by the Commissioner;

In the case of land leased by the Government or local authorities, clearance of Government or such authorities regarding observance of the lease conditions shall be obtained and attached to the application for development permission in respect of such land.

(iii) Key plan or location plan-A Key plan drawn to a scale of not less than 1 : 10000 shall be submitted along with the application in Appendix X for development permission and commencement certificate showing the boundary locations of the site with respect to neighborhood land-marks.

(iv) Site -plan - The site plan sent with an application for permission drawn to a scale of 1:500 shall be duly authenticated by the appropriate officer of the Department of Land Records showing in addition to, the details in Form-II of Appendix X the following:-

The boundaries of the site and of any contiguous land belonging to the owner of the site;
The position of the site in relation to neighboring streets;
The names of the streets on which the building is proposed to be situated if any;
All existing buildings contained in the site with their names (where the buildings are given names) and their numbers;
The position of the building and of other buildings, if any, which the applicant intends to erect upon his contiguous land referred to in (a) above in relation to-

i. the boundaries of the site and ,in a case where the site has been partitioned the boundaries of the portions owned by others;
ii. all adjacent streets , buildings (with number of storeys and height) and premises within a distance of 12 m. of the work site and of the contiguous land(if any) referred to in (a); and
iii. if there is no street within a distance of 12m. of the site, the nearest existing street with its name;

The means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (a); above
The space to be left around the building to secure free circulation of air, admission of light and access for scavenging purposes;
The width of the street (if any) in front and of the street (if any) at the side or near the building;
The direction of the north line relative to the plan of the building;
any existing physical features, such as wells, tanks, drains or trees;

The ground area of the whole property and the back-up of the covered area on each floor with the calculations for percentage covered in each floor, in terms of the total area of the plot as required by the Regulations governing the coverage of the area;
Overhead electric supply lines including space for electrical transforming sub-station according to the requirements of the electric distribution licenses, water supply and drainage line;
Such other particulars as may be prescribed by the Commissioner.

(v) *Sub-division/Lay-out Plan* -Where development is proposed in a sub-division or involves a layout plan, the notice shall be accompanied by a key-plan showing the location of the plot in the ward at a scale of not less than 1:4000 and a sub-division layout plan to a scale of not less than 1:500 ,which shall be duly authenticated by the appropriate officer of District Inspector of Land Record/Superintendent of Land Records containing the following:-

Scale used and the north line;
The location of all proposed and existing road with their names, existing /proposed/prescribed width within the land;
dimensions of the plot along with the building lines showing the set-backs with dimensions each plot;
The location of drains, sewers , public facilities and services, electric lines, etc;
A table indicating the size ,area and use of all the plots in the sub-division/lay-out plan;
A statement indicating the total area of the site area utilised under roads open spaces for parks , playgrounds ,recreation spaces and development plan designations, reservations and allocations ,school , shopping and other public places along with their percentage with reference to the total area of the site;
In the case of plots which are sub-divided, in built-up areas, in addition to the above the means of access to the sub-division from existing streets , and in addition , in the case of plots which are sub-divided in built up area, the means of access to each sub-plot from existing streets.

(vi) *Building plan* -The plans of the building with elevations and section accompanying the notice shall be drawn to a scale of 1:100 and shall-

Include floor plans of all floors together with the covered area clearly indicating the size of the rooms , the positions and width staircases , ramps and other existways, liftwells, lift machine rooms and lift pit details , meter room and electric sub-station . It shall also include the ground floor plan as well as the basement plan and shall indicate the details of parking spaces, loading and un-loading and spaces, if required to be provided around and within the building, as also the access ways and appurtenant open spaces with projections in dotted lines, the distance from any building existing on the plot in figured dimensions along with the accessory building. These plans will also contain the details listed in Form-I of Appendix X.
Show the use or occupancy of all parts of the buildings;
Show the exact location of essential services, e.g. water closet (WC), sink, bath
Include sectional drawing showing clearly the sizes of the footings, thickness of basement wall, wall construction, size and spacing of framing members ,floor slabs and roof slabs with their materials. The section shall indicate the heights of the building and rooms and also the height of the parapet and the drainage and the slope of the roof. At least one section should be taken through the staircase. The structural plan giving details of all structural element and materials used along with structural calculations can be submitted separately, but in any circumstances before the issue of the development permission/commencement certificate;
Show relative levels of streets;
Indicate details of basket privy/served privy, if any;
Give dimensions of the portions projecting beyond the permissible building line;
Include a terrace plan indicating the drainage and the slope of the roof;
Indicate the north line relative to the plans;
Give a schedule of doors, windows and ventilators;
Provide such other particulars as may be prescribed by the Commissioner;

Provided that with the building plans for multi-storeyed/high rise or special buildings, the following additional information shall be furnished or indicated on the building plans;-
Access to fire appliances/vehicles with details of vehicular turning circle and clear motorable accessway around the building;
Size (width) of main and alternate staircases along with the balcony approach, corridor, ventilated lobby approach;
Location and details of lift enclosures;
Location and size of fire lift;
Smoke stop lobby door, where provided;
Refuse chutes, refuse chamber, service duct etc.
Vehicular, loading and unloading parking spaces;
Refuse area, if any;
Details of air-conditioning system with position of fire dampers, mechanical ventilation system, electrical services (with dimensions of electrical transforming sub-stations etc.) boilers, gas pipes, meter rooms etc;
Details of exits, including ramps, etc. for hospitals and special risks;
Location of generator, transformer and switch gear room;
Smoke exhaust systems, if any;
Details of fire alarm system;
Location of centralised control, connecting all fire alarms, built-in fire protection arrangements and public address system, etc; location and dimensions of static water storage tank and pump room along with fire service inlets for mobile pump and water storage tank;
Location and details of fixed fire protection installation such as sprinklers, wet hose reels, drenchers, carbon-dioxide (CO_2) installations, etc; and.
location and details of first aid and fire fighting equipment/installations.

(vii) *Service plan*. - Plan and sectional elevations of private water supply, sewage disposal system and details of building services, where required by the Commissioner, shall be made available on a scale of not less than 1:100 before underrating such work.

(viii) *Specifications*. - General specifications of the proposed construction, giving the type and grade of materials to be used in the form in Appendix X, signed by a licensed surveyor/engineer/structural engineer, supervisor, or architect as the case may be, shall accompany the notice.

(ix) *Supervision Certificate*. - The notice shall be further accompanied by a certificate of supervision in the form in Appendix XI by the licensed surveyor/engineer/structural engineer/supervisor or architect as the case may be. If the said licensed technical person or architect ceases to be employed for the development work, further development shall be suspended till a new licensed technical person or architect is appointed and his certificate of supervision along with a certificate for the previous work erected, if any, is accepted by the Commissioner.

(x) *Development permission fee receipt*. - The notice shall accompanied by an attested copy of the receipt of payment of the development permission application fee.

(xi) *Security deposit*. - To ensure compliance with these Regulations and the directions given in the sanctioned plan and other conditions, a security deposit which may be in the form of an irrevocable bank guarantee, shall be charged at rates specified by the Commissioner. It shall be returned to the owner one year after the issue of the full occupancy certificate after the Commissioner is satisfied with the compliance with various conditions stipulated in the said full, occupancy certificate.

(xii) *Clearance certificate for tax arrears*. - The notice shall also be accompanied by an attested copy of a clearance certificate from the Assessment Department of the Corporation for payment of tax up-to-date.

(xiii) *No objection certificate*. - For occupancies requiring clearance from authorities like the Civil Aviation Department, Directorate of Industries, Maharashtra Pollution Control Board, Inspectorate of Boilers and Smoke Nuisances, electrical distribution licencers regarding requirements of electrical transforming stations, the no objection

certificate from these authorities, applicable to the occupancy, shall also accompany the application.

(xiv) *Other facilities to be provided during construction.* - The notice shall also be accompanied by an undertaking from the owner/developer/contractor to the effect that during the period of construction facilities, will be made available for day-care centre, crèche, adult-literacy and non-formal education programmes for the construction workers, directly by him or through a voluntary agency.

(4) *Signing of plans by owners and licensed personnel/architect.* - (i) *Signing of Plans.* - All the plans shall signed by the owner and the licensed surveyor/engineer/structural engineer/supervisor, or architect, as the case may be, and shall indicate their names in block capital letter, addresses and license numbers when so licensed, allotted by the Commissioner.

(ii) *Qualification and competence of the Licensed Surveyor/Engineer/Structural Engineer/Supervisor.* - The Commissioner shall license surveyors, engineers, structural engineers and supervisors with the qualifications listed in Appendix XII to perform the tasks mentioned in that Appendix.

(5) *Processing of the development permission application.* - (i) *Grant of permission or refusal* - The Commissioner may either sanction or refuse to sanction the plans and specifications or may sanction them with such modifications or directions as he may deem necessary, and thereupon, he shall communicate his decision to the person giving the notice accordingly in the form in Appendix `XIII or XIV'.

(ii) *Fire brigade scrutiny.*-The plans for all multi-storyed, high rise and special buildings shall also be subject to the scrutiny of the Chief Fire Officer, and development permission shall by given be the Commissioner only after the clearance by the Chief Fire Officer.

(iii*) Deemed permission.*-If within sixty days of the receipt of the notice under sub-Regulations (i) of Regulations 5, the Commissioner fails to intimate in writing to the person who has given the notice his refusal or sanction, or sanction with modifications or directions, the notice with its plans and statements shall be deemed to have been sanctioned, provided that this shall not be construed to authorise any person to do anything on the site of the work in contravention of or against the terms of lease or titles of the land, development plan, these Regulations or any law in force.

(iv) *Revised plans.* - Once the plans have been scrutinised and objections have been pointed out, the owner giving notice shall modify the plans to comply with the objections raised and resubmit them. The plans submitted for final approval shall not contain superimposed corrections. The Commissioner shall scrutinise the revised plans and shall grant or refuse commencement certificate/development permission within sixty days from the date of resubmission.

(6) *Commencement of work.* - A commencement certificate/development permission shall remain valid for four years in the aggregate, but shall have to be renewed before the expiry of one year from the date of its issue. The application for renewal shall be made before expiry of one year, if the work has not already commenced. Such renewal can be done for three consecutive terms of one year each, after which proposals shall have to be submitted to obtain development permission afresh.

For the purpose of this Regulations, `Commencement` shall mean as under: -

(a)	For a building work including additions and alterations	Upto plinth level
(b)	For bridges and overhead Tanks	Foundation and Construction work upto the base Floor.
(c)	For Underground works	Foundation and Construction work upto floor of underground Floor.
(d)	For lay-out, sub-division and amalgamation proposals	Final demarcation and provisions of infrastructure and services upto the following stages: (i) Roads : Water bound macadam complete. (ii) Sewerage, Drainage and water supply excavation and base concreting complete.

6. Procedure during construction.-

(1) *Construction to be in conformity with Regulations*.- Owner`s liability.-Neither the grant of permission nor approval of the drawing and specifications nor inspections by the Commissioner during erection of the building, shall in any way relieve the owner of such building from full responsibility for carrying out carrying out the work in accordance with these Regulations.

(2) *Notice to start of work* :- The owner shall give notice to the Commissioner of his intention to start work on the building site in the form of given in Appendix XV. The owner may start the work after 7 days have elapsed from the date of the service such notice to the Commissioner or earlier, if so permitted.

(3) *Documents at site* :- (i) Results of tests:- Where tests of any material are made to ensure conformity with the requirements of these Regulations, record of the test data shall be kept available for inspection during the construction of the building and for such period thereafter as required by the Commissioner.

(ii) *Development permission* :- The person to whom a development permission is issued shall during construction, keep-

(a) posted in a conspicuous place, on the site for which permission has been issued, a copy of the development permission; and

(b) a copy of the approved drawings and specifications referred to in Regulations 5 on the site for which the permit was issued.

(4) *Checking of plinth columns upto plinth level* :- The owner through his licensed surveyor, engineer, structural engineer or supervisor or his architect shall give notice in the form of Appendix XVI to the Commissioner on completion of work upto plinth level to enable the Commissioner to ensure that the work conforms to the sanctioned plans. The Commissioner may inspect the work jointly with the licensed technical personal or architect within fifteen days from the receipt of such notice and either give or refuse permission for further construction as per the sanctioned plans in the form in Appendix XVII. If within this period, the permission is not refused, it shall be deemed to have been given provided the work is carried out according to the sanctioned plans.

(5) *Deviation during constructions* :- If during the construction of a building, any departure of a substantial nature from the sanctioned plans is intended by way of internal or external additions, sanction of the Commissioner shall be necessary. A revised plan showing the deviations shall be submitted and the procedure laid down for the original plans heretofore shall apply to all such amended plans. Any work done in contravention of the sanctioned plans, without prior approval of the Commissioner, shall be deemed as unauthorised.

(6) *Completion certificate* :- The owner, through his licensed plumber, shall furnish a drainage completion certificate to the Commissioner in the form in Appendix 'XIX'. The owner through his licensed surveyor/engineer/structural engineer/supervisor or his architect, who has supervised the construction, shall furnish a building completion certificate to the Commissioner in the form in Appendix XX. These certificates shall be accompanied by three sets of plans of the completed development. The Commissioner shall inspect the work and, after satisfying himself that there is no deviation from the approved plans, issue a certificate of acceptance of the completion of the work in the form in Appendix XXI.

(7) *Occupancy certificate* :- On receipt of the acceptance of completion certificate in the form in Appendix XXI, the owner, through his licensed surveyor/engineer/structural engineer/supervisor of his architect shall submit to the Commissioner a development completion certificate in the form in Appendix XVIII with three copies of the completion plan, one of which shall be cloth mounted for record. The Commissioner may inspect the work and after satisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate in the form in Appendix XXII or refuse to sanction the occupancy certificate within 21 days from the date of receipt of the said completion certificate, falling which the work shall be deemed to have been approved for occupation, provided the construction conforms to the sanctioned plans. One set of plans, certified by the Commissioner as the completed plans, shall be returned to the owner along with the occupancy certificate. Where the occupancy certificate is refused or rejected, the reasons for refusal or rejection shall be given in intimation of the rejection or refusal.

(8) *Part occupancy certificate* :- When requested by the holder of the development permission, the Commissioner may issue a part occupancy certificate for a building or part thereof, before completion of the entire work as per the development permission, provided sufficient precautionary measures are taken by the holder to ensure public safety and health. The occupancy certificate shall be subject to the owner's indemnifying the Commissioner in the form in Appendix XXIII.

7. Amendment/modification to Appendices :-

Except where the same are prescribed in Mumbai Municipal Corporation Act, 1888, or Maharashtra Regional and Town Planning Act, 1966 or the rules or bye-laws framed thereunder, the Commissioner may, from time to time, add to, alter or amend Appendices X to XXIII.

8. Inspection –

(1) *Inspection or various stages*:- The Commissioner may at any time during erection of a building or the execution of any work or development make an inspection thereof without giving previous notice of his intention so to do.

(2) *Inspection by Fire Departmental*:- For all multi-storeyed, high-rise and special buildings the work shall also be subject to inspection by the Chief Fire Officer, and the Commissioner shall issue the occupancy certificate only after clearance by the said Chief Fire Officer.

(3) *Unsafe building* :- All unsafe buildings shall be considered to constitute a danger to public safety, hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Commissioner.

(4) *Unauthorised development* :- In case of unauthorised development, the Commissioner shall -

(a) take suitable action which may include demolition of unauthorised works as provided in section 53 of the Maharashtra Regional and Town Planning Act, 1966 and the relevant provisions of the Mumbai Municipal Corporation Act, 1888.
(b) take suitable action against the licensed technical person or the architect concerned.

PART II
GENERAL PLANNING REQUIREMENTS
LAND USES AND MANNER OF DEVELOPMENT

[ ](02052016) The modification in respect of Accomodation Reservation Principle, in superssession of all existing regulations of Accomodation Principle, was fianally approved vide Notification under No. **TPS -1813/3067/CR-492/13/MCORP/AR/UD-13, dated 02/05/2016** as per Clause (c) of sub-Section (1AA) of Section 37 of the Maharashtra Regional Town Planning act,1966.

In view of above modification, all the respective items/clauses pertaining to accomodation reservation principle in Regulation no 9 and Table no. 4 below will get automatically superceded and in such cases, Appendix AR as detailed below and approved on 02/05/2016 shall be referred and substituted.

PART II
GENERAL PLANNING REQUIREMENTS
LAND USES AND MANNER OF DEVELOPMENT

9. Land uses and the manner of development: -

The uses of all lands situated within the municipal limits of Greater Mumbai, which have been allocated designated or reserved for certain purposes in the development plan, shall be regulated in regard to type and manner of development/re-development, according to Table-4 hereunder: -

TABLE 4

Land uses and the Manner of Development

Sr. No. (1)	Use(Allocation designation or reservation) (2)	Person/Authority who may develop (3)	Condition subject to which development is permissible (4)
I	***Residential(R)***		
	(a) Residential (R-1) Residential with the shop line (R-2)	Owner Owner	
	(b)Public Housing (PH)	Public Authority or owner.	~~*[(1) A public authority may develop the land after acquiring it in accordance with law.*~~ ~~*Or*~~ ~~*(2) In cases where the owner has been granted exemption under section 20 or section 21 or redevelopment permission under section 22 of the Urban Land (Ceiling and Regulations) Act, 1976, prior to coming into force of these Regulations, he would be entitled to develop the land in accordance with terms and conditions set out in relevant order issued by the Government or the Competent Authority under the said Act, In case the owner is granted the aforesaid exemption or permission after coming into force of these Regulations, he will be entitled to develop the land in accordance with terms and conditions set out in the exemption order or permission, and in addition, on conditions stipulated for development of public housing/high density housing in (d) below.]*~~[9] ~~**[(1) A public authority may develop the land after**~~

Sr. No. (1)	Use(Allocation designation or reservation) (2)	Person/Authority who may develop (3)	Condition subject to which development is permissible (4)
			~~acquiring it in accordance with law.~~ ~~Or~~ ~~(2) In cases where the owner has been granted exemption under section 20 or section 21 or redevelopment permission under section 22 of the Urban Land (Ceiling and Regulations) Act, 1976, prior to coming into force of these Regulations, he would be entitled to develop the land in accordance with terms and conditions set out in relevant order issued by the Government or the Competent Authority under the said Act, In case the owner has been granted the aforesaid exemption or permission after coming into force of these Regulations, he will be entitled to develop the land in accordance with terms and conditions set out in the exemption order or permission, and in addition to the condition stipulated in (d) below.]~~[10] 1) A public authority may develop the land after acquiring it in accordance with law. **OR** 2) In case where, the owner has been granted exemption under section 20 or section 21 or redevelopment permission under section 22 of the Urban Land (Ceiling and Regulations) Act,1976,

Sr. No. (1)	Use(Allocation designation or reservation) (2)	Person/Authority who may develop (3)	Condition subject to which development is permissible (4)
			prior to coming into force of these regulations, he would be entitled to develop the land in accordance with the terms and conditions set out in relevant order issued by the Government or the Competent Authority under the said Act. In case the owner has been granted the aforesaid exemption or permission after coming into force of these regulations, he will be entitled to develop the land in accordance with terms and conditions set out in the exemption order or permission and in addition to the conditions prescribed below : i) The minimum tenement density shall be 275 units per ha. with not less than 50% tenements having carpet area of 25 sq. mt. (269 sq. ft.) each. ii)The owner shall hand over 40% of the total permissible built up area in terms of tenements, each having carpet area of 25 sq. mt. (269 sq. ft.) to the Municipal Corporation. Thereafter the owner will be entitled to have the full permissible FSI of the

Sr. No. (1)	Use(Allocation designation or reservation) (2)	Person/Authority who may develop (3)	Condition subject to which development is permissible (4)
			plot for the residential development, without taking into account the area of tenements handed over to the Municipal Corporation. For the additional built up area over the permissible FSI, the above norms of density will not apply.] **(18092012)** **(3) [Or development of site can be taken up and approved by the Slum Rehabilitation Authority for the implementation of the scheme]**[8]

	(c)Housing the Dishoused (HD)	Corporation or owner.	*[The Corporation may develop the land after acquiring it in accordance with the law.* *Or* *The owner may develop the land for housing with the normal permissible FSI on such terms as are agreed to between him and the Commissioner provided that in the development a minimum density of 325 units per net hectare with not less than 50 per cent of tenements having a carpet area of 16.75 sq.m. (180 sq.ft) shall be achieved, and 10 per cent of the tenements of carpet area of 16.75 sq.m. (180 sq.ft.) each in the building so constructed by him shall be made available by him to the Corporation on payment of the cost of construction plus 15 per cent of the cost of construction, for allotment of persons affected by implementation of development plan].*[9] **[The Corporation may develop the land after acquiring it in accordance with the Law" or may entrust the development to any suitable agency on such terms as are agreed between Corporation and the agency and in addition on the following conditions.** **i) The agency may be permitted to utilise the FSI as admissible to Corporation for construction of buildings for the purpose of housing those who are displaced by projects undertaken by Corporation;** **ii) Atleast 50 percent of the built up area shall be handed over to Corporation free of cost, in the form of tenements/shops for allotting to Project Affected Persons and/or for**

			~~rehabilitating the existing tenants on the plot;~~ ~~iii) Balance built up area may be utilised for other users as permissible in the respective zone.~~ ~~OR~~ ~~The owner may develop the land for housing with the normal permissible F.S.I. on such terms as are agreed to between him and the Commissioner and in addition on conditions stipulated~~ ~~for development for public housing/high density housing in (d) below.~~ [10] 1)The Corporation may develop the land after acquiring it in accordance with the law or may entrust the development to any suitable agency on such terms as are agreed between the Corporation and the agency and in addition on the following conditions:- (i) The agency may be permitted to utilize the FSI as admissible to Corporation for construction of building for the purpose of housing those who are displaced by projects undertaken by the Corporation. (ii) At least 50% of the built up area shall be handed over to Corporation free of cost, in the form tenements / shops for allotment to the Project Affected Persons and / or for rehabilitating the existing

			tenants of the plot; (iii) Balance built up area may be utilized for the other users as permissible in the respective zone. **Or** 2) The owner may develop the land on such terms as are agreed to between him and the Commissioner and further subject to the following conditions:- i)The minimum tenement density shall be 275 units per ha. With not less than 50% tenements having carpet area of 25 sq. mt. (269 sq. ft.) each. ii) The owner shall hand over 40% of the total permissible built up area in the terms of tenements, each having carpet area of 25 sq. mt. (269 sq. ft. to the Municipal Corporation. Thereafter the owner will be entitled to have the full permissible FSI of the plot for the residential development, without taking into account the area of tenements handed over to the Municipal Corporation. For the additional built up area over the permissible FSI, the above norms of density will not apply.(18092012) **(3)[Or development of site**

			can be taken up and approved by the Slum Rehabilitation Authority for the implementation of the scheme.][8]
	(d) Public Housing/High Density Housing (PH/HDH)	Public authority or owner.	~~(1) The minimum tenement density shall be 325 units per net hectare with not less than 50% tenements having carpet area of 16.75 sq.m. (180 sq.ft.) each.~~ ~~(2) A public authority may acquire the land and develop the land for the allocated purpose with due observance of condition (1) above~~ ~~Or~~ ~~The owner may develop the land in accordance with the condition (1) above and on such terms as are agreed between him and the Commissioner including the owner agreeing to give tenements of each carpet area of 16.75 sq.m. (180 sq.ft.) in the building so constructed by him on payment of cost of construction plus 15 per cent of the cost of construction as follows :-~~ ~~(a) 10 per cent tenements in the buildings in the suburbs and 5 per cent tenements in the buildings in the Island City to the Corporation for allotment to persons affected by implementation of the development plan and where there is no such person left to be allotted a tenement, to others at market price.~~ ~~(b)5 per cent tenements in the buildings in the Island City to the Mumbai Housing and Area Development Board for the purpose of fulfilling the Board's liabilities of rehabilitation under the Maharashtra Housing and Area Development Authority Act, 1976.~~ ~~Or~~ ~~In cases where the owner has been granted exemption under section 20 or section~~

			~~21 or redevelopment permission under section 22 of the Urban Land (Ceiling and Regulations) Act, 1976, prior to, coming into force of these Regulations he would be entitled to develop the land in accordance with the terms and conditions set out in the exemption order or permission issued by the Government or the Competent Authority under the said Act.~~ ~~In case, however, the owner has been granted the aforesaid exemption or permission after coming into force of these Regulations, he would be entitled to develop the land in accordance with the terms and conditions set out in the exemption order or permission in addition to the conditions stipulated at (1) and (2) above.~~ ~~Note :- Where a cessed building is to be developed for Public Housing/High Density Housing by an owner, the conditions of development given herein shall apply to that portion of the development, after and excluding that portion required for the rehabilitation of existing tenants according to the provisions in the Maharashtra Housing and Area Development Act, 1976 or under section 22 of the Urban Land (Ceiling and Regulations) Act, 1976, as the case may be.~~ [9] **[1) The minimum tenement density shall be 275 units per net hectare with not less than 50 percent of the tenements having carpet area of 20.90 sq.mt. (225 sq.ft.) each.** **2) " A Public Authority may acquire the land and develop the land for the**

			allocated purpose with due observance of condition (1) above". **OR** **The owner may develop the land on such terms as area agreed between him and the Commissioner and further subject to the following conditions :-** **(i) The owner shall develop the land in accordance with condition (1) above.** **(ii) The owner shall hand over 10% of the permissible built up area in the form of tenements each having carpet area of 20.90 sq.mt. (225 sq.ft.) to Corporation free of charge for allotment to persons affected by projects undertaken by Corporation or in the absence of such allottees to others at market price. Thereafter the owner will be entitled to have full permissible FSI of the plot without taking into account the area so handed over to the Corporation.** **OR** **In cases where the owner has been granted exemption under Sec. 20 or Sec. 21 of redevelopment permission under sec. 22 of the Urban Land (Ceiling and Regulation) Act, 1976, prior to coming into force of these Regulations he would be entitled to develop the land in accordance with the terms and conditions set out in the exemption order or permission issued by the Govt. or the Competent Authority under the said Act. In case, however, the**

			owner has been granted the aforesaid exemption or permission after coming into force of these Regulations, he would be entitled to develop the land in accordance with the terms and conditions set out in the exemption order or permission in addition to the condition stipulated at (1) and (2) above.] (10) **(3) [Or development of site can be taken up and approved by the Slum Rehabilitation Authority for the implementation of the scheme.](8)**
	(e)Municipal staff Quarters (MSQ)/ Municipal Housing(MH)	Corporation **[or owner] (10)**	**[The Corporation may develop the land after acquiring it in accordance with the Law or may entrust the development to any suitable agency on such terms as are agreed between Corporation and the agency provided that the agency hands over built up area for the Municipal staff quarters/ Municipal Housing in the form of tenements to the Corporation free of charge according to the norms prescribed by the Commissioner. Thereafter the agency will be entitled to have full permissible FSI of the plot for other permissible users of the plot without taking into account the area utilised for the Municipal staff quarters / Municipal Housing.** **OR** **The owner may be permitted to develop the reservation subject to his handing over the built up space for the Municipal staff quarters/ Municipal Housing in the form of tenements, according to**

			the norms prescribed by the Commissioner, free of charge, to the Corporation. Thereafter, owner will be entitled to have the full permissible FSI of the plot for other permissible user of the plot without taking into account the area utilised for the Municipal Staff quarters / Municipal Housing] (10)
	(f) Government staff Quarters/ Housing	Govt. **[or Owner]**. (11)	**[A) For lands not owned by Appropriate Authority :-** **(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity.** **(ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building.** **B) For lands owned by Appropriate Authority:** **Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.]** (11)

	(g) ~~Police Quarters/ Housing~~ **[Police Station Cum Police Housing.] (11)**	~~*Government*~~ **[Govt. or Owner.] (11)**	**[A) For lands not owned by Appropriate Authority :-** **(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity.** **(ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building.** **B) For lands owned by Appropriate Authority:** **Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.](11)**
II	Commercial (C)		
	(a)(i)Local Commercial(C-1) (ii) District Commercial (C-2)	Owner Public Authority or Owner	The owner may be allowed to develop on such terms as may be agreed between him and the Commissioner. In cases where the owner has been granted exemption under section 20 or 21 or redevelopment permission under section 22 of Urban Land (Ceiling & Regulations) Act, 1976, prior to coming in to force of these Regulations,

			he would be entitled to develop the land in accordance with the terms & condition set out in exemption order issued by the Government or the Competent Authority under that Act.

	(b) Retail Market (RM)	Corporation or owner	~~*[The Corporation may acquire and develop the retail market.*~~ ~~*Or*~~ ~~*The owner may be permitted to develop a retail market with the type, number and size of stalls prescribed by the Commissioner, and further subject to his agreeing to hand over the built-up market area to the Corporation free of charge. There after, the owner will be entitled to have the full permissible FSI of the plot without taking into account the area utilised for the market.]*~~[(9)] **[The Corporation may acquire and develop the Retail Market or may entrust the development to any suitable agency on such terms as are agreed between Corporation and the agency provided that the agency develops a Retail Market with the type number and size of stalls as prescribed by the Commissioner and hands over the built up area for Market to Corporation free of charge. Thereafter the agency will be entitled to have the full permissible FSI of the plot for other permissible users without taking into account the area utilised for the Market.** **OR** **The owner may be permitted to develop a Retail Market with the type number and size of stalls as prescribed by the Commissioner and hands over the built up area for Market to the Corporation free of cost. Thereafter the owner will be entitled to have the full permissible FSI of the plot for other permissible users without taking into account the area of the Market]**[(10)]

	(c) Shopping Center (SC)	Corporation or owner	~~[The Corporation may acquire the land and develop it for the shopping center.~~ ~~Or~~ ~~The owner may develop the shopping center on his agreeing to give at least upto 25 per cent of the shops to the Corporation for the purpose of rehabilitation of shop-keepers displaced from sites reserved for public purposes or amenities in the development plan, on payment of cost of construction plus 15 per cent of the cost of construction].~~ (9) **[The Corporation may acquire the land and develop it for the Shopping Centre or may entrust the development to any suitable agency on such terms as are agreed between Corporation and the agency subject to the condition that the agency agrees to hand over the built up area for the Shopping Centre as per the norms prescribed by the Municipal Commissioner, to the Corporation free of charge. Thereafter the agency will be entitled to have the full permissible FSI of the plot for other permissible user of the plot without taking into account the built up area of Shopping Centre to be handed over to Corporation.** **OR** **The owner may develop the Shopping Centre on his agreeing to give 25 percent of the permissible built up area for the Shopping Centre as per the requirements of the Municipal Commissioner, to Corporation free of charge. The owner,**

			thereafter, will be entitled to have the permissible FSI of the plot for other permissible users without taking into account the built up area of Shopping Centre to be handed over to Corporation.] (10)
	(d) Open Market (OM)	Corporation	
	(e)Municipal Wholesale Market (MWM)	Corporation	The Corporation may acquire and develop the wholesale or semi wholesale market with such area as is considered appropriate by it for the purpose and thereafter be entitled to have the full permissible FSI of the plot for commercial/office purposes as may be decided by the Commissioner without taking into account the area utilised for the market. This facility will be available only in the suburbs and extended suburbs.
	(f)Municipal Semi-Wholesale Market (MSWM)	Corporation	-----Same as Above-------
	Commercial-(C) **(g) District Commercial Centre/ Town Centre/ Town Sub-centre.**	**Corporation or owner or Special Planning Authority (SPA)**	**[The Corporation/ SPA may acquire the land and develop it for District Commercial Centre/Town Centre/Town sub-centre.** **OR** **The owner may develop the District Commercial Centre/Town Centre/Town sub-centre on his agreeing to give 30 percent of the permissible built-up area along with appurtenant land for the District Commercial Centre/ Town Centre / Town sub-centre as per the requirement of the Municipal Commissioner / SPA to Corporation / SPA free of cost, for the users permissible in C1/C2 zone. The owner thereafter will be entitled to have the permissible FSI of the plot for other permissible users of C1/C2 zone without**

			taking into account the builtup area of District Commercial Centre / Town Centre / Town sub- centre to be handed over to Corporation. **Owner / Developer shall be allowed to use TDR / Additional FSI (0.33) on 70% land, subject to following conditions –** **i) Total FSI/TDR consumption on plot shall not exceed 2.00 on the entire plot.** **ii) In cases, where holdings are more than 10 acres, prior approval of Govt. shall be obtained.] (14)**
III	Industrial (I) (a)(i) Service Industries (I-1) (ii)General Industries (I-2) (iii)Special Industries (I-3)	Owner Owner Owner	
	(b)Industrial Estate (IE)	Public Authority or owner.	The Public Authority may, acquire the land and develop the industrial estate. Or The owner may develop the industrial estate on his agreeing to give at least upto 25 per cent of the galas to the Corporation for the purpose of rehabilitation of such industries which are to be rehabilitated from non-conforming areas or zones or who are displaced from sites reserved for public purposes or amenities in the development plan or other projects on payment of cost of construction plus 15 per cent of the cost of construction.
	(c) Service Industrial Estate (SIE)	Public Authority or owner	The owner may develop the service industrial estate on his agreeing to give at least upto 25 per cent of the galas to the Corporation for the

			purpose of rehabilitation of such industries which are to be rehabilitated from non-conforming areas or zones or who are displaced from sites reserved for public purposes or amenities in the development plan or other projects on payment of cost of construction plus 15 per cent of the cost of construction.
	(d) Fishing Industry (FI) (e.g. Fish drying, fish net drying, repair and allied activities.)	Public Authority or Institution Cooperative Society or Association of Fishermen or owner.	
	(e) Godown/Warehousing/ Cold Storage.	Public Authority or owner	
	(f)Municipal Laundry/Work shop/Store (ML/MW/MS).	~~Corporation~~ MCGM or owner	**[A) For lands not owned by the Municipal Corporation of Gr. Mumbai.** (i) The owner shall construct designated amenity on 50% of land under reservations with 0.50 of permissible FSI of area under reservation as per the terms and conditions as specified by the Municipal Corporation (inclusive of provision for required car parking, separate pump room adequate provision of toilet blocks, etc.) (ii) The amenity thus constructed with separate building and open spaces all around shall be handed over along with 50% land to the MCGM free of cost and free of charge. Thereafter, the owner shall be allowed to develop the remaining 50% site to the full permissible FSI of the

			plot without taking into account FSI utilized for this construction of amenity building. **B) For lands owned by the Planning Authority i.e. MCGM:** The development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (16)
	(g)Municipal Printing Press (MPP)	~~Corporation~~ MCGM or owner	**[A) For lands not owned by the Municipal Corporation of Gr. Mumbai.** (i) The owner shall construct designated amenity on 50% of land under reservations with 0.50 of permissible FSI of area under reservation as per the terms and conditions as specified by the Municipal Corporation (inclusive of provision for required car parking, separate pump room adequate provision of toilet blocks, etc.) (ii) The amenity thus constructed with separate building and open spaces all around shall be handed over along with 50% land to the MCGM free of cost and free of charge. Thereafter, the owner shall be allowed to develop the remaining 50% site to the full permissible FSI of the plot without taking into account FSI utilized for

			this construction of amenity building. **B) For lands owned by the Planning Authority i.e. MCGM:** The development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (16)
	(h)Dhobi Ghat (DG)	Corporation or Institution or Association of Washermen or owner.	The dhobi ghat, developed by the Corporation, may be entrusted for operation and maintenance to an institution or association or washermen. Or The association or institution of washermen owner may be allowed to develop a dhobi ghat on terms agreed between them/him and the Commissioner.
	(i) Railway Siding, Workshops. And other Railway Uses.	Indian Railways	
IV	Transportation		
	(a) Proposed road/street	Corporation	
	(b) Proposed widening of existing road/street envisaged either in the development plan or by prescription of regular line of street under the Mumbai Municipal Corporation Act, 1888.	Corporation	
	(c)BEST Bus Depot (BBD) and Housing (BBDH)].	BEST Undertaking **[or Owner.]** (11)	[(**A) For lands not owned by Appropriate Authority :-** **(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department**

			(inclusive of provision for required parking spaces) for being used for the designated amenity. **(ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building.** **B) For lands owned by Appropriate Authority:** **Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.]** (11)
	(d)BEST Bus Station (BBS) and Housing (BBS and H).	BEST Undertaking	
	(e)Municipal Transport Garage (TG)/Workshop (MW).	~~Corporation~~ MCGM or owner	**[A) For lands not owned by the Municipal Corporation of Gr. Mumbai.** (i) The owner shall construct designated amenity on 50% of land under reservations with 0.50 of permissible FSI of area under reservation as per the terms and conditions as specified by the Municipal Corporation (inclusive of provision for required car parking, separate pump room adequate provision of toilet blocks, etc.) (ii) The amenity thus

			constructed with separate building and open spaces all around shall be handed over along with 50% land to the MCGM free of cost and free of charge. Thereafter, the owner shall be allowed to develop the remaining 50% site to the full permissible FSI of the plot without taking into account FSI utilized for this construction of amenity building. **B) For lands owned by the Planning Authority i.e. MCGM:** The development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (16)
	(f)Municipal Road Depot (RD).	Corporation **[or Owner]**(7)	**[The Corporation may acquire, develop and maintain the amenity as a reservation** **OR** **The owner may be permitted to develop the site subject to the following conditions** **1. The Owner shall construct the structure for Road Depot as required by Municipal Corporation of Greater Mumbai on the portion of the land under reservation, having area of 50% (fifty percent) of the area of entire reserved site.** **2. The built up area of the structure for Road Depot shall be 10% of the permissible FSI on the plot under reservation.** **3. The Land admeasuring 50% of the plot area, with built up structures for Road Depot, and duly developed with proper internal roads, etc. as required by the Commissioner, shall be**

			handed over to the Corporation free of cost. **4. The owner can develop the remaining site, admeasuring 50% of the total plot area, with full potential of the total plot for the purpose as may be permissible under the respective zone, without taking into account the area utilized for constructing the amenity.** **Provided further if the owner agrees to hand over the whole reservation to the Corporation with necessary facilities as stipulated in condition 3, FSI potential of the land shall be permitted to be utilized on the adjoining land of the same owner in the same layout.][(7)]**
	(g)Car Pound	Corporation or Police Department.	
	(h)Truck Terminal(TT)	Public Authority.	
	(i)Parking Lot (PL)	Corporation/ Public Authority/ public Organization/Owner.	The Corporation may acquire the land and develop, operate and maintain the parking lot. Or A public authority or a public organisation or the owner may be allowed to develop the parking lot for the public according to the design, specification and conditions prescribed by the Commissioner, utilising the full built-up area equal to the FSI available on the plot for the purpose of providing the parking spaces. The operation and maintenance of the facility will be decided by the Commissioner irrespective of the authority, organisation or person who develops the facility. The parking spaces may be in the basement or open spaces or under the stilts or on the upper floors. The Corporation, public authority

			public organisation or the owner will be entitled to thereafter have the full permissible FSI of the plot, without taking into account the areas utilised for providing the parking spaces for the other permissible users of the plot.
	(j)Jetty	Public Authority or owner.	When the owner develops this facility, it will be in accordance with the specifications approved by the appropriate authority.
V.	Public, Semi-Public-		
	1. Institutional- (a)Dispensary(D) .. (b)Health/Welfare Center (WC). (c)Maternity Home(MH) (d)Municipal chowky (MCKY).	Corporation or owner	~~[The Corporation may acquire, develop and maintain the amenity as a reservation.~~ ~~Or~~ ~~The owner may be permitted to develop the amenity subject to his handing over to the Corporation free of charge the built-up space for the amenity constructed according to norms prescribed by the Commissioner. Thereafter, he will be entitled to have the full permissible FSI of the plot for other permissible user of the plot without taking into account the area utilised for constructing the amenity.~~ ~~The Commissioner may hand over the dispensary, health or welfare center or maternity home to a public organisation for operation and maintenance on terms decided by him.~~ ~~Explanation : Welfare Center also includes homes, shelters or institutions for home-less or street children waifs, destitutes children (but not beggars) strays delinquents, abandoned or destitutes women, homes for the destitute or dying destitutes, drug addicts and alcoholics, crèches or day-care center for children, of working parents, sevaghars~~

			~~,mobile crèches and for physically disabled or handicapped provided they are all run by registered public trusts.]~~[9] **[The Corporation may acquire, develop and maintain the amenity as a reservation or may entrust the development to any suitable agency on such terms as are agreed between Corporation and the Agency. The agency may be permitted to develop the amenity subject to their agreeing to hand over free of cost to the Corporation the built up space for the amenity, constructed according to the norms prescribed by the Commissioner. Thereafter the agency will be entitled to have full permissible FSI of the plot for other permissible user of the plot without taking into account the built up area of the amenity to be handed over to Corporation.** **OR** **The owner will be permitted to develop the amenity subject to his agreeing to hand over to the Corporation free of charge the built up space for the amenity constructed according to the norms prescribed by the Commissioner. Thereafter the owner will be entitled to have the full permissible FSI of the plot for other permissible user of the plot without taking into account the built up area of the amenity to be handed over to Corporation.** **The Commissioner may hand over the dispensary,**

			health or Welfare Centre, or Maternity Home to a public Organisation for operation and maintenance on terms decided by him. **Explanation :- Welfare Centre also includes Homes, Shelters or Institutions for homeless or street children waifs, destitute children (but not for beggars), strays delinquents, abandoned or destitute women, homes for the destitute, or dying destitutes, drug addicts and alcoholics, crèches or day-care centre for children of working parents, Seva-Ghars, mobile crèches and for physically disabled or handicapped provided they are all run by registered public trusts.]** (10)
	(e) General Hospital (GH) (f) Home for Retarded Destitutes/ Mentally Retarded (g) Sanatorium (SM) (h) Leprosarium (i)Veterinary Dispensary (+ VH)	Public Authority or Public Organisation/ Trust or Owner (Legal Person)	When owner develop the facilities at (e) to (i) it will be in accordance with the specifications and conditions approved by the Commissioner.
	(j)Government Hospital (G+H)	Government Department Concerned	----------
	(k) [Municipal Hospital and Extension to Municipal Hospital] (16)	[MCGM or Owner] (16)	**[A) For lands not owned by the Municipal Corporation of Gr. Mumbai.** (i) The owner shall construct designated amenity on 50% of land under reservations with 0.50 of permissible FSI of area under reservation as per the terms and conditions as specified by the Municipal Corporation (inclusive of provision for required car parking,

			separate pump room adequate provision of toilet blocks, etc.) (ii) The amenity thus constructed with separate building and open spaces all around shall be handed over along with 50% land to the MCGM free of cost and free of charge. Thereafter, the owner shall be allowed to develop the remaining 50% site to the full permissible FSI of the plot without taking into account FSI utilized for this construction of amenity building. **B) For lands owned by the Planning Authority i.e. MCGM:** The development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] **(16)**
	(2) Educational -		
	(a) Municipal Primary School (M.P.)	~~*[Corporation]*~~[1] **[Corporation or registered institution or trust or private party]**[2]	~~*[The Commissioner may entrust the Primary School to registered institutions or trust for operation.]*~~[1] **[The Commissioner may allow development of the reservation for primary/ primary-cum-secondary school and/or the operation and maintenance, thereof by registered institutions or trusts or private parties in accordance with the specifications and design duly approved by him and subject to the other terms and conditions as may be decided by him.]**[2]
	(b) Primary School (P.S.) (c) Secondary School (SS)	Public Authority or Owner	The land for the primary or secondary school may be acquired for or on behalf of a

			public authority, a public trust of a registered society, which may develop the facility themselves or lease it to another institution or trust for running the same. or the owner may be allowed to develop the land for the specific facility and operate it himself or entrust its operation to a registered institution or trust.
	(d) College	Public Authority or Owner	The conditions subject to which development of college is permissible will be as in the case of a Primary School or a Secondary School as indicated in this column against item V(2) (b) and (c).
	(e) Polytechnic	Public Authority or Owner	Conditions subject to which development of polytechnic is permissible will be as in the case of a Primary School or as Secondary School as indicated in this column against item V(2) (b) and (c).
	(f)Technical school	Public Authority or Owner	Conditions subject to which development of Technical School is permissible will be as in the case of a Primary School or as Secondary School as indicated in this column against item V(2) (b) and (c).
	3. Government or Semi-Public - (a)Government office (GO)]	~~*Government*~~ **[Govt. or Owner] (11)**	**[A) For lands not owned by Appropriate Authority :-** **(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity.** **(ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall**

			be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building. **B) For lands owned by Appropriate Authority:** **Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.]** (11)
	(b)Municipal office (MO)	~~Corporation~~ MCGM or owner	**[A) For lands not owned by the Municipal Corporation of Gr. Mumbai.** (i) The owner shall construct designated amenity on 50% of land under reservations with 0.50 of permissible FSI of area under reservation as per the terms and conditions as specified by the Municipal Corporation (inclusive of provision for required car parking, separate pump room adequate provision of toilet blocks, etc.) (ii) The amenity thus constructed with separate building and open spaces all around shall be handed over along with 50% land to the MCGM free of cost and free of charge. Thereafter, the owner shall be allowed to develop the remaining 50% site to the full permissible FSI of the plot without taking into

	(c)Town Duty Office (TD) (Octroi office)	Corporation	account FSI utilized for this construction of amenity building. **B) For lands owned by the Planning Authority i.e. MCGM:** The development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (16) ----------
	4. Assembly and Recreation - (a)Cinema Theatre (CN) (b)Drama Theatre (DTH) (c)Open Air Theatre (OTH) (d)Children's' Theatre (CTH) (e)Museum (f)Public Hall (g)Gymnasium/Gymkhana (GYM) (h)Club	Owner	
	(i)Stadium	Corporation or Owner	The Commissioner may entrust the development and maintenance of the facility to a suitable agency on terms to be decided by him.
	(j) Swimming Pool .. (k)Recreation Ground (RG) (l) Playground (PG) .. (m) Garden (G) .. (n) Park (P) .. (o) Sports Complex-cum Shopping Centre	Corporation or Owner	The Commissioner may entrust the development and maintenance of the facility to a suitable agency on terms to be decided by him.
	(p) Library	Corporation or Owner	~~[The Corporation may acquire, develop and maintain the library space as a reservation~~ ~~or~~ ~~The owner may be permitted~~

			~~to develop the library subject to his handing over to the Corporation free of charge the built-up space for the library constructed according to norms prescribed by the Commissioner. Thereafter the owner will be entitled to have the full permissible FSI of the plot for the other permissible uses of the plot without taking into account the area utilised for constructing the library].~~[9] **The Corporation may acquire, develop and maintain the Library space as a reservation or may entrust the development to any suitable agency on such terms as are agreed between Corporation and the agency. The agency may be permitted to develop the land subject to their handing over the built up space for the Library, constructed according to the norms prescribed by the Commissioner, to the Corporation free of charge. Thereafter the agency will be entitled to have the full permissible FSI of the plot for other permissible users of the plot without taking into account the built up area of Library.** **OR** **The owner may be permitted to develop the Library subject to his handing over to the Corporation free of charge the built up space for the Library constructed according to the norms prescribed by the Commissioner. Thereafter the owner will be entitled to have the full permissible FSI of the plot for other permissible users of the plot without taking into account the built up area**

			for the Library. **NOTE : The Commissioner may hand over the built up space for the Library to a suitable agency for operation and maintenance on terms as decided by him.** (10)
	(q)Tourist Complex/Centre	Maharashtra Tourism Development Corporation Limited or owner.	
	[(r) Art Gallery] (3)	**[Corporation or Owner]** (3)	**[The Corporation may acquire, develop, and maintain the Art Gallery Space as a reservation,** **or** **The owner may be permitted to develop the Art Gallery subject to his handing over to Corporation free of charge the built up space for the Art Gallery constructed accordingly to norms prescribed by the Commissioner. Thereafter the owner will entitled to have the full permissible FSI of the plot for other permissible users of the plot without taking into account the area utilized for constructing the Art Gallery.]**(3)
	5. Public Utilities- (a)Fire Brigade Station (FB)]	~~*[Corporation]*~~ **[Corporation or owner]**(11)	~~**[A) For lands not owned by Appropriate Authority :-**~~ ~~**(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity.**~~ ~~**(ii) Building thus constructed shall be handed over alongwith 40%**~~

			~~land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building.]~~ ~~B) For lands owned by Appropriate Authority:~~ ~~Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.]~~(11) [ ](15) **[A) For lands not owned by the Municipal Corporation of Gr. Mumbai.** (i) The owner shall construct designated amenity on 50% of land under reservations with 0.50 of permissible FSI of area under reservation as per the terms and conditions as specified by the Municipal Corporation (inclusive of provision for required car parking, separate pump room adequate provision of toilet blocks, etc.) (ii) The amenity thus constructed with separate building and open spaces all around shall be handed over along with 50% land to the MCGM free of cost and free of charge.

	(b)Sewage Purification Works (SPS. (c)Reservoir (R) (d)Pumping Station (SPg. Stn.). (e) Sanitary Refuse Shed (SRS). (f) Refuse Transport Station (RTS). (g) Cattle Pound (CP)	Corporation Corporation Corporation Corporation Corporation	Thereafter, the owner shall be allowed to develop the remaining 50% site to the full permissible FSI of the plot without taking into account FSI utilized for this construction of amenity building. **B) For lands owned by the Planning Authority i.e. MCGM:** The development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (16) --- --- --- --- ---
	(h) Receiving Station (RS) (i) Cemetery/Cremation Ground (C).	Electrical Licensee Corporation/Public Authority or Owner.	--- The Corporation or a public authority with the approval of the Corporation may acquire and develop the land for a cemetery, cremation ground. or The owner may be allowed to develop the land for cemetery or cremation ground with the approval of Corporation on such terms and conditions as it may specify.
	(j)Post Office (PO) Post and Telegraph Office (PT)/Telephone Service Centre (TC) Police Chowky (PCKY).	The Government Department concerned or owner.	The Government department concerned may acquire develop and maintain the users. or The owner may be permitted to develop the facility subject to his handing over to the Government department concerned free of charge the required built-up space for the facility constructed according to the norms prescribed by the said Government

			department. ~~*Thereafter the owner will be entitled to the full permissible FSI of the plot, without taking into account the area utilized for constructing the facility.*~~ **[Provided that alternatively the owner may handover to the concerned Government Department free of charge the prescribed built up area for the said facility or any related facility of the said Government Department constructed according to the requirement of the said Government Department any where in the same ward or nearby location in adjacent ward at convenient place mutually agreed by the owner and the said Government Department.** **Thereafter the owner will be entitled to the full permissible FSI of both the plots, without taking into account the area utilized for constructing such the facilities / related facilities]**[4]
	(k)Telephone Exchange (TE)	~~*Government department concerned*~~. **[Govt.department concerned or owner or basic Telephone Operating company]**[11]	**[A) For lands not owned by Appropriate Authority :-** **(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity.** **(ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall**

			be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building. B) For lands owned by Appropriate Authority: Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (11)
	(I) ~~Police Station/Parade Ground.~~ (I) Police Station	~~Government department concerned~~. [Govt. department concerned or owner](11)	[A) For lands not owned by Appropriate Authority :- (i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity. (ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building. B) For lands owned by Appropriate Authority: Development of reserved plot shall be subject to such conditions as may be prescribed by the

			Government.] (11)
	(m) ~~)BEST Receiving Station (BRS) and Housing (BRST)~~ [(m) a) BEST Receiving Station (BRS) b) BEST Bus Depot (BBD) c) BEST Bus Station d) BEST Terminal] (11)	~~BEST Undertaking~~. [BEST Undertaking or Owner.] (11)	[A) For lands not owned by Appropriate Authority :- (i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity. (ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building. B) For lands owned by Appropriate Authority: Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.] (11)
	(n)Public Sanitary Convenience (PSC).	Corporation or owner	The Corporation may develop the facility either itself or through a sponsor or may allow owner to develop the same on plots designated or reserved for the purpose in the development plan or at other suitable locations, niches (even in sites designated or reserved for other purposes or amenities in the development plan) as may be approved by the Commissioner. Such

			development will be free from FSI computation.
----	**[Municipal Training Institute](11)**	**[Corporation or Owner] (11)**	**[A) For lands not owned by Appropriate Authority :-** **(i) The owner shall construct designated amenity on 40% of land under reservations with 0.40 of permissible FSI of area under reservations according to norms prescribed by the said concerned Department (inclusive of provision for required parking spaces) for being used for the designated amenity.** **(ii) Building thus constructed shall be handed over alongwith 40% land to the concerned Department, free of cost. Thereafter, the owner shall be allowed to develop the remaining 60% site to the full permissible FSI of the plot without taking into account the FSI utilised for this construction of amenity building.** **B) For lands owned by Appropriate Authority:** **Development of reserved plot shall be subject to such conditions as may be prescribed by the Government] (11)**
------	[Industrial Training Institute/Centre](03072015)	Govt. Department / Public Authority or Owner	(A) For lands not owned by Appropriate Authority:- (i) The owner shall construct designated amenity and , if so directed by the

			Municipal Commissioner, run the designated amenity, on 40 % of the land under the reservation, with built up area equivalent to 50% of the permissible built up area on the plot under reservation, as per zonal permissible FSI, according to norms prescribed by the concerned Technical Authority (inclusive of provision for required parking spaces) for designated amenity. (ii) In case the designated amenity building thus constructed is handed over alongwith 40% land, free of cost, to the

			Public Authority specified by the Municipal Commissioner, the Owner shall be allowed to develop the remaining site upto full permissible FSI of the plot under reservation, without taking into account the FSI utilized for the construction of the amenity building. **(iii)** In case the designated amenity is allowed by the Municipal Commissioner to be retained and run by the Owner, then the owner shall be allowed to develop the remaining site upto full permissible FSI of the plot under reservation by taking into account the FSI

			utilized for the construction of the amenity building. Provided that in specific cases, where a clearly demonstrable hardship is caused and it is not possible to develop and/or hand over individual plot along with built up amenity, then in such cases Municipal Commissioner may allow composite development on the said land subject to condition that the built up area mentioned as above may be allowed to be developed and/or hand over to the Public Authority, as the case may be preferably in separate structure/wing or on the ground floor of composite building. If ground floor is utilized for parking, then on stilt/above floors with separate entry & exit from public street. In such cases the Municipal Commissioner may recover the cost of 40% land area as per prevailing Ready

			Recknor Rate, as per policy of Municipal Corporation and recent circulars in this respect. (B) For lands owned by Appropriate Authority : Development of reserved plot shall be subject to such conditions as may be prescribed by the Government.)[03072015]

Explanation –

(i) Even where an owner, in terms of column (3) in Table 4 above, is permitted to develop certain categories of reservations allocations or designations the Corporation or concerned authority may at any time acquire land thereunder.

(ii) An owner, who in terms of column (3) of Table 4 also, is permitted to develop certain categories of allocations, designations or reservations, shall provide the required parking spaces for the same, in addition to those required for the developments he is permitted to undertake.

(iii) In areas where the Mumbai Metropolitan Region Development Authority or any other authority is appointed as Special Planning Authority under Section 40 of the Maharashtra Regional and Town Planning Act, 1966, all development permissions shall need the clearance of the said Authority.

~~*[(iv) In the case of development of lands for gymnasia, gymkhanas, clubs, stadia, swimming pools recreation grounds and playgrounds, construction for ancillary uses only may be permitted (in a suitable location so as to keep as much of the remaining space open) upto 15 per cent on 10 per cent of the area of the land for the said amenities.]*~~[5]

[(iv) a) In case of development of lands for Swimming Pools, Recreation Grounds and Playgrounds, Construction for ancillary uses only may be permitted (in a suitable location so as to keep as much of the remaining space open) upto 15% on 10% of the land for the said amenities.

b) In case of development of lands for Gymnasia, Gymkhana, Club, Pavilion, Stadia on sites reserved / designated earmarked nominated as such (existing or proposed) FSI of 1.00 shall allowed on 50 per cent of the area of land for the said amenities.](6)

[(v)] In the case of development or redevelopment of land of Department of Police, Police Housing Corporation, and Home guard, commercial user permissible under D.C.Regulations; may be permitted upto 40% of the basic permissible Floor Space Indices, in accordance with Table 14 of the said regulations.](12)

[(vi) Sites reserved [and designated](17) for BEST Bus Depot, BEST Bus Station, BEST Terminus, BEST Bus Station and Staff Quarters, BEST Bus Depot and Transport Carriage may be developed by the BEST Undertaking for the specified purpose coupled with commercial user subject to the following conditions:-

a) The built-up area of such commercial user shall not exceed 30% of the total permissible floor area, [except in the six proposals where tenders are issued by BEST after the notification issued vide TPB/4395/1472/CR-51/97/UD-11, dated 27th june 2006 and prior to this notification.

For these six proposals the built up area of such commercial user shall not exceed 50% of the total permissible floor area.] (18)

b) ~~Out of such permissible commercial user 50% built up area not exceeding of the total permissible commercial user may be permitting on the ground floor. While remaining floor area for commercial user may be permitted on the upper floor.~~

[Out of such permissible commercial user built-up area not exceeding 50% of the total permissible commercial user may be permitting on the ground floor. While remaining floor area for commercial user may be permitted on the upper floor.] (18)

c) Extent of built-up area proposed to be used for commercial purpose shall be such that it does not adversely affect the principle user.

d) The proposal for such composite user shall be cleared by Additional Commissioner of Police (Transport), Mumbai.

e) Considering the strategic location of reserved sites with reference to the volume and nature of the traffic in the vicinity of the reserved site, Municipal Commissioner shall have right to prescribe additional condition as deemed fit and also restrict the commercial area to the justifiable extent.

f) Provision for separate parking shall have to be provided as per prevailing norms in such a way that it does not affect movement of BEST buses as well as the traffic of road.

g) The above commercial user shall be permitted on plot having area of 2000 Sq.Mt. & above.

h) If there is any storage of diesel/ petrol or any explosive material on the plot, then the above commercial user is permissible by maintaining segregating distance between them as decided by the Chief Fire Officer.][13]

[ ][1] – This word / clause is deleted vide Urban Development Department vide corrigendum under No. DCR 1090/RDP/UD-11 Dt. 20.04.1994.

[ ][2] – This clause is added vide Urban Development Department vide corrigendum under No. DCR 1090/RDP/UD-11 Dt. 20.04.1994.

[ ][3] – This clause is added vide Urban Development Department vide corrigendum under No. DCR 1090/RDP/UD-11 Dt. 08.11.1994.

[ ][4] – These words were added vide modification u/s. 37(2) of MR&TP Act 1966 vide Government Notification No. TPB 4395/1712/CR 13/96/UD-11. Dt. 13.05.1999

[ ][5] – The provision is deleted vide Government Notification No. TPB 4398/937/CR-226/98/UD-11 Dt. 15.09.2000 u/s. 37(2) of M.R.&T.P.Act 1966.

[ ][6] – The provision is added vide Government Notification No. TPB 4398/937/CR-226/98/UD-11 Dt. 15.09.2000 u/s. 37(2) of M.R.&T.P.Act 1966.

[ ][7] - The Words are added vide Government Notification No. TPB 4398/382/CR78/2000/UD-11 Dt. 26th August 2002.

[ ][8] These words are added Vide government Notification under number DCR/1095/1209/CR 273/95/UD 11 dated 15 th of October 1997.

[ ](9) These words were deleted vide Govt. order under section 37(2) of MRTP Act 1966 vide order no. TPB/432001/741/CR 43/2002/UD 11 dated 11 th of July 2003.

[ ] (10) These words were added vide Govt. order under section 37(2) of MRTP Act 1966 vide order no. TPB/432001/741/CR 43/2002/UD 11 dated 11 th of July 2003.

[ ](11) These words were added vide Govt. order under section 37(2) of MRTP Act 1966 vide order no. TPB/432002/37/CR 107/2002/UD 11 dated 3rd December, 2003

[ ] (12)This new clause was added in Regulations no. 33(7) vide sanction under section 37(2), from UDD in state Govt. under No. TPB 4303/500/CR-61/2003/UD-11:Dated 27th February, 2004

[ ] (13) This clause was added vide sanction under section 37(2), from UDD in state Govt. under No. TPB 4395/1472/CR-51/97/UD-11: Dated 27th July,2006

[ ](14) This clause was added vide sanction under section 37(2), from UDD in state Govt. under No. No. TPB 4307/2650/CR-34/2008/UD-11 Dated 4th December, 2008.

[ ](15) These words were deleted vide modification sanctioned under section 37(2) of MR & TP Act, 1966 vide order number No. TPB 4306/2778/CR-160/07/UD-11 dated 14th may, 2009.

[ ](16) These words were added vide modification sanctioned under section 37(2) of MR & TP Act, 1966 vide order number No. TPB 4306/2778/CR-160/07/UD-11 dated 14th may, 2009.

[ ](17) These words were added vide modification sanctioned under section 37(2) of MR & TP Act, 1966 vide order number No. TPB 4307/3338/CR-29/08/UD-11 dated 12th October,2010.

[ ](18) These words were added vide modification sanctioned under section 37(2) of MR & TP Act, 1966 vide order number No. TPB 4306/2268/CR-259/06/UD-11 dated 26th October,2010.

[ ](18092012) The modified regulation was approved under section 37(2) of MR&T P act, 1966 vide Notification No. TPB-4312/CR-6/2012/UD-11 dated 18th September 2012,

[ ](03072015) These words were added vide modification sanctioned under section 37(1)(AA)(C) of MR & TP Act, 1966 vide order number No. TPB 4312/10/camp/CR No. 75/2013/UD-11 dated 3rd July 2015.

APPENDIX AR (02052016)

(Accompaniment to the Government in Urban Development Department Notification bearing No. TPS -1813/3067/CR-492/13/MCORP/AR/UD-13, dated 02/05/2016)

ACCOMMODATION RESERVATION

MANNER OF DEVELOPMENT OF RESERVED SITES IN DEVELOPMENT PLAN (ACCOMMODATION RESERVATION PRINCIPLE)

The use of land situated within the Municipal limit which has been reserved for certain purpose in the Development Plan shall be regulated in regard to type and manner of development / redevelopment according to the provisions mentioned in following Table.

When owner is allowed to develop the reservation, he should have exclusive ownership/ title of the land without any restriction under any other Act or regulation in force.

Reservation	Person/Authority who may acquire/ develop	Principle For Development through Accommodation Reservation subject to which development is permissible
1	2	3
1)Recreational 1.1) Open reservations like Garden, Play Ground, Children PG, Open Space, Recreation Ground Park, Park etc	Planning Authority/ Appropriate Authority / Owner	Planning Authority may acquire the land and develop the same for the purpose. The ancillary users like indoor games, public toilet, changing Rooms, gymnasium, canteen, sport shop , meditation, yoga hall, may be allowed at one corner/side of the reservation subject to condition that maximum built-up area for such user shall be 15%, out of which maximum 10% shall be allowed on ground floor& remaining on first floor. However, if the Land under reservation is owned by any Government agency / Authority, in such cases the Planning Authority may allow such Government agency / Authority to Develop full reservation for the said purpose subject to condition as may be decided by the Commissioner and such Developed Amenity shall be open to the general Public. **OR** The Commissioner may allow the owner to develop the reservation on **70 %** of the land and after handing over it to the planning authority free of cost then remaining **30 %** land may be

		allowed to be developed as per adjoining use subject to following terms /conditions:- i) The owner shall be entitled to develop remaining 30 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. ii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. no (i) above) which shall be utilised as per the TDR utilisation regulations. iii) No reservation shall allow to be developed partly.
1.2) Stadium, Sport Complex, Recreational Center etc.	Planning Authority/ Appropriate Authority	Planning Authority/ Appropriate Authority shall acquire the land and develop the same for the purpose.
1.3) Swimming Tank/ Swimming Pool	Planning Authority /Appropriate Authority / Owner	The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose. OR The Planning Authority/ Appropriate Authority after acquiring the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Municipal Corporations Act, to the Registered Public Institution for developing and running *or only for running* the same. OR The Owner may be allowed to develop according to the designs; specifications and conditions prescribed by the Municipal Commissioner and run the same.
2) <u>Public Utilities</u> a)Cremation Ground, b)Burial Ground, c)Slaughter House,	Planning Authority/ Appropriate Authority	**2)** The Planning Authority/ Appropriate Authority shall acquire the land and develop the reservation for the same purpose.

d)Sewerage Treatment Plant, e)Water Treatment Plant, f)Water Tank		
3) Commercial Utilities – **3.1) Market and Mandies-** *a*)Weekly Market/ b)Vegetable Market c) Open Market. d)Hawkers Market **3.2) Shopping centers –** a) Shopping Center, b) Commercial Complex, c) Municipal Market d) Fish Market etc.	Planning Authority /Appropriate Authority / Owner	The Planning Authority/ Appropriate Authority shall acquire the land and develop the reservation for the same purpose. OR i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 40 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. ii) The owner shall be entitled to develop remaining 60 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. iv) Reservation shall allowed to be developed in parts.
4) <u>Health Facility</u> a)Health Center b) Dispensary c)Maternity Home d)Veterinary Hospital/Clinic e)Urban Health Center f)Rural Hospitaland like	Planning Authority /Appropriate Authority / Owner	The Planning Authority / Appropriate Authority may acquire and develop the reservation site for the same purpose. OR i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 40 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal

		Commissioner. ii) The owner shall be entitled to develop remaining 60 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI only (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. iv) Reservation shall be allowed to be developed in parts.
5) Transportation – **5.1) Depots and Stands-** (a) Bus Stand (b) Bus Depot etc. (c) Metro Car Shed (d) MRTS Station (e) PMPML	Planning Authority /Appropriate Authority / Owner	The Planning Authority / Appropriate Authority may acquire and develop the *reservation* site for the same purpose. OR i)The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. ii) The owner shall be entitled to develop remaining 50 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. iv) Reservation shall not be allowed to be developed in parts.
5.2) Roads-	Planning Authority/	The Planning Authority/ Appropriate

Proposed Development Plan Roads / Road widening.	Appropriate Authority.	Authority shall acquire the land and develop the reservation for the same purpose.
5.3) Parking -	Planning Authority /Appropriate Authority / Owner	i) The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose. OR ii) The Planning Authority/ Appropriate Authority after acquiring the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Municipal Corporations Act, to the Registered Public Institution for developing and running or only for running the same. OR The Owner may be allowed to develop parking space according to the designs, specifications and conditions prescribed by the Municipal Commissioner subject to handing over of constructed parking area equal to double the reservation area, to Planning Authority free of cost subject to condition that, i) The operation and the maintenance of the facility will be decided by Municipal Commissioner. ii) Parking spaces may be in basement or on stilts or on first/second floor with separate entry & exit. After handing over the above said parking area to the Planning Authority, the owner shall be entitled to construct with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot for other permissible user in that zone . iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations.

6) Educational – (a)Primary School	Planning Authority/ Appropriate Authority/ Registered Public Educational Institution Trust / Owner	The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose. The Planning Authority/Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Municipal Corporations Act, to the Registered Public Educational Institution trust for developing and running or only for running the same. OR The owner may be allowed to develop the reservation for the same purpose. The Registered Public Educational Institution trust on behalf of owner may be allowed to be develop subject to terms /conditions as prescribed by the Planning Authority. OR i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. ii) The owner shall be entitled to develop remaining 50 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. Provided that the area of reservation to be handed over shall not be less than norms decided by the Education Department.
(b) High School		
(c) College		

		iv) Reservation shall not be allowed to be developed in parts.
(d)Educational Complex	Planning Authority/ Appropriate Authority/ Land Owner	The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose. OR The Planning Authority/ Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Municipal Corporations Act, to the Registered Public Educational Institution Trust for developing and running or only for running the same. OR The owner may be allowed to develop the reservation for the same purpose. The Registered Public Educational Institution trust on behalf of owner may be allowed to be develop subject to terms /conditions as prescribed by the Planning Authority. OR If the area of the Educational Complex reservation is more than 3.00 Hect, then i)The Commissioner may allow the

		owner to develop the reservation, subject to handing over to the Planning Authority 50 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. iii) The Planning Authority,if required, shall allow TDR to the owner after deducting in-situ FSI utilized on 50% land mentioned in(ii).
7) <u>Residential</u>(R)- (a)Public Housing EWS/LIG Housing. (b)High Density Housing. (c)Housing for Dishoused. (d) Public Housing / Housing for Dishoused. (e)Reservation similar as above.	Planning Authority/ Appropriate Authority/ Owner	Planning Authority / Appropriate Authority may acquire the reserved land and develop for the same purpose. OR i) The Municipal Commissioner may allow the owner to develop the reservation, subject to handing over of 40% land alongwith 50% built up area of basic FSI constructed tenements of 25 sq.mt. to 30sq.mt carpet area to the Planning Authority free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. ii) The owner shall be entitled to develop remaining 60 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Planning Authority, if required, shall allow TDR to the owner after deducting in-situ FSI utilized on 40% land mentioned in (i).

		iv) The Planning Authority / Appropriate Authority shall allot such tenement on priority to the persons dispossessed by implementation of Development Plan. OR The Municipal Commissioner may allow the owner to develop the reservation, subject to- a) Handing over of 50 % land to Planning Authority, for laying out plots for EWS/LIG-, The owner shall thereafter be entitled to develop remaining plot as per the uses permissible in residential zone with permissible FSI of entire plot on remaining plot without taking into account the area handed over to the Planning Authority. The Planning Authority / AppropriateAuthority shall prepare layout for EWS/LIG plots and allot such plots on priority to the persons dispossessed by implementation of Development Plan. The Planning Authority may construct EWS/LIG tenements on such land. Owner can select any one option of the above, once the permission for that option is granted and work commenced then he cannot be permitted to shift for other option.
8) <u>Assembly and Institutional-</u> Town Hall, drama Theatre, Auditorium, Samaj Mandir, Community Hall, Multipurpose Hall etc..	Planning Authority/ Appropriate Authority/ Owner	i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose. ii) The Planning Authority / Appropriate Authority after acquiring the land or after acquiring and developing the same, as the case may be, lease out as per the provisions of the Municipal Corporations Act, toa Registered Public Institution to develop and running or only for running the same. OR

		i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. ii) The owner shall be entitled to develop remaining 50 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. iv) Reservation shall not be allowed to be developed in parts.
9) Reservations of composite nature like Vegetable Market & Shopping Centre, Town Hall & Library, etc.	Planning Authority/ Appropriate Authority/ Owner	i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose. ***Clarification-*** For the reservation of composite nature, proposed in Development Plan except Town Hall & Library,area of each user shall be considered equal i.e. 50-50% and such area shall be allowed to be developed as per the guidelines applicable for such reservation as mentioned in these regulations. For Town Hall & Library, area of Library shall be 10% of area of Town Hall.

10) Reservations which are not included in these regulations but are compatible to other similar type of reservation.	Planning Authority/ Appropriate Authority/ Owner	Planning Authority/ Appropriate Authority may acquire the reserved land and develop for the same purpose. OR The development permissions for such type of user under this Regulation may be granted by the Municipal Commissioner in consultation with the Divisional Joint Director of Town Planning, subject to verification of compatibility of both the users and allowed to be developed as per the guidelines applicable for such reservation as mentioned in these regulations.
11) For other buildable reservations shown in Development Plan which are not covered above	Planning Authority/ Appropriate Authority Owner.	The Planning Authority / Appropriate Authority may acquire and develop the reservation site for the same purpose. OR i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 40 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner. ii) The owner shall be entitled to develop remaining 60 % land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire Plot. iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in sr no (ii) above) which shall be utilised as per the TDR utilisation regulations. iv) Reservation shall be allowed to be developed in parts.
12) Reservations for the Appropriate Authority other than	Planning Authority/ Appropriate Authority/ Owner	Planning Authority / Appropriate Authority may acquire the reserved land and develop for the same purpose. **OR**

Municipal Corporation		The Municipal Corporation may allow the owner to Develop the reservation subject to condition that; i)Wherever the reservation is to be developed by the Appropriate Authority other than Municipal Corporation, No Objection Certificate from the Appropriate Authority shall be obtained before granting development permission. ii) The concerned Appropriate Authority (other than the State Government Department) shall deposit cost of construction for the built-up area to be handed over to it, as per Annual Statement of Rates with the Planning Authority. However, the Municipal Commissioner shall handover such constructed area to the State Government / concerned State Government Department free of cost.

General conditions to allow development under above regulations:-

i) If the area of reservation is not adequate to construct independent building as mentioned above OR When it is not possible to handover individual plot along with public amenity, then in such cases Municipal Commissioner may allow composite building on said land subject to condition that the built up area mentioned as above may be allowed to be handed over to the Planning Authority or Appropriate Authority, as the case may be, preferably on ground floor and subject to premium as may be decided by Government from time to time. If ground floor is utilised for parking, then on stilt/first floor with separate entry & exit from public street. In such cases, built-up area along with proportionate undivided share of land shall be handed over to the Planning Authority or Appropriate Authority, as the case may be. In such cases no compensation of proportionate undivided land share shall be permissible.

ii) In cases where not specifically mentioned in this regulation, if the area under the reservation is owned by more than one owners, then the owner/s may come forward jointly or the owners holding atleast 50% or more area shall be allowed to develop the reservation on such land. It is mandatory for other owners to construct amenity contiguous to the earlier development.

iii) The owner/developer shall be entitled for construction amenity TDR as per the TDR regulations after handing over the constructed amenity free of cost on the land surrendered to the planning Authority under this Regulation. For specific reservation where construction amenity is not required by the Commissioner, in such cases Municipal Commissioner should not insist for such amenity.

iv) It shall be obligatory on Planning Authority to make registered agreement with the developer /owner at the time of granting the development permission subject to terms and conditions as it deem fit. Occupancy Certificate shall be issued only after compliance of all terms & conditions and getting possession of the constructed amenity.

v) The above permissions for development of reservations shall be granted by the Municipal Commissioner as per the norms mentioned in these regulations

vi) The area / built-up area to be handed over to the Planning Authority under these Regulations shall be earmarked on the sanctioned building plan clearly mentioning the same, and registered agreement to that effect shall be executed. After completion of construction, the said amenity shall be handed over by executing the deed of transfer in this respect and expenses thereon shall be borne by the owner. The occupation certificate to the construction belonging to owner shall be granted only after handing over said amenity to the Planning Authority. The constructed amenity shall be made available to the general public by the Municipal Commissioner within 3 month from possession as per the condition as Commissioner deem fit..

vii) In cases, where permission for development under accommodation reservation principle is already granted as per earlier regulations, the same shall continue to be valid till completion of construction.

viii) Provisions of Regulations of Inclusive Housing, Amenity Space if any, shall not be applicable for development under this Regulation. Moreover Regulation of required recreational open space shall not be applicable for development of reservation other than Residential purpose as mention at sr no 7.

ix) Not withstanding anything contained in these regulations, there shall be no cap for utilization of available in-situ FSI/and TDR potential of the entire plot on the remaining plot provided that no relaxation in side margin shall be permissible.

x) Once sanction is granted under this regulation, the owner /developer shall have to complete the development and hand over the developed reservation to Planning Authority within the period as specified by Planning Authority. Thereafter Planning Authority may levy penalty for any delay.] **(02052016)**

[ ]**(02052016)** The modification in respect of **Accomodation Reservation Principle, in superssession of all existing regulations of Accomodation Principle**, was fianally approved vide Notification under No. **TPS -1813/3067/CR-492/13/MCORP/AR/UD-13, dated 02/05/2016** as per Clause (c) of sub-Section (1AA) of Section 37 of the Maharashtra Regional Town Planning act,1966.

10. Development permission in respect of Public Housing/High Density Housing.-

When the land reserved for Public Housing or for Housing the Dishoused is not under acquisition, the owner may be allowed to develop it for Public Housing/High Density Housing. However, prior clearance in the case of cessed properties from the concerned Public Authority will be necessary in conformity with the stipulations specified by such Authority.

11. Other Stipulations.-

(1) *General* - In every case of development/re-development of any land, building or premises, the intended use shall conform to the use zones, purpose of designation, allocation or reservation as the case may be, unless specified otherwise.

(2) *Development of land partly designated/allocated/designated/reserved.*- Where a building exists on a site shown as an allocation, designation or reservation in the Development Plan, only its appropriate part as used for such allocation, designation or reservation, shall be used for the said purpose and the remaining part of the building or of the developable land may be put to use in conformity with the purpose of development as otherwise permissible in the case of adjacent land.

(3) *Combination of public purposes / uses in reserved sites.*- Where the Corporation or the Appropriate Authority proposes to use land/building/premises reserved for one specific public purpose/purposes, for different public purpose/purposes it may do so, with the previous approval of the Government, provided that the combination of such second user conforms to these Regulations and the permissible use in the zone in which the site falls. Provided that this shall not apply

(a) to any site being developed for an educational or medical purpose or club/gymkhana wherein a branch of a bank may be allowed,
(b) to any site being developed for medical purposes wherein shops of pharmacists or chemists may be permitted, and
(c) to any site encumbered by another non-educational user and being redeveloped for educational purposes, in which case the existing non-educational uses may be allowed to continue without any increase in the net floor area covered by them and
(d) to any site being developed for recreational use, such as garden, playground, recreation ground, park, etc., each measuring not less than 400 sq., meters at one piece, wherein electric sub-stations, which may utilise not more than 10 per cent of the site in which they are located, is proposed.

(4) *Shifting and/or interchanging the purpose of designations/reservations*. - In the case of specific designations/reservations in the Development Plan, the Commissioner, with the consent of interested persons may shift, interchange the designation/reservation in the same or/on, adjoining lands/building, to which an access is available or has to be provided and the same is not encumbered provided that the area of such designation/reservation is not reduced.

12 Development in Large Holding.-

Notwithstanding contained in these Regulations the provisions in Appendix IX will apply to residential development, undertaken by a single developer if he desires to undertake it on a single plot or group of plots 20,000 sq.m. or more in area.

13. Exemptions.-

(1) Existing non-conforming uses to continue in certain circumstances.

(a) Any lawful use of land/building premises existing before the coming into force of these Regulations may continue even if it does not conform to the use provisions of these Regulations provided such non conforming use is not extended or enlarged except as provided in these Regulations.

(b) In case a building accommodating any non-conforming use collapses, is pulled down or is destroyed, any new building on the site shall conform to these Regulations and to the land use prescribed for the plot in the development plan.

(c) Provided that where Retention Activity shown in the development plan in the case of lands or premises is authorisedly discontinued, use of such lands or premises in which such Activity existed shall be regulated as follows, namely : -

(i) in the case of industrially zoned lands or premises other than those under use of cotton textile industry in accordance with sub-Regulations (3) of Regulations 56 and clauses (b) to (d) of sub-Regulation (3) of Regulations 57;

(ii) in the case of industrially zoned lands or premises under use of cotton textile industry, the use shall be regulated in accordance with Regulations 58.

In rehabilitation schemes, undertaken by the Bombay Housing and Area Development Board where a new building is constructed in place of an old building, containing authorised non-conforming users, the Commissioner may allow the same non-conforming users in the new building provided such user is not industrial, hazardous or likely to cause pollution.

In case of rehabilitation schemes in an industrial zone, authorised residential user may be permitted only in independent buildings subject to Regulations 15.

(2) *Non-conforming industries*.- Non-conforming industries which are neither hazardous nor polluting and which have been permitted to operate, without any requirement that they must shift to a conforming zone after a specific period, may, with the Commissioner's special permission, be allowed to make additions to start a new process or to manufacture new products, provided the degree of nuisance from the existing unit will in no way be affected by such additions if-

(a) such schemes forms an integral part of and is directly connected with the process carried out in the existing unit;

(b) such addition is required to prevent undue loss or improve the working efficiency or the conditions of the existing unit or to balance the existing production units of the industry;

(c) open spaces of 6 m. are maintained from the boundaries of the plot as well as between two buildings;

(d) satisfactory means of access as required by these Regulations for industrial zones is provided and maintained; and

(e) parking spaces are provided according to these Regulations.

(3) *Other non-conforming uses* :- Any permitted non-conforming use which is non-hazardous or non-polluting and which existed before the 18th September, 1958 may be allowed to continue in the development plan, without additions to such non-conforming use on the following conditions, namely :-

(a) The whole building or entire premises is owned and occupied by one establishment only and

(b) Open space and parking space required under these Regulations are provided.

14. Ancillary Uses Permitted :-

The ancillary uses permitted in various use zones and the conditions governing the same shall be as given in Part-IV.

15. Prohibition of Factories in Residential Building in Conforming Zones :-

Notwithstanding anything contained in these Regulations no permission shall be granted for erecting any factory, workshop or work place (for the establishment of which previous permission is required under Section 390 of the Mumbai Municipal Corporation Act, 1888) wholly or partly on lands used for residential purposes even if such use is in conformity with these Regulations and the aforesaid Act;
Provided that the uses in a residential building permissible under Regulation 51 and 52 which are compatible with the residential user may be permitted on the ground floor.

16. Requirements of Sites :-

No land shall be used as a site for the construction of building –

(a) if the Commissioner considers that the site is insanitary or that it is dangerous to construct a building on it or no water supply is likely to be available within a reasonable period of time;

(b) if the site is within 9m. from the edge of the water mark of a minor water course, or 15m. from the edge of the water mark of a major water course, unless arrangements to the satisfaction of the Commissioner are made to drain the flow of the water course;
Provided that where a water course passes through low-lying land without well-defined banks, the Commissioner may permit the owner of the property to restrict or divert the water course to an alignment and cross section determined by him (Commissioner).

(c) if the site is not drained properly or is incapable of being well drained;

(d) if the building is proposed on any area filled up with carcasses, excreta, and filthy and offensive matter, till the production of a certificate from the Commissioner to the effect that it is fit to be built upon from the health and sanitary point of view;

(e) if the use of the said site is for a purpose which in the Commissioner's opinion may be a source of danger to the health and safety of the inhabitants of the neighborhood;

(f) if the Commissioner is not satisfied that the owner of the building has taken the required measures to safeguard the construction from constantly getting damp;

(g) if the level of site is lower than the Datum Level prescribed by the Commissioner depending on topography and drainage aspects. This shall not be less than Reduced Level of 27.55m of the Town Hall Datum;

(h) if situated -

(i) within the inner funnel of vision marked on Sheet numbered as Part-II of Ward D of the Development Plan 1981-2001.

(ii) Within the outer funnel of vision marked on the sheet quoted in (c) above and the building proposed to be erected is above Reduced Level of 75.44 m. (247.45ft). with reference to the Town Hall Datum.

(i) if the building is nearer to the centre line of a National Highway, State Highway or Major District Road than 24.5m. in the case of residential buildings and 36.5 m. in the case of other buildings;

(j) if it is situated-

(i) within 2438 m. from an international civil airport unless the application for development permission is accompanied by a certificate of consent from the Civil Aviation Authorities,
(ii) within 1829 m. from any other civil airport unless the application for development permission is accompanied by a certificate of consent from the Civil Aviation Authorities.

(k) for assembly use for cinemas, theatres, places of public worship, residential hotels, lodging and boarding houses, unless the site has been previously approved by the Commissioner and the Commissioner of Police;

(l) Unless it derives access from an authorised street/means of access described in these Regulations;

(m) for industrial use other than a service industry unless the application is a accompanied by no objection certificate from the appropriate officer of the

Industries Department of the Government of Maharashtra according to the prevailing Industrial Location policy.

(n) if the proposed development is likely to involve damage to or have deleterious impact on or is against urban aesthetics of environment or ecology and/or on historical/architectural/aesthetical buildings and precincts or is not in the public interest.

17. Public Streets and means of Access-

(1) Every site to have access free of encroachment :- Every site proposed to be developed or redeveloped shall have access from a public street/road as required in these Regulations. Such access shall be kept free of encroachment.

(2) Multi-storeyed, High Rise and Special Buildings :- The Commissioner may permit access to such buildings from any street not less than 9 m. wide, one end of which shall join another street of equal or greater width.

(3) Other buildings :- (a) The Commissioner shall permit access from streets having width of not less than 6 m. over which the public have a customary right of access or have used it or passed over it uninterruptedly for a period of 20 years.

(b)The Commissioner may permit access from –

(i) any street 6 m. wide or more (including streets in a gaothan which give access to other properties outside the gaothan),

(ii) any existing street not less than 3.6 m. wide which is proposed to be widened either in development plan or by laying down a regular line of street under the Mumbai Municipal Corporation Act, 1888.

(iii) any street less than 3.6 m. wide in a gaothan if the plot boundary is shifted 2.25m. from the central line of the street. [Provided that shifting of plot boundary to 2.25 Mt. from central line of the street will be insisted only in respect of identified streets forming part of Traffic Circulation System in Gaothan. Such streets will be identified with specific approval of Municipal Commissioner. In all other cases, existing access will be considered as adequate in Gaothan areas, subject to the physical verification on site ".][(1)]

(iv) any street or road more than 52 m. in width specifically identified in the development plan for giving direct access except where a no-objection certificate has been granted by the appropriate road authorities;

Provided further that where any road is proposed to be widened in the development plan for which a regular line of street has been prescribed under the Mumbai Municipal Corporation Act, 1888, the resulting proposed width shall be reckoned in dealing with a request for development permission.

(4) Plots/Buildings abutting or fronting a means of Access.- Where a plot or building abuts/fronts a means of access; the width of the access shall be as specified in Regulations 22.

18. Highways and Wider Roads.-

No site excepting one proposed to be used for highway amenities like petrol pumps or motels shall have direct access from a highway or specified road 52 m or more in width, and the portion of these roads in which such amenity sites may have direct access will be identified in the development plan.

For this purpose, the Commissioner shall specify such roads from time to time with the approval of the Corporation. He shall also maintain a register of such specified roads which shall be open to public inspection.

Provided that this shall not apply to any lawful development along the highways and other specified roads which have existed before these Regulations have come into force and alternative measures are provided for their continuance.

[ ] [(1)] This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.TPB-4302/1730/CR-233/2002/UD-11 dated 30th July,2008

19. Means of Access to be Constructed and Maintained –

(1) *General*. - Means of access shall be levelled, metalled, tarred, flagged, paved, sewered, drained, channelled, provided with lights and water supply line and with trees for shade to the satisfaction of the Commissioner. They shall be free of encroachment by any structure or fixture that may reduce their width below the minimum required by Regulations 22 and shall be maintained in condition considered satisfactory by the Commissioner.

(2) *Private Street* :- If any private street or other means of access is not constructed or maintained as specified in sub-regulation (1) above or if structures or fixtures arise thereon in contravention of that sub-rule, the Commissioner may, by written notice, direct the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which shall benefit by works executed, to carry out any or all of the aforesaid requirements in such manner and within such time as he shall direct. If the owner or owners fail to comply with this direction, the Commissioner may arrange for its execution and recover the expenses incurred from the owner or owners.

(3) *How to measure the length of access ways* :- The length of main means of access shall be determined by the distance from the farthest plot or building plot and the main street. The length of a subsidiary access-way shall be measured from the point of its origin and the next wider road it meets.

20. Inter-section of Roads :-

For inter-section of roads meeting at right angles, as well as other than at right angles, the rounding off, cut-off or splay or similar treatment shall be done to the satisfaction of the Commissioner depending upon the widths of the roads, the traffic generated, the sighting angle, etc. to provide clear side distance.

21. Layout of land and Land Sub-division –

(1) *Circumstances warranting preparation of a layout or sub-division :--- A layout or subdivision shall be submitted for the following*:-

(a) when more than one building (except for building accessory to the main building) is proposed on any land;

(b) when development or redevelopment of any tract of land includes its division or sub-division into plots.

(c) when the land under development admeasures 1000 sq.m. or more in a residential or commercial or in an industrial zone.

(2) *Contents* - Every sub-division/ layout shall contain sub-plots being formed after sub-division, access thereto, recreational open space, if any, required under Regulations 22 and 23 ,spaces for other ancillary uses if any required under Regulations 24 and 26 as also all the reservations, designations, allocations, road or road widening proposals of the development plan and the regular lines of streets prescribed under the Mumbai Municipal Corporation Act, 1888. Where there is a conflict between the widths or widening lines proposed in the development plan and those under the regular line of a street , the wider of the two shall prevail.

Provided that the Commissioner may, without any reduction in area , allow adjustment in the boundaries of reserved /allocated sites within the same holding and conforming to the zoning provisions to suit the development. In doing so, he will ensure that the shapes of altered, allocated/reserved sites are such that they can be developed in conformity with these Regulations.

(3) *Minimum plot areas* - The minimum plot areas permissible for different categories of use types of development permissible and the minimum dimension shall be as in Tables 5 here under : --

TABLE 5
Minimum Plot areas for various Uses

Serial No. (1)	Land use (2)	Plot area (sq.m.) (3)	Type of Development (4)
1	Residential and Commercial (except those in 2,3 and 4 below)	(i)25 and above but less than 40	Row
		(ii)40 and above but less than 125	Row/semi-detached.
		(iii)125 and above with no dimension less than 9 m.	Row/semi-detached/ detached.
2	Plots in Public Housing/High Density Housing/ Sites and Services/Slum upgradation/Reconstruction scheme.	21 with minimum width of 3. m	Row.
3.	Petrol filling Station -		
	(a) without service bay	545 (with one dimension not less than (16.75 m).	Detached
	(b) with service bay	1100 (with one dimension not less than 30.5 m).	Detached
4	Cinema theatre, assembly hall	3 sq.m per seat including parking requirements	
5.	Mangal Karyalaya	1000	
6.	4 and 5 Star Hotel in independent plot	2500	Detached.
7.	3 Star Hotel when in independent plot	1000	Detached
8.	Industrial (I-2 and I-3)	300 (with width not less than 15m)	Detached

22) Internal Means of Access to each Plot. -

(1) Minimum road width vis-à-vis the area served- Plots which do not abut on a street shall abut/front on a means of access, the width and other requirements of which shall be as given in Table 6 hereunder for residential and commercial zones and as given in Table 7 hereunder for an industrial zone.

TABLE 6
Width of access for Residential and Commercial Zones

Access length in meters (m) (1)	Area served (sq.m.)			
	Less than 1500	1500-4000	4000-10000	Over 10000
	Width in meters (m.)			
	(2)	(3)	(4)	(5)
Less than 75	6	7.5	9	12
75 to 150	7.5	7.5	9	12
150 to 300	9	9	9	12
Over	12	12	12	12

Provided that in residential layouts, straight cul-de-sacs upto 150 m. long roads are permissible. An additional length upto 125m. will be permissible, if an additional turning space is provided at 150 m. The dead end shall be at a level higher than the main road from where the cul-de-sac road takes off. The turning space, in each case, should not be less than 81sq.m. in area, no dimension being less than 9 m.

TABLE 7
Width of access for industrial zones

Access length in meters (m)	Width of means of access in meter (m.)
(1)	(2)
Upto 100	9.00
Above 100 upto 300	12.00
Above 300	15.00

(2) Access for residential, commercial and industrial zones as in table 6 and 7 above-

(a) shall be clear of marginal open spaces but not less than 3m. from the building line;

(b) may be reduced by 1 m. their in prescribed widths if the plots are on only one side to the access;

(c) shall be measured in length from the point of its origin to the next wider public street it meets.

(3) In the interest of the general development of any area, the Commissioner may require the means of access to be of larger width than that required under these Regulations.

(4) Notwithstanding the above, in partially built-up plots where the area still to be built upon does not exceed 5,000 sq.m. an access of 3.6m. width may be considered adequate. If such an access is through a built over arch, this access shall have a height of not less than 4.5m. If such access is atleast 3 m. in width, it shall be considered as adequate means of access for areas to be built upon not exceeding 5,000 sq.m. provided such area is used for low income group housing and the F.S.I. would be 75 per cent of the F.S.I. permissible in the zone.

(5) In the case of a plot, surrounded on all sides by other plots i.e. a land-locked plot which has no access to any street or road, the Commissioner may require access through an adjoining plot or plots which shall, as far as possible be nearest to the street or road to the land locked plot, at the cost of owner of the land-locked plot and such other conditions as the Commissioner may specify.

(6) Notwithstanding the provisions regarding access in these Regulations, an access provided in Town Planning Schemes and in Improvement Trust Schemes shall be deemed to be adequate.

23. Recreational / Amenity Open Spaces.-

(1) *Open spaces in residential and commercial layouts-*

(a) *Extent*. -In any layout or sub-division of vacant land in a residential and commercial zone, open spaces shall be provided as under:

(i)	Area from 1001 SQ.M. to 2500 SQ.M.	15 per cent
(ii)	Area from 2501 SQ.M. to 10,000 SQ.M.	20 per cent
(iii)	Area above 10,000 SQ.M.	25 per cent

These open spaces shall be exclusive of areas of accesses/internal roads/designations or reservations, development plan roads and areas for road-widening and shall as far as possible be provided in one place. Where however, the area of the layout

or sub-division is more than 5000 sq. m., open spaces may be provided in more than one place, but at least one of such places shall be not less than 1000 sq. m. in size. Such recreational spaces will not be necessary in the case of land used for educational institutions with attached independent playgrounds. Admissibility of FSI shall be as indicated in Regulations 35.

(b) *Minimum area*.- No such recreational space shall measure less than 125 sq.m.

(c) *Minimum dimensions*.-The minimum dimension of such recreational space shall not be less than 7.5m., and if the average width of such recreational space is less than 16.6 m, the length thereof shall not exceed 2 1/2 times the average width.

(d) *Access.*-Every plot meant for a recreational open space shall have an independent means of access, unless it is approachable directly from every building in the layout.

(e) *Ownership*.-The ownership of such recreational space shall vest, by provision in a deed of conveyance, in all the property owners on account of whose holdings the recreational space is assigned.

(f) *Tree growth*.-Excepting for the area covered by the structures permissible under (g) below, the recreational space shall be kept permanently open to the sky and accessible to all owners and occupants as a garden or a playground etc. and trees shall be grown as under:-

(a) at the rate of 5 tree per 100 sq.m. or part thereof of the said recreational space to be grown within the entire plot.
(b) at the rate of 1 tree per 80 sq. m. or part thereof to be grown in a plot for which a sub-division or layout is not necessary.

(g) *Structures/uses permitted in recreational open spaces* -(I) In a recreational open spaces exceeding 400 sq.m. in area (in one piece), elevated/underground water reservoirs, electric sub-stations, pump houses may be built and shall not utilise more than 10 per cent of the open space in which they are located.

(ii) In a recreational open space or playground of 1000 sq.m, or more in area (in one piece and in one place), structures for pavilions, gymnasia, club houses and other structures for the purpose of sports and recreation activities may be permitted with built-up area not exceeding 15 per cent the total recreational open spaces in one place. The area of the plinth of such a structure shall be restricted to 10 per cent of the area of the total recreational open space .The height of any such structure which maybe single storey shall not exceed 8m. A swimming pool may also be permitted in such a recreational open space and shall be free of FSI. Structures for such sports and recreation activities shall conform to the following requirements: -

(a) The ownership of such structures and other appurtenant users shall vest, by provision in a deed of conveyance, in all the owners on account of whose cumulative holdings the recreational open space is required to be kept as recreational open space or ground viz 'R. G', in the layout or sub-division of the land.
(b) The proposal for construction of such structure should come as a proposal from the owner/owners/society/societies or federation of societies without any profit motive and shall be meant for the beneficial use of the owner/owners/members of such society/societies/federation of societies.
(c) Such structures shall not be used for any other purpose, except for recreational activities, for which a security deposit as decided by the Commissioner will have to be paid to the Corporation.
(d) The remaining area of the recreational open space or playground shall be kept open to sky and properly accessible to all members as a place of recreation, garden or a playground.
(e) The owner/owners/or society or societies or federation of the societies shall submit to the Commissioner a registered undertaking agreeing to the conditions in (a) to (d) above.

(2) *Open spaces in industrial plots/layout of industrial plots*.- (a) In any industrial plot admeasuring 1000 sq.m. or more in area 10 per cent of the total area shall be provided as an amenity open space subject to a maximum of 2500 sq.m. and

(i.) such open space shall have proper means of access and shall be so located that it can be conveniently utilised by the persons working in the industry;
(ii.) the parking and loading and unloading spaces as required under these Regulations shall be clearly shown on the plans ;
(iii.) such open spaces shall be kept permanently open to sky and accessible to all the owners and occupants and trees shall grown therein at the rate of 5 trees for every 100 sq.m. of the said open space to be grown within the entire plot or at the rate of 1 tree for every 80 sq.m. to be grown in a plot for which a sub-division or layout is not necessary.

(b) In case of sub-division of land admeasuring 8000 sq.m. or more in area in an industrial zone, 5 per cent of the total area in addition to 10 per cent in (a) above shall be reserved as amenity open space, which shall also serve as general parking space. When the additional amenity open space exceeds 1500 sq.m. the excess area may be used for construction of buildings for banks, canteens, welfare centres, offices, crèches and other common purposes considered necessary for industrial users as approved by the Commissioner.

24. Minimum Widths of Pathways.-

The approach to a building from a road/street/internal means of access shall be through a paved pathway of width specified in Table 8 here-under, the length of pathway being determined by the distance from the farthest plot or building to the internal road proposed under Regulation 21 or to an existing road from which it takes off.

TABLE 8
WIDTHS OF PATHWAYS

Types of Development (1)	Length of pathway in meters (2)(m)	Width in meters (3)(m)
(i) High Density Housing	upto 50 upto 40 upto 30 upto 20	3.00 2.5 2.0 1.5
(ii) A building of any other type	upto 20	1.5

25. ***Shopping Centres/Departmental Stores. -***In layouts or sub-divisions of area in excess of 2 ha. in residential and commercial zones, plots may be provided for shopping centres/departmental stores. Such centre/stores may have an aggregate area upto 5 per cent of the area of the plot. The conditions governing the layout of such a centre/store shall be as under:-

(i) The centre/store may be at one place or may be distributed within the layout to make it accessible from the different parts of layout ;
(ii) These centre/stores shall not abut any roads more than 31 m. wide ;
(iii) Within a layout the centre/stores may be provided on the ground and upper floors or on the ground floor and the upper floors may be used for residential purposes and conveniences like banks or places for medical or dental practitioners.
(iv) Uses shall be as defined in clause (20) of sub-Regulations (3) of Regulations 2 Additional uses may include:-

(a.) Stores or shops for the conduct of retail business. There will, however, be no storage or sale of combustible material except with the Commissioner's permission;
(b.) Personal services' establishments only in the suburbs and extended suburbs;

(c.) Hair dressing saloons and beauty parlours;
(d.) Frozen food stores;
(e.) Shoe shops, sports shops ,shoe repairs and shoe shining shops;
(f.) Shops for the collection and distribution of clothes and other materials for cleaning, pressing and dyeing establishments;
(g.) Tailoring, embroidery and button-hole making shops, each not employing more than 9 persons;
(h.) Cleaning and pressing establishments for clothes, each occupying floor area not more than 200 sq.m. and not employing solvents with a flash point lower than 59^0C., machines with dry load capacity exceeding 30 kg. and employing not more than 9 persons, with a total power requirements of not more than 4 KW;
(i.) Shops for goldsmiths, lock-smiths, watch and clock shops and their repairs, bicycle shops and their rental and repairs, opticians shops and optical glass grinding and repairs shops, musical instruments shops and their repairs, picture framing, radio, television and household appliance shops and their repairs, umbrella shops and their repairs and upholstery work, each employing not more than 9 persons;
(j.) Coffee selling shops and grinding establishments each with electric motive power not exceeding 0.75 K.W (0.025 KW) individual motor each;
(k.) Restaurants, eating houses, cafeterias, icecream and milk bars each with area not exceeding 200 sq.m.
(l.) Bakeries with no floor above, not occupying for production an area in excess of 75 sq.m. and not employing more than 9 persons, if the power requirement does not exceed 4 KW., where only electrical ovens are used and additional heating load upto 12 KW. permitted.
(m.)Confectioneries and establishments for the preparation and sale of eatables not occupying for production, an area in excess of 75 Sq.m. per establishment and not employing more than 9 persons or motive power exceeding 1.12 KW., as well as sugarcane and fruit crushers, each not employing more than 6 persons with motive power not exceeding 1.12 KW., in an area not more than 25 sq.m.;
(n.) Vegetable, fruit , flower, frozen fish,frozen meat or frozen food shops.
(o.) Photographic studios with laboratories, zeroxing, photocopying, video and video taping establishments, etc. and their laboratories, each with an area not exceeding 50 Sq.m, and not employing more than 9 persons and not using power more than 3.75 KW;
(p.) Data processing unit with use of computers;
(q.) Travel agencies, ticket booking and selling for air, surface or water travel or transport or other modes of travel or transport.
(r.) Other uses permitted in the residential zone with shop line with permission of the Commissioner.

26. Electric Sub-Station.-

In every case of development/redevelopment of any land, building or premises, provision for electric sub-stations may be permitted as under if the requirement for the same is considered necessary by the concerned power supply authority;

Serial No.	Plot Area (Sq.m.)	Maximum requirements depending on land.
1.	Plot upto 500 Sq. Mt each	One single transformer sub-station of the size of 5m x 5m and height of not more than 5m.
2.	Plots of 501 sq.m. to 1500 sq.m	One single transformer sub-station of the size of 8 m. X5 m. and height of not more than 5 m.
3.	Plots of 1501 sq. m. to 3000 sq.m.	One or more transformer sub-station of the size of 12m.X5.5m. and height of not more than 5 m.
4.	Plots of 3001 sq.m. upto 2 ha.	Two numbers, single or two transformer sub-stations or combination thereof of the size stipulated in serial No.3 above.
5.	Lay-out or sub-division of a plot measuring 2 ha. or more.	A suitable site for an electric sub-station (11 KV / 33KV / 110KV) as decided by the Commissioner.

Provided that the sub-station is constructed in such a manner that it is away from the main building at a distance of at least 3 m. and in general does not affect the required side margin

open spaces or prescribed width or internal access or larger open space, or as may be decided by the Commissioner.

27. Additional Amenities and Facilities in lay-outs exceeding 2 ha.-

In any layout exceeding two hectares in area in residential and commercial zones, where the development plan has not provided for amenities and services or facilities, or if provided they are inadequate, 5 per cent of the total area shall be designated/reserved as amenity space for provision of primary schools, sub-post offices, police posts, etc. as directed and approved by the Commissioner, and such amenities or facilities shall be deemed to be designations or reservations in the development plan thereafter.

28. Setback and Open Spaces within Building Plots.-

When different open spaces/widths are prescribed under these Regulations, the largest of them shall prevail except when specifically provided otherwise. The general conditions governing open spaces shall be as under:-

(a) *Building abutting more than one street.*-When a building abuts two or more streets, the set-backs from each of them shall be such as if the building were fronting each such street.

(b) *Open spaces separate for each building or wing.*-The open spaces required under these Regulations shall be separate or distinct for each building and where a building has two or more wings, each wing shall have separate or distinct open spaces as required under these Regulations;

Provided that if one of the wings does not depend for light and ventilation on the open space between the two wings, the said open space shall be the one required for the higher wing.

(c) *Open spaces to be provided for the full consumption of F.S.I.*-The open spaces to be left at the sides and rear shall relate to the height necessary to consume the full F.S.I. permissible for the occupancy in the zone.

(d) *Manner of computing front open space/setback where the street is to be widened.*-If the building plot abuts any road which is proposed to be widened under the Development Plan or because of the prescription of regular lines of streets under the Mumbai Municipal Corporation Act, 1888, the front open/space road-side set back shall be measured from the resulting road widening line or the centre line of the widened road as the case may be. Where there is any conflict between the width provided in the development plan and the width resulting from the prescription of a regular line of a street under the Mumbai Municipal Corporation Act, 1888, the larger of the two shall prevail.

29. Open Space Requirement-

Side and rear open space in relation to the height of the building for light and ventilation- (1) Residential and Commercial Zones; (a) Building having length, depth upto 40 m.- The open spaces on all sides except the front side of a building shall be of a width not less than a third of the height of that building above the ground level, rounded to the nearest decimeter subject to a maximum of 20 m., the minimum being 3.6 m. for a residential building and 4.5 m. for a commercial building.

(b) Building with Length/Depth Exceeding 40 m.- (a) If the length or depth of a building exceeds 40 m. an additional width of 10 per cent of the dimension in excess of 40 m. shall be required on the side or rear open space as the case may be :

Provided that no such increase in additional open space shall be necessary if (a) it is a front open margin space, or (b) when only store rooms and stairways derive light and ventilation from the open space.

Provided further that-

(i.) the open space for separation between any building and a single storeyed accessory building need not exceed 1.5 m.

(ii.) the minimum distance between any two ground floor structure in Public Housing/ High Density Housing shall be 4.5 m. if habitable rooms derive light and ventilation from the intervening space; if not, the distance may be reduced to 1.5 m.

(iii.) except where the plot size is less than 2,500 sq.m. the marginal open space in a plot abutting the amenity/recreational open space in the same lay-out shall not be less than 3 m.;

(iv.) where the amenity open space being accessible from all the layout plots does not have an exclusive means of access, the rear marginal open space shall not be less than 3 m.

(c) *Building existing on 1st January 1964 and those constructed thereafter*. - (i) In respect of building existing on 1st January 1964, upper floors, may be permitted with set-back at upper levels in the case of new development to make up for deficiencies in the open space as required under these Regulations.

(ii) With the permission of the Commissioner, set-backs as in clause (i) above may be allowed for the buildings constructed after 1st January 1964 to avail of additional FSI that may become available due to road set-back, Transfer of Development Rights as in Appendix VII, FSI in lieu of staircase room/liftwells or any change in the Regulations where by additional FSI may become available.

(d) *Set back at upper level* :- The Commissioner may permit smaller set backs at upper levels and also permit additional floor area upto a limit of 10 sq. m. over the permissible FSI to avoid structural difficulties or hardship but so as not to affect adversely the light and ventilation of an adjoining building or part thereof.

(e) *Tower-like structures*:- Notwithstanding any provision to the contrary, a tower-like structure may be permitted only with 6 m. open space at the ground level and one-set back at the upper levels provided that the total height does not exceed 24 m. If it exceeds 24 m. but does not exceed 37.5 m., the minimum open space at ground level shall be 9 m. Beyond 37.5 m. the minimum open space at ground level shall the 12 m. with two set-backs at upper levels. The terrace created by the set-back shall be accessible through a common passage and /or common staircase only.

~~(f) Where a room does not derive light and ventilation from an exterior open space; the width of the exterior open space as given in this Regulations may be reduced to one-fifth of the height of the building subject to a minimum of 3.6 m. in respect of residential building and 4.5 m. for a commercial building subject to a maximum of 12 m. For a building with height of 24 m. or more, such exterior open space *may be a minimum of 6 m* **[shall be 6m.]** [1] subject to the requirements of the fire brigade authorities.~~

(f) ***Where a room does not derive light and ventilation from an exterior open space; the width of the exterior open space as given in these Regulations may be reduced to a minimum of 3.6 m. in respect of residential building and 4.5 m. for a commercial building upto a height of 24 mt. For a building with height of 24 m or more such exterior open space shall be minimum 6 m or more, subject to the requirements of the Fire Brigade Authorities.*** **(06012012)**

(g) The open spaces for the above purposes would be deemed to be sufficient if their widths are not less than one-fourth of each dimension of the site of the building and the percentage of the building area does not exceed 25 per cent of the area of the site, when the least dimension of the site is not less than that specified in the following table for different floor space indices.

Floor Space Index (1)	Least dimension of site in meters (2)
1.00 1.33	18 24

[ ] (1) Erratum under No. DCR 1090/RDP/UD-11 dated 6th July, 1992.

[ ](06012012) **Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

(2) *Industrial Zone :- (a) Buildings upto 4 storeys or 16 m. in height* - The minimum width of the open space around each building shall be 4.5 m. in the island city and 6 m. elsewhere.

(b) *Building more than 4 storeys or 16 m. in height :-* The open space dimension prescribed in (a) above shall be increased by at least 0.25m. for every 1 m. of height or fraction thereof, above 4 storeys or 16 m.

Provided that no such increase in open spaces is necessary if (I) it is a front margin, or (ii) when only store rooms and stairways derive light and ventilation from the open space.

(3) *Provisions in marginal open spaces if the height of the building is restricted* :- **(a)**Notwith-standing the provisions of sub-regulations (1) of this Regulation, the minimum open spaces in plots in residential and commercial zones may be relaxed to the values quoted in Table 9 below, if the number of Storeys are restricted to two.

TABLE 9

Provisions in Open Spaces for Plots in Residential and Commercial Zones

Serial No.	Plot Area (Sq. m.)	Type of Development	Minimum open spaces (in meters) (4)		
(1)	(2)	(3)	Front	Rear	Side
1	21 and above but less than 30	Row	0.75 (ii)	1.5	…..
2.	30 and above but less than 40	Row	0.75 (ii)	2.25	
3.	40 and above but less than 60	Row/Semi-detached	1.00 (ii)	2.25	1.0 (i)
4.	60 and above but less than 125	Row/Semi-detached	1.5	3.0	1.0 (i)
5.	125 and above but less than 250	Row/Semi-detached/Detached	3.0	3.0	1.5 (i)

Explanation to Table 9 :- (i) Such side open space will not be required for row housing a semi-detached structure will have open spaces around the entire structure. Such side open space, shall not be reckoned as the main source of light and ventilation for habitable rooms of the structure.

(ii) In plots less than 40 sq. m. in area, no front open space need be provided if the means of access serving such plots is at least 3 m. in width.

(iii) A row housing scheme developed as a block shall not be more than 45 m. in length and the distance separating two such blocks shall not be less than 1.5 m.

(iv) Where the amenity open space is accessible from all the lay-out plots and has no exclusive means of access, the rear marginal open space in plots abutting such amenity open space shall not be less than 3 m.

(b) In case of redevelopment in Gaothan with the height restricted to 3 storey or maximum 10 mt. the ground coverage of the structure shall not be more than 75% of the plot area and open spaces left at side and rear shall be as to consume the FSI as permissible and not to affect adversely the light and ventilation of adjoining buildings and to provide proper drainage facilities"] (2)

(4) Provisions in open spaces for plots in Reconstruction/Redevelopment Schemes under the Maharashtra Housing and Area Development Authority Act, 1976;

(a) Notwithstanding the provisions contained in sub-Regulations (1) of this Regulations, the side and rear marginal open spaces may be reduced to 1.5 m., the distance between any two such buildings being not less than 1.5 m.

(5) Front Set-backs from the Street Line/Plot Boundary and set-backs from the zonal boundary in the different zones shall be as in Table 10 hereunder.

TABLE 10

A. Front set-back from Street Line/Plot Boundary (in meters)

Serial No. (1)	Location of plot (2)	Residential Zone (3)	Commercial Zone (4)	Industrial Zone (5)
1	On express highways or roads wider than 52 m	7.5	7.5	22.5
2	On roads wider than 21 m. other than those in (1)- -island city .. -elsewhere ..	 3.0 6.0	 4.5 6.0	 ** **
3	Away from road- -island city .. -elsewhere ..	 4.5 4.5	 4.5 4.5	 4.5 6.0
4	Plots in gaothans, in the suburbs/extended suburbs smaller than 250 sq.m. [For plots in gaothans, in suburbs extended suburbs smaller than 250 sq.mtrs. i) streets less than 6 m ii)streets 6m and more and less than 9m iii)streets 9m and more][(3)]	1.5 NIL 1 1.5	…	Not Applicable N.A. N.A. N.A.
5	On island city roads listed below* ..	4.5	4.5	Not applicable
6	Areas not listed above- -island city .. -elsewhere ..	 3.0 4.5	 4.5 4.5	 ** **

** Refer to sub-Regulations (2) of this Regulations.

*Gopalrao Deshmukh Marg (Pedder Road), Bhulabhai Desai Road, Babasaheb Dahanukar Marg (Carmichael Road), Salebhoy Karim Barodawalla Marg (Altamount Road), Gamadia Road (Walkeshwar Road), Bal Gangadhar Kher Marg (Ridge Road), Laxmibai Jagmohandas Marg (Nepean Sea Road), Nyayamurti Sitaram Patkar Marg (Hughes Road), Chowpatty Sea-Face Road, Lala Lajpatrai Marg (Hornby Vellard), Dr. Annie Besant Road, Maulana Abdul Kalam Azad Road, Swatantrya Veer Sawarkar Marg (Cadell Road), Senapati Bapat Marg, Dr. Ambedkar Road from Byculla Bridge to Sion Causeway, Rafi Ahmed Kidwai Road.

With the approval of the Corporation, the Commissioner may add, alter or amend this list of roads.

[ ] [(2)] This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.TPB-4302/1730/CR-233/2002/UD-11 dated 30th July,2008

B.Front Set-back from Street Centre Lines (in meters)

Serial No. (1)	Location of Plot (2)	Residential (3)	Commercial Zone (4)	Industrial Zone (5)
1	On minor streets*			
	-island city	7.5	7.5	10.5
	-elsewhere ..	9.0	9.0	12.0
2	[In case of idenfied streets][4] In gaothans in the suburbs/extended suburbs ..	3.75 2.25	Not applicable	Not Applicable
3	Areas not listed above			
	-island city ..	10.5	10.5	10.5
	-elsewhere ..	10.5	10.5	12.0

*** A minor street is one less than 12 m. wide.**

C. Set-back from Zonal Boundary in Industrial Zones (in meters)

Serial No. (1)	Location of plots (2)	Type of building (3)	Set-back in zones (m) (4)
1	Island city ..	Industrial building	I-1:6m. I-2:9m. I-3:9m.
2	Island city ..	Residential building, if permitted, due to conversion of zone.	I-1:6m I-2:9m. I-3:9m.
3	Island City ..	Other permissible non-industrial user if permitted in industrial zone.	(i)4.5m upto 4 storeys or 16 m. in height (ii) For heights more than 16 m., 4.5 plus 0.25m. for every meter or part thereof
4	Suburbs, extended suburbs and new reclamation areas at Wadala Salt Pans.	Industrial Building- (a)If zone boundary coincides with the boundary of permanent open space such as R.G., P.G. etc.	I-1:6m. I-2:10.5m. I-3:22.5m.
		(b)Otherwise	I-1: 10 m I-2: 22.5 m I-3: 52.5m
5	Do.	Residential building if permitted due to conversion of zone.	I-2:15m. I-3:22m. :52m. (For obnoxious or hazardous industries adjacent to residential development.)
6	Do.	Other non-industrial users	(i) 6m. upto 4 storeys or

		permitted.	16m. in height. (ii) For height more than 16 m., 6m plus 0.25m. for every meter or part thereof.

Explanation to Table C - (i) The minimum segregating distance between different zone shall be the distance as measured from the opposite edge of the road (existing or proposed) in which the zone happens to abut.

(ii) In the case of residential development and other non-industrial development permitted in the industrial zone the area within the segregating distance as provided in the Table 10-C shall be planted with tress at the rate of not less than 5 per 100 sq.m. of such area.

(6). *Open spaces for various types of buildings*.- (a) Educational buildings, hospitals, mental hospitals, maternity homes, house of correction, assembly buildings, mangal karyalaya, markets, stadia, petrol filling and service stations ;

A minimum space 6 m. wide shall be left open on all sides from the boundaries of the plot.

(b). Cinemas/theatres :-

(i) Front open space.- A minimum space 12 m. wide from the road or 37 m. from the centre of National Highway/State Highway/Major District road, which ever is more is required.

(ii) Side and rear open space.- Subject to the provisions of sub-Regulations (8) of Regulations 52, the side and rear marginal distances to be left open shall not be less than 6 m. wide.

(c) *For multi-storeyed, high rise and special buildings, the provisions as stipulated in Regulation No. 43(1) shall apply.* **(06012012)**

(7). Provisions regarding relaxation in open spaces in narrow plots.-(a) Narrow plots in residential and commercial zones. viz those less than 15 m. wide or deep will be permitted the relaxation shown in column 3 of Table 11 hereunder subject to the restrictions in column 4 thereof.

[ ](06012012) **Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

TABLE 11

Open Space Relaxation in Narrow plots in Residential and Commercial Zones.

Serial No. (1)	Plot size/dimension (2)	Relaxation (3)	Restrictions on building (4)
1	Depth less than 15m. ..	Rear open space may be reduced to 3 m.	No room except store-room and staircase derives light and ventilation from reduced open space.
2	Width less than 15 m. but more than 11.5 m. ..	Side open space may be reduced to 3 m.	No room except store-room and staircase derives light and ventilation from reduced open space.
3	Depth less than 11.5 m. but more than 9 m.	Front open space may be reduced to 3 m. and rear open space reduced to 1.8 m.	(i) Depth of the building not to exceed 5.5 m. (ii) Height not to exceed, 3 storeys or 10 m.
4	Width less than 11.5 m. but more than 9 m.	One side open space may be reduced to 3 m. and the other side open space may be reduced to 1.8 m.	(i) Width of the building not to exceed 5.5m. (ii) Height not to exceed, 3 storeys or 10 m.
5	Depth or width less than 11.5 m.	Semi-detached structure on adjoining plots with open spaces as at Sr. Nos. 3 or 4 above.	(i) Depth of the building not to exceed 5.5 m. (ii) Height not to exceed 3 storeys or 10 m.
6	Depth or width less than 9 m.	Open space may be reduced to 1.5 m. all around	only ground floor structure.

Explanation to Table II.- (i) No dimension of any building in a narrow plot shall exceed 30 m. :

(ii) The relaxation in Table 11 shall not apply to any narrow plot where in reconstruction/redevelopment scheme under the Maharashtra Housing and Area Development Authority Act, 1976 is undertaken. In the case of such a plot, the Regulations in Appendix III shall apply.

(iii) In areas when the majority of the plots is less than 11.5 meters in width or depth, the Commissioner may prescribe building lines in which row houses would be permissible.

(b) Narrow plots in industrial zones, viz. those having one dimensions smaller than 16 m. will be allowed the relaxation subject to the restrictions in Table 12 hereunder.

TABLE 12

Open space Relaxation in Narrow Plots in Industrial Zones

Serial No.	Relaxation granted in or condition imposed on	Width less than 10.5 m.	Depth less than 10.5 m.	Width between 10.5 m. upto 12 m	Depth between 10.5 m. upto 12 m	Width between 12m upto 18 m.	Depth between 12m upto 18 m.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Open space ..	Side open space may be reduced to 1.8	Rear open space may be reduced to 1.8 m.	(i) May be reduced on one side to 4.5 m. (ii) The other side may be reduced to 1.8m.	May be reduced at the rear to not less than 1.8 m.	One side open space may be reduced to 1.8 m.	Rear open space may be reduced 1.8 m.
2.	Building dimensions, etc.- (i) Maximum width	6 m.	30 m.	6 m.	30 m.	6 m.	30 m.
	(ii) Maximum depth	30 m.	6 m.	30 m.	6 m.	30m.	6 m.
	(iii)Maxim-um height	4.5 m.	4.5 m.	8 m.	8 m.	8 m.	8 m.
	(iv)No. of storeys	One	One	Two	Two	Two	Two
	(v) Walls	Dead walls 40 cm. thick on both sides.	Dead wall 40 cm thick on the rear side.	Dead wall 40 cm. thick facing the reduced open space, as in Serial No.(i) (ii)above of this column.	Dead wall 40 cm. thick facing the rear side.	Dead wall 40 cm. Thick facing the reduced open space.	Dead wall 40 cm. thick facing, the rear side.

(8) Additional restriction on construction/reconstruction.-

(i). *Distance from electricity lines*.- No verandah, balcony or the like shall be constructed/reconstructed or any additions or alterations shall be made to a building on a site within the distance stated below from any overhead electric supply line :-

		Vertically	Horizontally
(a)	Low and medium voltage lines and service lines	2.5 m	1.2 m
(b)	High voltage lines upto and including 33,000 V.	3.7 m	2.0 m
(c)	Extra High voltage beyond 33,000 V.	3.7 m (Plus 0.3 m for every additional 33,000 V or part thereof)	2.0 m (Plus 0.3 m for every 33,000 V or part thereof)

Explanation :- The minimum clearance above shall be measured from the maximum sag for vertical clearance and maximum deflection due to wind pressure for horizontal clearance.

(ii) *Building sites abutting railway track boundary*.- Subject to the requirements of set-backs from roads and side and rear marginal open spaces under the relevant Regulations, no new construction of a building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the railway track boundary, and in any case at least 3 m. away from such boundary.

[Building sites situated within 30 mt. from Railway Boundary:
No Objection Certificate from the concerned railway shall be insisted before granting permission for the building plans between the railway boundary and the distance of 30 mt. from it. The development of such plot shall be carried out as per terms and conditions stipulated by the Railway Authority.][(1)]

(9) *Interior open spaces (chowks)-*(a) Inner chowk.- Unless it abuts on a front rear, or side open space, the whole of one side of every room other than a habitable room shall abut on an interior open space, courtyard or chowk, whose minimum width shall be 3 m. Such interior space, courtyard or chowk shall be accessible at least on one side at ground floor level through a common passage or space. Further, the inner chowk shall have an area at all its levels of not less than the square of one fifth of the height of the highest wall abutting the chowk :

Provided that when any room (excluding the stairway bay, the bathrooms and water closet) depends for its light and ventilation on an inner chowk, the dimension shall be such as is required for each wing of the building.

(b) *Outer chowk*.- The minimum width of an outer chowk (as distinguished from its depth) shall be 2.4 m. but if the depth exceeds the width, the open space between the wings shall be regulated by clause (b) of sub-Regulation (i) of this Regulations, when any habitable room depends on light and ventilation on such outer chowk. A recess less than 2.4 m. wide shall be treated as a notch and not as a chowk.

(10). *Open spaces to be unencumbered*.- Every open space whether interior or exterior shall be kept free from any erection thereon and shall remain open to the sky except the feature covered by the next Regulations.

[ ] (1) This clause was added by TPB-4302/1318/CR-23/03/UD-11 dated 5th July, 2005 under section 37(2) of MR&TP Act , 1966

30. Features permitted in open spaces:-

Certain features may be permitted in the prescribed open spaces as enumerated below:-

(i) *Permitted in the side or rear marginal open spaces* :- (a) Where the facilities in an existing building are inadequate, a sanitary block (i) not exceeding 3 m. in height and 4 sq. m. in carpet area. (ii) at least 7.5 m. from the road line or the front boundary and 1.5 m. from other boundaries and (iii) at least 1.5 m. away from the main building.

~~(b) Covered parking spaces at least 7.5 m. away from any access road, subject to Regulations 36.~~

(b) Covered parking spaces at least 7.5 m. away from any access road, subject to Regulation no. 36 (5)(d) **(06012012)**

(c) Suction tank, pump room, electric meter room or sub-station, garbage shaft, space required for fire hydrants, electrical and water fittings, water tank, dust-bin, etc.

(ii) *Other features permitted in open space* :- (a) A rockery, well and well structures, plant nursery, water pool, or fountain swimming pool (if uncovered and only beyond the required open space as required under these Regulations), platform around a tree, tank, bench, gate, slide, swing, ramp, compound wall;

~~(b) A cantilevered and unenclosed canopy over common entrance and each common staircase not more than 5.5 m long and at least 2.2 m. above ground level. The outer edge of the canopy shall be at least 1.5 m. from the plot boundary. The Commissioner may permit canopies of larger size in public multistoreyed or high rise or special buildings;~~

(b) A cantilevered and unenclosed canopy over common entrance and each common staircase not more than 5.5 m long and at least 2.2 m. above ground level with level difference of 0.3 m. in relation to the floor level. The outer edge of the canopy shall be at least 1.5 m. from the plot boundary. The Commissioner may permit canopies of larger size in public, multistoreyed or high rise or special buildings. **(06012012)**

(c) ~~An unenclosed porch open on three sides, not more than 5.5 m. in length parallel to the main building in front of common entrance only and except rear open space. No part of such porch shall be less than 1.5 m. from the boundary.~~

(C) An unenclosed porch open on three sides, not more than 5.5 m. in length parallel to the main building in front of common entrance only and except rear open space with level difference of 0.3 m. in relation to the floor level. No part of such porch shall be less than 1.5 m. from the plot boundary. **(06012012)**

(d) A balcony for a residential building constructed in conformity with sub-Regulations (22) of Regulations 38, if it does not reduce the width or the clear required marginal open space to less than 3 m. at the rear and sides and 1.5 m. in front. The width of a balcony will be measured perpendicular to the building line and reckoned from that line to the balcony's outer-most edge.

[ ] (06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

~~(e) A chajja, cornice, weather shade, sun breaker and other ornamental projection projecting not more than 1.2 m. from the face of the building. No chajja, cornice, weather shade, sun-breaker or other ornamental projection etc. shall be permissible, which will reduce the width of the required open space, to less than 2.5 m.[Further, Chajja, Cornice, Weather Sheds, sun breaker or other ornamental projections etc. shall be permissible upto 0.3 mt. in Gaothan areas for the plots adm. Upto 250 sq.mts".]~~[7]

(e) (i) A chajja, cornice, weather shade, sun-breaker; at lintel level only projecting not more than 1.2 m. from the face of the building. No chajja, cornice, weather shade, sun-breaker etc. shall reduce the width of the required open space to less than 2.5 m. Further Chajja, Cornice, Weather Shade, sun breaker or other ornamental projections etc. shall be permissible upto 0.3 mt. in Gaothan area for the plots adm. upto 250 sq.mts. However in case of redevelopment of cessed building, where marginal distances are less, chajja projection maximum up to 0.45 m. may be allowed. **(06012012)**

(e) (ii) The ornamental projection, flower beds etc. projecting not more than 1.2 m. from the face of the building. No ornamental projection, flower beds etc. shall be permissible, which will reduce the width of the required open space to less than 2.5 m. **(06012012)**

~~(f) A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, its projection not exceeding from the balcony or gallery face with level difference of 0.3 m. in relation to the floor level. However and/or ornamental projections over a balcony or gallery may be allowed to project upto to 0.75m.~~

(f)(i) ***A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, its projection not exceeding 0.75 mt from the balcony or gallery face with a level difference of 0.3 m. in relation to the floor level. However in case of redevelopment of cessed building, where marginal distances are less, chajja projection maximum up to 0.45 m. may be allowed.*** **(06012012)**

(f)(ii) ***The Ornamental projection, flower bed etc. over a balcony or gallery, its projection not exceeding 0.75 mt. from the balcony or gallery .*** **(06012012)**

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g)Watchman's booth not over 3 sq. m. in area.

[ ] **(06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

31. Heights of Buildings :-

(1) *Height vis-à-vis the road width.*- The height of a building shall not exceed one and half times the total of the width of the street on which it abuts and the required front open space. **[The restrictions of height of the building spelt out in Regulations No. 31(1) shall however, cease to apply in case where the plot fronts on road having width more than 18.00 mtrs and where front marginal open space of 12 mtrs. minimum is observed, provided that open spaces as on other sides are made available as required from the fire safety point of view]**[2] For this purpose, the width of the street,may be the prescribed width of the street ,provided height of the building does not exceed twice the sum of the width of the existing street and the width of the prescribed and required open space between the existing street and the building. The latter width shall be calculated by dividing the area of land between the street and the building by the length of the front face of the building.

Explanation :- (i) "Prescribed width" here means the width prescribed in the development plan or the width resulting from the prescription of a regular line of the street under the Mumbai Municipal Corporation Act, 1888, whichever is larger.

(ii) If a building abuts two or more streets of different widths, it shall be deemed for the purpose of this Regulations to abut the wider street; the height of the building shall be regulated by width of that street and may be continued to this height to a depth of 24 m. along the narrower street, subject to conformity with Regulations 28.

[Provided however, that restrictions on height spelt out in this Regulations shall not be applicable for reconstruction and redevelopment of old buildings undertaken under Regulations 33(7), 33(8), and 33(9) of these Regulations, which are not affected by Coastal Regulations Zone Notification dated 19th February 1991, issued by the Ministry of Environment and Forests, Government of India, and orders issued from time to time.][1]

[Provided however that restrictions on height spelt out in this regulation shall not be applicable for construction of buildings undertaken under Regulation 33(10) and 33(14) of these regulations for implementation of Slum Rehabilitation scheme. [5]

(2) Buildings intended for hazardous godowns, storage of inflammable materials or storage of explosives shall be single-storeyed structures only.

(3) The height and character of an industrial chimney in the area for which clearance of the Civil Aviation Authorities is required under these Regulations shall be prescribed by the Civil Aviation Authorities.

(4) *Additional height and other restrictions in certain areas*-(a) In areas around the Nehru Centre.- Notwithstanding anything contained in these Regulations, the height of any building proposed for erection, re-erection or development in the area surrounding the Nehru Centre Complex bounded on the South and East by Keshavrao Khadye Marg (Clerk Road), from the east side of Haji Ali Junction, on the north-east by Dr. E. Moses Road (extended to the north-east of the Race Course) (upto the east side of Dr. Annie Besant Road meeting its junction upto Haji Ali); shall not exceed a height of 18.3 m. above the average surrounding ground level. **[Provided however that, restrictions on height spelt out in this Regulation in areas around the Nehru Centre building shall not be applicable for the buildings to be constructed for implementation of slum Rehabilitation Scheme under Regulations No. 33 (10) & 33 (14) of these Regulations**, ~~*which are not affected by Coastal Regulations Zone Notification dated 19 February 1991, issued by the Ministry of Enviornment and Forests, Government of India.*~~[6] **However the height of buildings so constructed shall always be less by 6 metres than the height of existing Nehru Centre Building.]** [4]

(b) *Preserving the view from the Phirozshah Mehta Garden.*-Notwithstanding anything contained in these Regulations, to preserve the western view from the Phirozshah Mehta Garden on Malabar Hill, two funnels of visions have been marked on the sheet pertaining to Part II of the 'D' Ward Development Plan. No development will be permitted in the inner funnel of vision, and a building within the outer funnel of vision

shall not be erected or raised above Reduced Level 75.44; with reference to Town Hall Datum.

(c). *Preserving the eastern and southern view of the Backbay Area, Marine Drive.*- Notwithstanding anything contained in these Regulations, to preserve the eastern and southern view of the Backbay and the Marine Drive area from Kamla Nehru Park on Malabar Hill, a funnel of vision has been marked on the sheet pertaining to Part II of the 'D' Ward Development Plan. No building shall in this funnel of vision be raised or erected to the height of more than 21.35 m. or such lesser height as the Commissioner may prescribe which would include the terrace, staircase or lift room, elevated water storage tank or any other building feature

Provided that the Commissioner may, with the prior approval of the Government, permit a building more than 21.35 m. high, after due consideration of the contours of the area, surrounding developments and plot location, the objective being not to obstruct the view within the funnel of vision.

(d) The Commissioner may, for reasons to be recorded in writing, prescribe for any building or structure a maximum height, which may be less than that permissible otherwise under these Regulations.

(e)The height restriction as in clauses (b) and (c) above will apply only to a plot falling entirely within the lines of the funnel of vision as marked on the development plan.

(f)*Height restrictions in the vicinity of aerodromes.*-(I) For structure, installations or buildings in the vicinity of aerodromes, the height shall be as shown in Table 13 hereunder or such greater height as may be permitted by the Civil Aviation Authorities.

TABLE 13

Building Height Restrictions in the Vicinity of Aerodromes

Serial No.	Distance of Building, Structures or installations, measured horizontally, from aerodrome reference point		Permissible height of structure or installation/buildings above mean sea level.
(1)	International civil airports and their alternate (2)	Other Civil airports and aerodromes (3)	(4)
1	Between 8535 m. and 22,000 m.	Between 7925 m. and 22000 m.	152 m.
2	Between 7315 m. and 8535 m.	Between 6706 m. and 7925 m.	122 m.
3	Between 6096 m. and 7315 m.	Between 5486 m. and 6706 m.	91 m.
4	Between 4877 m. and 6096 m.	Between 4267 m. and 5486 m.	61 m.
5	Between 4267 m. and 4877 m.	Between 3658 m. and 4267 m.	45 m.*
6	Between 3658 m. and 4267 m.	Between 3048 m. and 3658 m.	36 m.*
7	Between 3048 m. and 3658 m.	Between 2438 m. and 3048 m.	24 m.*
8	Between 2438 and 3048 m.	Between 1829 m. and 2438 m.	12 m.*
9	Less than 2438 m	Less than 1829 m	Nil except with the concurrence of the civil Aviation Authorities.

Note:- Height limits shall be applicable for tree heights.

Explanations.-(i) Irrespective of their distance from the aerodrome, even beyond the 22 km. limit from the aerodrome reference point, no radio masts or similar installation exceeding 152 m. in height shall be erected without the permission of the Civil Aviation Authorities.

(ii) The location of a slaughter house/abattoir/butcher house or other areas for activities like depositing of garbage which may encourage the collection of high flying birds, like eagle and hawks, shall not be permitted within 10 km. from the aerodrome reference point.

(iii).Within a 5 km. radius of the aerodrome reference point, every structure/installation/building shall be so designed as to meet the pigeon/bird proofing requirements of the Civil Aviation Authorities. Such requirements may stipulate the prohibition of any cavity, niche, or other opening on the exterior of such building/installation/structure so as to prevent the nesting and habitation of pigeons or other birds.

(g) *Other restrictions in height*.- For the purpose of operational requirement of buildings structure or installations or for the purpose of telecommunications or other forms of communications of the Departments of the Government of India or the State Government or public sector undertakings, the Commissioner may for reasons to be recorded in writing, restrict the height of any building in the vicinity of such buildings, structures or installation, and may also permit the prescribed heights to be exceeded for such buildings, structures or installations themselves or for any other statutory communication requirement.

(5) *Structures not relevant to height*.- The following appurtenant structures shall not be included in reckoning the height of a building except while considering the requirement of Civil Aviation Authorities and other statutory communications requirements :-

Roof tanks and their supports, ventilation/air-conditioning shafts, lift-rooms and similar service equipment, stair covers, chimneys and parapet walls, architectural features not exceeding 1.5 m. in height, television antenna, booster antenna,**[I.T. Equipment]**[3]and wireless transmitting and receiving towers.

[ ][1] – This proviso added vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.1999.

[ ][2] – These words are added vide Government Notification No. DCR 1096/931/CR 290/96/UD-11 Dt. 31.05.1999.

[ ][3] – These words are added vide order NO. TPB 4398/1234/CR-201/98/UD-11 Dt. 17.02.2000 u/s. 37(2) of MR&TP Act 1966.

[ ] [4] These words were added vide order No. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] [5]This provision was added vide TPB/4304/1734/CR229/04/UD-11 dated 24 th August 2004 vide section 37(2) of MR&TP Act , 1966.

[ ] [6] These words were deleted vide TPB/4304/1734/CR229/04/UD-11 dated 24 th August 2004 vide section 37(2) of MR&TP Act , 1966.

[ ] [7] This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.TPB-4302/1730/CR-233/2002/UD-11 dated 30th July,2008

32. Floor Space Indices and Tenement Density.-

The Maximum Permissible Floor Space indices and tenement densities for various occupancies and locations and for various use zones are given in Table 14 hereunder.

TABLE 14

Floor Space Indices in Residential, Commercial and Industrial Zones

			Tenement Density per net hector	
	Occupancy and location	Floor Space Index (F.S.I.)	Maximum	Minimum (applicable only to plots of I ha and above and sub-divided plots each of I ha and above from larger layouts or sub-division)
	(1)	(2)	(3)	(4)
(1)	Residential Zone (R-1) and Residential Zone with Shop Line (R-2).			
(A)	Island City	1.33	600	267
(B)	Suburbs and Extended Suburbs –			
(i)	[The areas comprised in the M and N wards bounded on the west by the Eastern Express highway, on the north by the northern boundary of the N ward, on the east by the Thane creek and on the south by the boundary of the M ward] (1) [The area earmarked for BARC from M Ward and the areas comprised in N Ward bounded on the west by the Eastern Express Highway, on the north by the northern boundary of the N ward, on the east by the Thane creek and on the south by the southern boundary of N ward.](2)	0.75	350	150
(ii)	[(ii)Areas of the village of Akse, Erangal and Marve in the P North Ward and Gorai and Manori in the R Ward excepting gaothan proper](4) [(ii)Areas of the village of Akse, Marve and CRZ affected areas of Erangal in the P/North Ward and Gorai and Manori in the R Ward excepting gaothan proper.](4)	0.5	225	100
(iii)	The remaining area in Suburbs and Extended Suburbs including gaothans. ~~[Provided that FSI may be permitted to exceed upto 1.33 subject to following conditions:-~~ ~~1) Additional 0.33 FSI is optional and non-transferable. It is to be granted as on application and to be used on~~	1.00	450	200

	~~the same plot.~~ ~~2) The total maximum permissible FSI, with 1.33 FSI, Road FSI and TDR shall be restricted to 2.00.~~ ~~3) As per concept of TDR, additional FSI shall be permissible on gross plot area.~~ ~~4) Additional FSI available as per Regulation 33, shall be related to basic FSI of 1.00 only.~~ ~~5) Premium shall be charged for additional 0.33 FSI, as per the rates mentioned in Annexure, However, the Govt. may revise these rates from time to time.~~ ~~6) Premium shall be shared between the State Govt. and MCGM on 50:50 basis. The MCGM shall utilize the premium through Escrow Account for implementation of Development Plan and infrastructure. However, Govt. shall have right to change this ratio, depending upon the need for providing funds from Govt. for infrastructure projects in Mumbai.~~ ~~7) In Mumbai Suburban District, construction upto 1.00 additional FSI is permissible through use of TDR. 0.33 FSI being optional and part of overall ceiling of use of 1.00 TDR, any disclosure made for use of TDR / FSI, while making agreements with pur chasers under MOFA Act, shall be held valid for use of 0.33 FSI.~~ ~~8) No vertical extension of existing~~			

	~~building by utilizing 0.33 FSI shall be permitted with erection of columns in the required marginal open space.~~ ~~9) Tenement density shall be relatively increased as per the increase in FSI above 1.00~~ ~~10) 0.33 additional FSI shall not be permitted in Bandra-Kurla complex, SRA Schemes under Regulation 33(10), CRZ areas and the matters which are subjudice.~~ ~~11) As per the provisions of Appendix VIIB under DCR 33(10) and 33(14), the extent of slum TDR shall be at least 20% of total permissible additional FSI (in any combination of additional FSI and TDR).~~ ~~12) The relaxation of premium i.e. 10% of normal premium shall be charged while condoning deficiencies in open spaces (as applicable for use of slum TDR).~~ 13) ~~Additional 0.33 FSI shall not be applicable for industrial user.]~~[(5)] ~~[Provided that FSI may be permitted to exceed upto 1.33 subject to following conditions:-~~ ~~1) Additional 0.33 FSI is optional and non transferable. It is to be granted as on application and to be used on the same plot.~~ ~~2) The total maximum permissible FSI, with 1.33 FSI, Road FSI and TDR shall be restricted to 2.00.~~ ~~3) As per concept of TDR,~~			

	~~additional FSI shall be permissible on gross plot area.~~ ~~4) Additional FSI available as per Regulation 33, shall be related to basic FSI of 1.00 only.~~ ~~5) Premium shall be charged for additional 0.33 FSI, as per the rates mentioned in Annexure. However, the Govt. may revise these rates from time to time.~~ ~~6) Premium shall be shared between the State Govt. and MCGM on 50:50 basis. The MCGM shall utilise the premium through Escrow Account for implementation of Development Plan and infrastructure. However, Govt. shall have right to change this ratio, depending upon the need for providing funds from Govt. for infrastructure projects in Mumbai.~~ ~~7) In Mumbai Suburban District, construction upto 1.00 additional FSI is permissible through use of TDR, 0.33 FSI being optional and part of overall ceiling of use of 1.00 TDR, any disclosure made for use of TDR / FSI, while making agreements with purchasers~~			

	~~under MOFA Act, shall be held valid for use of 0.33 FSI.~~ ~~8) No vertical extension of existing building by utilizing 0.33 FSI shall be permitted with erection of columns in the required marginal open space.~~ ~~9) Tenement density shall be relatively increased as per the increase in FSI above 1.00.~~ ~~10) 0.33 additional FSI shall not be permitted in Bandra Kurla complex, SRA Schemes under Regulation 33(10), CRZ areas and the matters which are subjudice.~~ ~~11) As per the provisions of Appendix VIIB under DCR 33(10) and 33(14), the extent of slum TDR shall be at least 20% of total permissible additional FSI (in any combination of additional FSI and TDR).~~ ~~12) The relaxation of premium i.e. 10% of normal premium shall be charged while condoning deficiencies in open spaces (as applicable for use of slum TDR).~~ ~~Additional 0.33 FSI shall not be applicable for industrial user.]~~ **~~(8)~~** Provided that FSI may be permitted to exceed upto **1.50** subject to following			

	conditions:- 1) Additional **0.50** FSI is optional and non-transferable. It is to be granted as on application and to be used on the same plot. 2) The total maximum permissible FSI, with **1.50** FSI, Road FSI and TDR shall be restricted to 2.00. 3) As per concept of TDR, additional FSI shall be permissible on gross plot area. 4) Additional FSI available as per Regulation 33, shall be related to basic FSI of 1.00 only. 5) Premium shall be charged for additional **0.50** F.S.I. at the rate of **60**% of the land rates of Annual Statement of Rates(ASR) of the year in which such FSI is granted. 6) Premium shall be shared between the State Govt. and MCGM on 50:50 basis. The MCGM shall utilise the premium through Escrow Account for implementation of Development Plan and infrastructure. However, Govt. shall have right to change this ratio, depending upon the need for providing funds from Govt. for infrastructure projects in Mumbai. 7) In Mumbai Suburban District, construction upto 1.00 additional FSI is permissible through use of TDR, **0.50** FSI being optional and part of overall ceiling of use of 1.00 TDR , any disclosure made for use of TDR / FSI, while making			

	agreements with purchasers under MOFA Act, shall be held valid for use of **0.50** FSI . 8) No vertical extension of existing building by utilizing **0.50** FSI shall be permitted with erection of columns in the required marginal open space. 9) Tenement density shall be relatively increased as per the increase in FSI above 1.00. 10) **0.50** additional FSI shall not be permitted in Bandra–Kurla complex, SRA Schemes under Regulation 33(10), CRZ areas and the matters which are subjudice. 11) As per the provisions of Appendix VIIB under DCR 33(10) and 33(14), the extent of slum TDR shall be at least 20% of total permissible additional FSI (in any combination of additional FSI and TDR). 12) The relaxation of premium i.e. 10% of normal premium shall be charged while condoning deficiencies in open spaces (as applicable for use of slum TDR). 13) Additional **0.50** FSI shall not be applicable for industrial user. **(04122015)**			
(2)	Local Commercial Zones (C-1) and District Commercial Zones (C-2) :-			
(A)	Island City	FSI as in the residential zone.		
(B)	Suburbs and Extended Suburbs	FSI as in the residential zone. In the 'M' Ward if any building in the Local Commercial Zone (C-		

		1) or District Commercial Zone (C-2) is intended for a purely commercial user non-residential in character, FSI of 1.00 would be permissible.		
(3)	Service Industrial Zone (I-I) General Industrial Zone (I-2)			
	Special Industrial Zone (I-3)			
(a)	For users permissible in the zone in the Island City and in Suburbs and Extended Suburbs :	1.00	…	….
(b)	Textile Mills - Island City and Suburbs and Extended Suburbs. In the case of reconstruction, modernization or renovation, where a textile activity is to be continued, the FSI shall not exceed 1.33 in the Island City and 1.00 in the Suburbs and Extended Suburbs :	1.00	…..	….
(4)	Truck Terminal, Wadala :	1.00	….	….
(5)	For Storage Buildings (Warehouses and Godowns) :			
	Island City and Suburbs and Extended Suburbs.	0.5 or volume to plot area ratio of 4 m. whichever is less		
(6)	Educational Buildings, Medical Institutions and Institutional Buildings-			
(a)	Island City :	1.33		
(b)	Suburbs and Extended Suburbs	1.00		
(7)	Government and Semi-Government offices in			
(a)	Island City :	1.33		
(b)	Suburbs and Extended Suburbs	1.00		

Notes.-

(i) In sites allocated for Public Housing/High Density Housing (PH/HDH) no maximum tenement density is prescribed, but the minimum density will be 325 per net hectare for FSI of 1.00. However, in zones in which the FSI is less or more than 1.00 the minimum density of PH/HDH sites will be reduced or increased in proportion to the FSI permissible.

(ii) On Government lands and on lands in possession of residential co-operative housing societies on 31st December 1983 which are allocated for Public Housing in the development plan, the condition in Note (i) above shall not apply and the lands may be allowed to be developed for residential purposes under these Regulations, either by Government or by co-operative Housing Societies to which such land is allotted or who were in possession of the lands as aforesaid.

(iii) In Public Housing/High Density Housing, for which minimum density is prescribed as in Note (i) above, in the case of lay-outs developed by public agencies, the FSI calculation shall be made on the plot area of the entire lay-out, and any unutilised FSI on plots less than 60 sq.m. areas may be used in the remaining plots within the same layouts. Compliance with minimum density requirements will be ensured in the same manner.

(iv). For housing schemes approved by the Government under sections 20 and 21 of the Urban land (Ceiling and Regulations) Act, 1976, the tenement density etc, shall be that permissible according to the Regulations in Appendix V herein or as may be prescribed from time to time.

[(v) For Educational Institution & Medical Institutions, which have been certified by ISO, builtup space equivalent to FSI to the extent of 0.30 out of FSI 1.00 in suburbs and extended suburbs, and FSI to the extent of 0.40 out of FSI 1.33 in Island City shall be allowed to be used for Commercial user subject to following conditions:-

~~**1) Commercial use to be allowed should be ancillary to the principal use of education/medical institutions.**~~

[1) Commercial use to be allowed shall be for Banking, Financial institutions and Commercial offices. Out of permissible commercial user minimum 0.10 FSI shall be permissible for ancillary use to principal use of educations/medical institutions.

In relation with Medical Institutions, ancillary use may be as follows-

" Chemist Shop, Bookstall, Fruit Stall, Florist Stall, Diagnostic Centre, Medical Research Centre Office, Medicare Insurance Office & Bank with ATM Centre"

In relation with Educational Institutions, ancillary use may be as follows-

" Sports shop, Education Stationary shop, Uniform/Tailor shop & Bank with ATM Centre"][7]

2) It shall be applicable only to the plots fronting on road having minimum width of 18.30 mt.] [3]

[vi) "For Institutional users, which have been certified by ISO, builtup space equivalent to FSI to the extent of 0.30 out of FSI 1.00 in suburbs and extended suburbs, and FSI to the extent of 0.40 out of FSI 1.33 in island City shall be allowed to be used for Commercial user subject to following conditions :-

a) Commercial use to be allowed should be ancillary to the principal use of institution.

b) It shall be applicable only to the plots fronting on road having minimum width of 18.30 mt.][6]

[Annexure] (5)

Premium rates for additional 0.33 FSI.

Sr. no.	Land rates / sq.mt. as per Ready Reckoner 2008.	Illustrative list of area covered under these rates (Not all the areas)	Proposed premium rates / sq.mt.
1	Upto Rs. 7000/- sq.mt.	Manori, Goral, Turbhe, Mankhurd	70% of land rate.
2	Rs. 7001-10000/- sq.mtr.	Madh, Aarey, Dindoshi (pt), Erangal, Akse, Marve, Mahul, Chembur(pt)	Rs. 4900/- + 30% of R/R rates exceeding Rs. 7000/- sq.mt.
3	Rs. 10001-15000/- sq.mt.	Gorai (pt), Pahadi, Eksar(pt), Malad, Malvani (pt), Kurar(pt), Borivali(pt), Dahisar(pt), Anik(pt), Ghatkopar(pt)	Rs. 5800/- + 30% of R/R rates exceeding Rs. 10000/- sq.mtr.
4	Rs. 150001-20000/- sq.mtr.	Chakala(pt), Vileparle(pt), Kandivali(pt), Oshivara(pt), Kurla (pt), Mulund(E) (pt)	Rs. 7300/- + 30% of R/R rates exceeding Rs. 15000/- sq.mtr.
5	Rs. 20001-25000/- sq.mtr.	Bandra (E)(pt)	Rs. 8800/- + 30% of R/R rates exceeding Rs. 20000/- sq.mtr.
6	Rs. 25001 – 35000/- sq.mtr.	Bandra (E)(pt)	Rs. 10300/- + 30% of R/R rates exceeding Rs. 25000/- sq.mt.
7	Rs. 35001-50000/- sq.mtr.	Bandra (E)(pt)	Rs. 13300/- + 20% of R/R rates exceeding Rs. 35000/- sq.mtr.
8	Rs. 50001-70000/- sq.mt.	Bandra (E)(pt)	Rs. 16300/- + 20% of R/R rates exceeding Rs. 50000/- sq.mtr.

9	Rs. 70001-100000/- sq.mtr.	Bandra (E)(pt)	Rs. 20300/- + 10% of R/R rates exceeding Rs. 50000/- sq.mtr.
10	Above Ra. 100000/- sq.mtr.	Bandra (E)(pt)	Rs. 23300/- + 10% of R/R rates exceeding Rs. 50000/- sq.mtr.

[Annexure] (8)

Premium rates for additional 0.33 FSI.

Sr. no.	Land rates / sq.mt. as per Ready Reckoner 2008.	Illustrative list of area covered under these rates (Not all the areas)	Proposed premium rates / sq.mt.
1	Upto Rs.7000/- sq.mt.	Manori, Goral, Turbhe, Mankhurd.	70% of land rate.
2	Rs.7001-10000/- sq.mt.	Madh, Aarey, Dindoshi (pt), Erangal, Akse, Marve, Mahul, Chembur(pt), Deonar.	Rs. 4900/- + 30% of R/R rates exceeding Rs.7000/- sq.mt.
3	Rs.10001-15000/- sq.mt.	Gorai (pt), Pahadi, Eksar(pt), Malad, Malwani (pt), Kurar(pt), Borivali(pt), Dahisar(pt), Anik(pt), Ghatkopar(pt).	Rs.5800/- + 30% of R/R rates exceeding Rs.10000/- sq.mt.
4	Rs.15001-20000/- sq.mt.	Chakala(pt), Vileparle(pt), Kandivali(pt), Oshivara(pt), Kurla (pt), Mulund (E)(pt).	Rs.7300/- + 30% of R/R rates exceeding Rs.15000/- sq.mt.
5	Rs.20001-25000/- sq.mt.	Bandra (E), (pt)	Rs.8800/- + 30% of R/R rates exceeding Rs.20000/- sq.mt.

~~6~~	~~Rs.25001-35000/- sq.mt.~~	~~Bandra (E)(pt)~~	~~Rs. 10300/- +30% of R/R rates exceeding Rs.25000/- sq.mt.~~
~~7~~	~~Rs.35001-50000/- sq.mt.~~	~~Bandra (E)(pt)~~	~~Rs. 13300/- +20% of R/R rates exceeding Rs.35000/- sq.mt.~~
~~8~~	~~Rs.50001-70000/- sq.mt.~~	~~Bandra (E)(pt)~~	~~Rs. 16300/- +20% of R/R rates exceeding Rs.50000/- sq.mt.~~
~~9~~	~~Rs.70001-100000/- sq.mtr.~~	~~Bandra (E)(pt)~~	~~Rs. 20300/- +10% of R/R rates exceeding Rs.70000/- sq.mt.~~
~~10~~	~~Above Rs. 100000/- sq.mt.~~	~~Bandra (E)(pt)~~	~~Rs. 23300/- +10% of R/R rates exceeding Rs.100000/- sq.mt.~~

[ ](1) – The text of clause (B)(i) of Sr. No. (1) of Table 14 of Reg. 32 is deleted u/s. 37(2) vide Government Notification CMS/FSI/1196/CR-130/97/UD-11 Dt. 22.09.1999.

[ ](2) – The text of clause (B)(i) of Sr. No. (1) of Table 14 of Reg. 32 is added u/s. 37(2) vide Government Notification CMS/FSI/1196/CR-130/97/UD-11 Dt. 22.09.1999 and further corrigendum under even number dated 26th October, 1999.

[ ](3) – The note added vide order No. TPB – 432000/386/CR-59/2000/UD-11 Dated 27th February, 2004

[ ](4) The words were replaced by Government order under No. CMS/TPB-4303/466/CR 200/04/UD-11 dated 21st November,2006 issued under 37(2) of MR&TP Act,1966.

[ ](5) The words were added by Government order under No. TPB-4308/776/CR127/2008/UD-11 dated 3rd October, 2008 issued under 37(2) of MR&TP Act,1966.–This Notification was declared as null and void by orders from Mumbai Hon High Court dated 10/6/2010 in PIL 94/2008.

[ ](6) These words were added vide Government order under No. No. CMS/TPB/4308/69/CR-48/08/UD-11, Dated : 12th November, 2008

[ ](7) These words were added vide Govt. Order under section 37(2) of MR&TP Act, 1966 vide, notification number CMS/TPB/4307/623/CR31/2008/UD-11 dated 5th September, 2009.

[ ](8) The words were added by Government order under No. TPB-4308/776/CR127/2008/UD-11 dated 24th October, 2011 issued under 37(2) of MR&TP Act,1966.

[ ](04122015) This modification was sanctioned vide 37(1)(AA)(c) of MRTP Act 1966 vide Notification No. TPB4312/263/CR-77/2013/UD-11: Dated 4th December,2015.

33. Additional Floor Space Index which may be allowed to certain categories:-

~~*(1)Road widening and Construction of new Roads* :- The Commissioner may permit additional floor space index on 100 per cent of the area required for road widening or for construction of new roads proposed under the development plan or those proposed under the Mumbai Municipal Corporation Act, 1888, excluding areas of internal means of access, if the owner (including the lessee) of such land surrenders such land for road widening or new road construction without claiming any compensation in lieu thereof and hands over the same to the Corporation free of encumbrances to the satisfaction of the Commissioner. Such 100 per cent of the F. S. I. on land so surrendered to the Corporation will be utilisable on the remainder of the land upto a limit of *[40 percent]*[1] **[40 per cent in respect of plot situated in Mumbai City and 80 per cent in respect of plots situated in the suburbs and extended suburbs]**[2] of the area of the plot remaining after such surrender and the balance F.S.I. remaining thereafter shall be allowed to be utilised as a Development Right in accordance with regulations governing Transfer of Development Rights (TDRs) in Appendix VII, or the full FSI on the land is surrendered to the Corporation may be allowed to be used as a Development Right in accordance with the Regulations governing Transfer of Development Rights (TDRs) in Appendix VII. Thereafter the road land shall be transferred in the city survey records in the name of the Corporation and shall vest it in becoming part of a pubic street as defined in sub-section (3) of section 288 of the Mumbai Municipal Corporation Act.~~

(1)Road widening and Construction of new Roads :- The Commissioner may permit additional FSI on 100 per cent of the area required for road widening or for construction of new roads proposed under the development plan or those proposed under the Mumbai Municipal Corporation Act, 1888, excluding areas of internal means of access, if the owner (including the lessee) of such land surrenders such land for road widening or new road construction without claiming any compensation in lieu thereof and hands over the same to the Corporation free of encumbrances and after the owner or lessee has leveled the land to the surrounding ground level and after he has constructed 1.5 mt. high compound wall leaving the setback area (or at a height stipulated by the commissioner)with a gate at the cost of the owner, and to the satisfaction of the Commissioner.

When an owner or lessee or Power of Attorney holder / Authority holder also develops or constructs the road on the surrendered land at his cost subject to such stipulations as may be prescribed by the Commissioner to his satisfaction, and hands over the said developed /constructed road to the Commissioner free of cost, he may be granted by the Commissioner additional FSI equal to 25% of the area of this construction/development done by him (***This modification will not apply in cases where road FSI is utilized and also full occupation certificate is granted.***)

Such 100 per cent F. S. I. on land so surrendered to the Corporation and/or FSI towards road area constructed, will be utilizable on the reminder of the land up to a limit of40 per cent in respect of plot situated in Mumbai City and 80 per cent in respect of plots situated in the suburbs and extended suburbs of the area of the plot remaining after such surrender and the balance F.S.I. remaining thereafter shall be allowed to be utilized as a Development Right in accordance with regulations governing Transfer of Development Rights (TDRs) in Appendix VII, or the full FSI of land surrendered to the Corporation may be allowed to be used as a Development Right in accordance with the Regulations governing Transfer of Development Rights (TDRs) in Appendix VII. Thereafter the road land shall be transferred in the

City survey records in the name of the Corporation and shall vest it in becoming part of a public street as defined in sub-section (3) of section 288 of the Mumbai Municipal Corporation Act, 1888.][33]

(2) *Building of Educational and Medical Institutions and Institutional Buildings* :- The Commissioner may permit the floor space indices specified in Table 14 above to be exceeded in respect of buildings in independent plots of educational, and medical institutions and institutional buildings of Government or public authorities or of registered public charitable trusts [Or of Medical Institutions run on cooperative basis established for charitable purposes and registered under the Provisions of Income Tax Act or Maharashtra Cooperative Societies Act](***) by 100 per cent in the wards of the Island City and the suburbs or extended suburbs subject to any terms and conditions he may specify:

Provided that in the case of additional floor space index allowed in respect of education and medical institutions and institutional buildings as aforesaid, premium, if any, as may be determined by Government shall be paid to the Government out of which 50 per cent shall be payable to the Corporation.

[Provided further that, with the previous approval of Government, the FSI in Table No. 14 for buildings of Medical Institutions on independent plots may be permitted to be further exceeded by a maximum of 200% over and above the additional FSI permitted as aforesaid. The further additional FSI thus granted shall be subject to the terms and conditions enumerated below;

Terms and Conditions

(a) Out of the total additional FSI of 300% allowed, 50% may be availed by utilizing Transferable Development Rights (without payment of premium) except in the Island City, provided that the utilization of such TDR will be allowed only after availing of the remaining additional FSI.

(b) Such additional FSI (except the TDR Component) will be permissible subject to the payment of premium to Government as may be decided by Government, out of which 50% shall be payable to the Corporation.

(c) The additional built-up area over and above the permissible FSI shall be utilized for bonafide medical purposes only.

[ ][1] - These words are deleted vide Government Notification No. DCR 1095/1145/CR-255/95/UD-11 Dt. 19.04.2001.

[ ][2] - These words are added vide Government Notification No. DCR 1095/1145/CR-255/95/UD-11 Dt. 19.04.2001.

[ ][33]This clause was modified and replaced by the final sanction under section 37(2) of MRTP act, vide order no. TPB/4309/62/CR208/2009/UD-11 dated 17th June, 2010.

(d) 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 patients in OPD shall be provided treatment at concessional rates, viz. rates that are being charged in Government Hospitals.

(e) The Director of Health Services, Government of Maharashtra shall be the competent authority to monitor as to whether the Medical Institutions is observing the terms and conditions referred to at (c) & (d) above and, in case of any breach thereof or in case the medical services being rendered by the Medical Institution are not to the satisfaction of the Director of Health Services, the Director of Health Services shall have the right to suitably penalise the Medical Institution.

(f) 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.

(g) The trustees of Medical Institution shall furnish the requisite periodical statements to the Director of Health Services in regard to (c) & (d) above.

(h) A building for a Medical Institution containing mixed users(area under non-medical users not exceeding 10% of the permissible built-up area as per Table No. 14) shall also be eligible for further additional FSI to be considered on the entire plot area.

(i) The Medical Institution shall file an undertaking that it shall abide by the above enumerated terms and conditions.][3]

[Provided further that, with the previous approval of Government, the FSI in Table No. 14 for buildings in independent plots of educational institutions may be permitted to be further exceeded by a maximum of 200% over and above the additional FSI permitted as aforesaid. The further additional FSI thus granted shall be subject to the terms and conditions enumerated below.

Terms and Conditions :

a) Out of the total additional FSI of 300% allowed, 50% may be availed by utilising Transferable Development Rights (without payment of premium) except in the Island City, provided that the utilisation of such TDR will be allowed only after availing of the additional FSI.
b) Such additional FSI (except the TDR component) will be permissible subject to the payment of premium to Government as may be decided by Government, out of which 50% shall be payable to the Corporation.
c) The additional builtup area over and above the permissible FSI shall be utilised for bonafide Educational purposes only.
d) As and when required, some rooms of Educational Buildings shall be made available to the Government by the concerned institutions.
e) 10% seats, out of the total capacity, shall be reserved for Government nominees as may be recommended by the Department of Education, Department of Higher and Technical Education, Government of Maharashtra.

[ ][3] – This proviso is added vide Government Notification under No. DCR 1098/628/CR-94/98/UD-11 Dt. 30.10.2000.

[ ](***)--- This proviso was added vide Govt. sanction under section 37(2) vide No. TPB 4309/752/CR-60/2009/UD-11

f) The Director of School Education, Government of Maharashtra and Director of Higher and Technical 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 (c) , (d) and (e) above and, in case of any breach thereof or in case the Education being rendered by the Educational Institution are not to the satisfaction of the said Department, the Director of School Education and the Director of Higher and Technical Education shall have the right to suitably penalise the Education Institution.

g) 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.

h) The trustees of the Educational Institution shall furnish the requisite periodical statements to the Director of School Education, Higher and Technical Education in regard to (d), (e) and (g) above.

i) A building for a Educational Institution containing mixed users (area under non-education users not exceeding 20% of the permissible built-up area as per Table No. 14) shall also be eligible for further additional FSI, to be considered on the total net plot area.

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

k) Existing Playgrounds in the Educational Institution shall not be reduced in any circumstances.

l) Adequate Parking facilities as required as per D. C. Regulations, 1991 shall be provided.] (4)

[Provided further that in case of Suburbs and extended Suburbs, with the previous approval of Government, and upon payment of premium as may be determined by Government, the FSI in Table No. 14 for the buildings of Medical Institutions on independent plots may be permitted to be exceeded by a maximum of 400% subject to condition that no concession in regard to marginal open spaces, height of the building, parking spaces, etc. shall be granted subject to terms and conditions applicable as mentioned in Government Notification dated 30/10/2000.] (5)

[The Commissioner may permit the Floor Space Index specified in Table 14 above to be exceeded in respect of buildings of Public Libraries in independent plot in the manner prescribed below :

i) Additional FSI shall be available to those public libraries which are more than 100 years old and are included in 'A' Class as per rule 10 of Maharashtra Public Libraries Rules, 1970, framed under Maharashtra Public Libraries Act, 1967;

ii) In the Island City, additional FSI to the extent of 100% over and above the permissible FSI shall be granted .For commercial user if otherwise permissible as per these Regulations, built up area not exceeding 1.00 FSI shall be permitted alongwith the Library;

iii) In the suburbs and extended suburbs, additional FSI to the extent of 150% over and above the permissible FSI shall be permitted. For commercial users, if otherwise permissible as per these Regulations, built up area not exceeding 1.00 FSI shall be permitted alongwith the Library;

iv) The commercial uses permissible shall be convenient shopping, bank branch and small restaurants. However, shops selling alcoholic drinks, pan-beedi shops, lottery stalls and shops selling hazardous goods (Gas Godown, etc.) shall not be permitted.

v) Sale proceeds out of commercial uses shall be utilised by the institution only for the development of the Library.

vi) Premium towards additional FSI at the rates admissible for educational institutions shall be recovered from the applicant institution as per the terms and conditions approved by Government .] (21)

[A building for a Institutional user containing mixed users (area under non-institutional users not exceeding 20% of the permissible built up area as per Table No. 14) shall also be eligible for additional FSI to be considered on the entire plot area.](29)

[33(2)(A) Buildings of Private Medical Institutions:-- The Commissioner may permit the floor space indices specified in Table 14 above to be exceeded in respect of buildings in independent plots of private medical institutions by 100 percent in the wards of Island City and Suburbs or Extended Suburbs,

Provided further that, with the previous approval of Government, the FSI in Table No. 14 for buildings of Private Medical Institutions as independent plot may be permitted to be further exceeded over and above the additional FS I permitted as aforesaid by (i) maximum 200% in Island City & (ii) maximum 300% in suburbs and extended suburbs.

The above additional FSI and further additional FS I thus granted shall be subject to the terms and conditions specified below.

Terms and Conditions:

a) Out of total additional FSI, 50% may be availed by utilizing Transferrable Development Rights (Without Payment of Premium) except in the island City, provided that utilization of such TDR will be allowed only after availing of the additional FSI.

b) Such additional FSI (except the TDR component) will be permissible subject to the payment of premium to Government at the rate of 10% of market value i.e. rates of ready reckoner or as may be decided by the Govt. from time to time, out of which 50% shall be payable to the Corporation.

c) The additional built up area over and above the permissible FSI shall be utilized for bonafide medical purposes only.

d) Free medical treatment to the extent of at least 10% of the total number of beds shall be given to persons from economically weaker sections of society or to persons below poverty line. In addition, 10% of the total number of patients in OPD shall be provided treatment at concessional rates, viz. Rates that are being charged in Govt, Hospital.

e) The Director of Health Services, Government of Maharashtra shall be the competent Authority to monitor as to whether the Medical Institution is observing the terms and conditions referred to at (c), (d) above and, in case of any breach thereof or in case the medical services being rendered by the Medical Institution are not to the satisfaction of the Director of Health Services, the Director of Health Services shall have right to suitably penalize the Medical Institution.

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

g) The Medical Institution shall furnish the requisite periodical statements to the Director of health Services in regard to (c) and (d) above.

h) A building for a Medical Institution containing mixed users (area under non medical users not exceeding 10% of the permissible built-up area as per table No. 14) shall also be eligible for further additional FS I, to be considered on the total net plot area.

i) The Medical Institution shall file an Undertaking that it shall abide by the above enumerated terms and conditions.](32)

(14032016)

[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,	**20%**	**15%**	**10%**

	Secondary School.			
	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 penalize 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.]**(14032016)**

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[ ] (14032016)The said clause was added vide orders issued under section 154 of MRTP act 1966 vide motification number TPS-1815/2647/CR-13/15/UD-13 dated 14.03.2016.

(3)~~[*Building of Government / Semi-Government offices and public sector undertakings:- The Commissioner may permit the floor space indices specified in Table 14 above to be exceeded by 50 per cent in the case of the buildings of Government and semi-Government offices and public sector undertakings only in the suburbs and extended suburbs.*]~~[25]

[33(3) Buildings of Government and semi-Government offices and public sector undertakings:

The Commissioner may permit the Floor Space Indices specified in Table 14 above to be exceeded by 50 per cent in the case of buildings of Semi Government and Public Sector Undertakings in the suburbs & extended suburbs. Further, considering the specific requirement & with the previous approval of the Government, the Commissioner may permit the Floor Space Indices specified in Table no. 14 above to be exceed by 300% in the case of buildings of Government offices in the island city, suburbs & extended suburbs.] [6]

~~**[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.]**~~[6]

~~**[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 upto 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 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 subsiding 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:-**~~

~~**i) Chief Secretary ... Chairman.**~~
~~**ii) 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)]**~~[22]

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. **[02092015]**

(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 Gr. 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 4000sq.mtr. or above, which front on roads having width of 18.00m or more.

(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 the Regulation except for the restriction 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 1/3rd 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) Muncipal 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 requistic off-site infrastructure for the increased population, an infrastructure charge at the rate of 7% of 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 Muncipal 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
4000sq.mtr. or more	18.00 mtr	4.00

(iv) It shall be permissible to use the FS admissible under table 14 of Regulation 32 (hereinafter referred to as Basic F.S.I.) for the proposal 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 FSI as provided herein.

Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation expect 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 ASR.
(d)The provision of Inclusive Housing shall not 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 landlholder 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) **[02092015]**

[ ](29) These words were added vide Government order under No. No. CMS/TPB/4308/69/CR-48/08/UD-11, Dated : 12th November, 2008

[ ](32) These words were added vide final sanction under section 37(2) vide order no. TPB/4309/1020/CR74/09/UD11 dated 05/05/2010.

[ ](4) This clause is added vide Government Notification No. DCR 1199/ 622/ CR-70/99/UD 11 dated 10 th of March 2003.

[ ](5) This clause was added by DCR/10200/944/CR-44/2001/UD-11 dated 30th September, 2005 under section 37(2) of MR&TP Act , 1966.

[ ](25) – This clause is deleted vide Government Gazette No. TPB 4397/979/CR-144/97/UD-11 Dt. 05.07.2001

[ ](6) – This clause is added vide Government Gazette No. TPB- 4397/978/CR-144/97/UD-11 Dt. 05.07.2001

[ ](21) --This new clause was added in Regulations no. 33(2) vide final sanction under section 37(2), from UDD in state Govt. under no. TPB/1198/1911/CR 306/1981/UD 11 dated 4 th july 2003.

[ ](22) This new clause was added in Regulations no. 33(3) vide final sanction under section 37(2), from UDD in state Govt. under No. TPB 4303/500/CR-61/03/UD-11:Dated 27th February, 2004

[ ](02092015) Modification sanctioned under 37(1)(AA)(C) of MRTPA ACt, 1966 under No. TPB/4313/145/CR-119(2)/2013/UD-11 dated 2nd september 2015

~~*(4) Building of Starred Category Residential Hotels:* With the previous approval of Government and subject to payment of such premium as may be fixed by Government (out of which 50 per cent shall be payable to the Corporation), and subject to such other terms and conditions as it may specify, the floor space indices in Table 14 may be permitted to be exceeded in the case of buildings of all starred category residential hotels in independent plots and under one establishment as approved by the Departmental of Tourism, by a maximum of 50 per cent over the normal permissible floor space index in the F and G wards of Island City and by a maximum of 100 per cent over the normal permissible floor space index in wards of the suburbs and extended suburbs.~~

~~No condonation in the required open spaces, parking and other requirements as in these Regulations shall be allowed in the case of grant of such additional floor space index.~~

~~**[Notes - The use of TDR will be permissible in case of starred category residential hotels in suburbs and extended suburbs only over and above additional FSI granted under these Regulations subject to following conditions:-**~~

~~**(i) Additional floor area to the extent of 0.5 FSI by way of utilization of TDR (reservation TDR, road TDR or slum TDR) will be permitted over and above the additional FSI granted in this Regulations , provided overall FSI does not exceed 2.5.**~~

~~**(ii) Such additional FSI (in the form of TDR) will be permitted only if additional FSI is availed under these Regulations.**~~

~~**(iii) Loading of TDR will be governed by the prescriptions contained in these Regulations]** (23)~~

[33(4) – Building of Starred Category Residential Hotels – With the previous approval of the Government and subject to payment of premium fixed by the Government and paid (out of which 50% shall be payable to the Corporation) and subject to such other terms and conditions it may specify, the floor space index in the Table No. 14 may be permitted to be exceeded in the case of buildings of all starred category residential hotels in independents plots and under one establishment as approved by the Department of Tourism, upto total FSI specified below and subject to following conditions :

Starred Category	**Island City**		**Suburbs & Extended Suburbs**	
	Total FSI	**Premium recovered at the rate of ready reckoner for additional FSI**	**Total FSI**	**Premium recovered at the rate of ready reckoner for additional FSI**
1 to 3 Starred Category Hotels	3.00	25% or Rs. 6000/- per sq.mt. whichever is more.	3.00 (+0.50 TDR)	25% or Rs. 6000/- per sq.mt. whichever is more.
4 Starred Category Hotels	4.00	25% or Rs. 6000/- per sq.mt. whichever is more.	3.00 (+0.50 TDR)	25% or Rs. 6000/- per sq.mt. whichever is more.
5 Starred Category Hotels	5.00	25% or Rs. 6000/- per sq.mt. whichever is more.	3.00 (+0.50 TDR)	25% or Rs. 6000/- per sq.mt. whichever is more.

Conditions :

(1) The additional FSI for residential starred categories hotels shall be permitted after considering the study of infrastructural facilities by the Corporation and due approval of Committee consisting under the Chairmanship of Municipal Commissioner, representative of Mumbai Metropolitan Region Development Authority, the representative of Police Commissioner (Traffic) and the representative of Tourism Department.

(2) No condonation in parking and other requirements as in these Regulations shall be allowed except in the side and rear Marginal open spaces condonation upto 25% may be granted with the special permission of the Commissioner.

(3) 5% of total rooms shall be reserved for total 30 days in a year for Govt. at free of cost (only room charges) & it may be monitored by the Maharashtra Tourism Development Corporation and protocol Department.

(4) Additional FSI of more than 100% is permissible for one to three star category hotels on the plot size of not less than 2500 sq.mt. and on roads of 18mt. width or more.

(5) Additional off-site infrastructure facilities if stipulated by the Corporation/Committee shall be provided by the proponent at their cost.

Note : The use of TDR will be permissible in case of starred category residential hotels in suburbs and extended suburbs only over and above additional FSI granted under these Regulations subject to following conditions : -

(i) Additional floor area to the extent of 0.5 FSI by way of utilization of TDR (reservation TDR, road TDR or slum TDR) will be permitted over and above the additional FSI granted in this regulations, provided overall FSI does not exceed 3.5

(ii) Such additional FSI (in the form of TDR) will be permitted only if additional FSI is availed under these regulations.

(iii) Loading of TDR will be governed by the prescription contained in these Regulations.][(30)]

[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 penalize 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.][(14032016)]

[ ] ** This clause was inserted vide order under section 37(2) under No. TPB 4308/74/CR-11/2008/UD-11Dated 6th December, 2008.

[ ][(30)] The new clause 33(4) was replaced by deleting existing one vide govt. order under section 37(2) of MR&TP act, 1966 vide order number No. TPB 4307/815/CR-257/UD-11 dated 14th May, 2009.

[ ][(14032016)] The said clause was added vide orders issued under section 154 of MRTP act 1966 vide motification number TPS-1815/2647/CR-13/15/UD-13 dated 14.03.2016.

(5) Low cost housing schemes of the Maharashtra Housing and Area Development Authority: - The floor space index for low cost housing schemes for economically weaker sections and low income groups of the Maharashtra Housing and Area Development Authority, having at least 60 per cent of the tenements under Economically Weaker Sections (EWS) and Low Income Group (LIG) categories, shall be allowed to be increased by 20 per cent over and above the normally permissible FSI. For the purpose of calculating the FSI, the entire area of the layout shall be considered and under utilised F.S.I. of the economically weaker section and low income group scheme areas may be permitted to be utilised for Higher Income Group (HIG), Middle Income Group (MIG) and other amenities in the Scheme, sub-division of plots will be permissible on the basis of compulsory open spaces as in these Regulations. This F.S.I. will be subject to the Regulations in Appendix I hereto.

[33(5) Development/redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority :

1) The FSI for a new constructed tenements scheme of Low Cost Housing Schemes on vacant lands for Economically Weaker Section, Low Income Groups & Middle Income Group of the MHADA having at least 60% built up area in the form of tenements under EWS, LIT & MIG categories shall be 2.50.

2) For redevelopment of existing housing schemes of MHADA, undertaken by the MHADA departmentally or jointly with societies /occupiers of buildings or by housing societies / occupiers of building or by lessees of MHADA or by the developer, the FSI shall be as under -

a) Total permissible FSI shall be 2.5 on gross plot area.
b) The incentive FSI admissible against the FSI required for rehab shall be as under :

(i) In Island City, for the area upto 4000 sq.mt. the incentive FSI admissible will be 50%
(ii) In Island City, for the area above 4000 sq.mt. the incentive FSI admissible will be 60%.
(iii) In suburban area, for the area upto 4000 sq. mt. The incentive FSI admissible will be 60%.
(iv) In suburban area, for the area above 4000 sq.mt. the incentive FSI will be 75%.

c) In the redevelopment scheme either (I(difference between 2.5 FSI and the FSI required for rehab + incentive shall be shared between MHADA and Society/Developer in the ration of 2:1 or (ii) for additional built up area over and above the permissible FSI as per DCR 32, MHADA shall charge premium at the rate decided by Govt. in Housing Department from time to time

d) In the scheme, for the land developed for societies of HIG and developed plot allotted individually/ HIG group, the permissible FSI shall be as per Development Control Regulation 32.

Provided that if the redevelopment of existing housing scheme of MHADA fulfils the provision of 33(9) of the said Regulation, modified from time to time, then it may be undertaken under Regulation 33(9).

3) For the purpose of calculating the FSI, the entire area of the layout including development plan reads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of compulsory open spaces as in these Regulations. For

~~low cost housing schemes of MHADA for EWS, LIG categories, the Regulations in Appendix-I [excluding 1(b)] shall apply.~~

~~4) For the purpose of this Regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.~~

~~5) For the off site infrastructure, MHADA shall pay to the MCGM 12.5% of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes.~~

~~6) Notwithstanding anything contained in these regulations, the relaxation incorporated in Regulations No. 33(10) of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space shall not be less than 3.6 mt.~~

~~7) In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing Society has obtained No Objection Certificate from the MHADA/Mumbai Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provision of section 95A of the MHAD Act mutates mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.~~

~~8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance.]~~**

33(5) Development /Redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority(MHADA)

1) The FSI for a new scheme of Low Cost Housing, implemented by MHADA departmentally on vacant lands for Economically Weaker Sections (EWS), Low Income Group(LIG) and Middle Income Group (MIG) categories shall be 3.0 on the gross plot area (exclusive of the Fungible FSI) and at least 60% built-up area in such scheme shall be in the form of tenements under the EWS, LIG and MIG categories, as defined by the Government in Housing Department from time to time.

2) For redevelopment of existing housing schemes of MHADA, containing (i)EWS/LIG and /or (ii)MIG and/ or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible FSI).

2.1 Where redevelopment of buildings in existing housing schemes of MHADA is undertaken by the housing co-operative societies or the occupiers of such buildings or by the lessees of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows:-

A) Rehabilitation Area Entitlement:

i) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area for an existing residential tenement shall be equal to sum total of ~

(a) a basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 300 sq ft, and

(b) an additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table-A below:-

Table-A

Area of the Plot under Redevelopment	Additional Entitlement (As % of the Carpet Area of the Existing Tenement)
Upto 4000 sq.m.	Nil
. Above 4000 sq.m to 2hect	15%
Above 2 hect to 5 hect	25%
Above 5 hect to TO hect	35%
Above 10 hect.	45%

Explanation : The plot under redevelopment, means the land demarcated by MHADA for redevelopment.

Provided that the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit of carpet area prescribed for MIG category by the Govt, as applicable on the date of approval of the redevelopment project.

Provided further that the entitlement of rehabilitation area as admissible under this regulation shall be exclusive of the area of balcony.

ii) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area of any existing commercial / amenity unit in the Residential Housing Scheme shall be equal to the carpet area of the existing unit plus 20% thereof.

B) **Incentive FSI** : Incentive FSI admissible against the FSI required for rehabilitation, as calculated in (a) above, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR)in Rs/Sqm. of the plot under redevelopment as per the Annual Schedule of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm applicable to the area as per the ASR and shall be as given in the Table B below:-

Table B

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)
Above 6.00	40%
Above 4.00 and upto 6.00	50%
Above 2.00 and upto 4.00	60%
Upto 2.00	70%

Explanation
* RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.

Provided that the above incentive will be subject to the availability of the FSI on the Plot under redevelopment and its distribution by MHADA.

Provided further that in case there are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the authority competent to approve it.

C) Sharing of the Balance FSI:
The FSI remaining in balance after providing for the rehabilitation and the incentive components, calculated as per (A) and (B) above respectively, shall be shared between the Cooperative Housing Society and MHADA in the form of built- up area, as given in Table C below and the share of MHADA shall be handed over to MHADA free of cost.

Table C

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Cooperative Society Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and upto 6.00	35%	65%
Above 2.00 and upto 4.00	40%	60%
Upto 2.00	45%	55%

2.2 Where redevelopment of buildings in the existing Housing Schemes of MHADA is undertaken by MHADA or jointly by MHADA alongwith the housing societies or the occupiers of such building or by the lessees of MHADA, the Rehabilitation Area Entitlement, incentive FSI and sharing of balance FSI shall be as follows:

A) Rehabilitation Area Entitlement:

The Rehabilitation Area Entitlement shall be increased by 15% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in (A) of 2.1 above, subject to the maximum of the size of MIG prescribed by the Government in the Housing Department.

B) Incentive FSI: Incentive FSI shall be the same as in **(B)** of 2.1

C) Sharing of **the balance FSI:** Sharing of the balance FSI shall be the same as in (C) of 2.1

3) 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. Sub-division of plots shall be permissible on the basis of the compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS / LIG categories, the Regulations in Appendix-I {excluding 1(b)} shall apply.

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.

4) For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.

5) a) For providing the requisite 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 redevelopment project shall be chargeable for the extra FSI (excluding the fungible FSI) granted over and above the normal FSI for the redevelopment schemes. 5/7th part of the Infrastructure Charge levied and collected by MHADA shall be transferred to the Municipal Corporation of Greater Mumbai for developing necessary offsite infrastructure.

b) No premium shall be charged for the fungible FSI admissible as per DCR 35(4) for
(i)construction of EWS/LIG and MIG tenements by MHADA on a vacant plot or
(ii) in a redevelopment project for the construction of EWS/LIG and MIG tenements towards the share of MHADA, or
(iii) for rehabilitation component of a redevelopment project.

6) Notwithstanding anything contained in these Regulations, the relaxation incorporated in Regulation No. 33(10) of these Regulations shall apply to the Housing Schemes under this Regulation for construction of tenements under EWS/LIG and MIG categories. However, the front open space shall not be less than 3.6 mt.

7) a) In any Redevelopment Scheme where the Co-operative Housing Society / Developer appointed by the Co-operative Housing Society has obtained No Objection Certificate from the MHADA/ Mumbai Board, thereby sanctioning additional balance FSI with the consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), then it shall be obligatory for all the occupiers / members to participate in the Redevelopment Scheme and vacate the existing tenements for the purpose of redevelopment . In case of failure to vacate the existing tenements, the provisions of section 95 A of the MHAD Act. mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.

b) For redevelopment of buildings in any existing Housing Scheme of MHADA under clause 2.2 hereinabove, by MHADA, the consent of the Cooperative Housing Society in the form of a valid Resolution as per the Co-operative Societies Act, 1960 will be sufficient. In respect of members not co-operating as per approval of the redevelopment project, action under section 95(A) of the Maharashtra Housing and Area Development Act, 1976 may be taken by MHADA.

8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which shall remain with the Co-operative Housing Societies for the maintenance of the new buildings under the Rehabilitation Component.

9) The Redevelopment proposals where NOC has been issued by Mumbai Board or Offer Letter has already been issued prior to the date of coming into force of this modification (hereinafter referred to as the "appointed date") and which is valid as on the appointed date, shall continue to be governed by the Regulation applicable prior to this modification.

The existing Regulation 33(5) of the said Regulation is substituted by the following new Regulation Vide Notification No. TPB 4313/123/CR-47/2013/UD-11 Dated 8th October, 2013, as Final Sanction under 37(1)(AA)(C) of MRTP Act, 1966.

(6) *Reconstruction of buildings destroyed by fire or which have collapsed or which have been demolished. etc*:- Reconstruction in whole or in part of a building (not being a building wholly occupied by warehousing user and also not being a ground floor structure), which existed on or after 10th June 1977 which has ceased to exist in consequence of an accidental fire, natural collapse, or demolition for the reason, of the same having been declared unsafe by or under a lawful order of the Corporation or the Mumbai Housing and Area Development Board or is likely to be demolished for the reason of the same having been declared unsafe by or under a lawful order of the said Corporation or the said Board and duly certified by them, shall be allowed with an F.S.I. in the new building not exceeding that of the original building (or the F.S.I. permissible under these Regulations whichever is more). This F.S.I. will be subject to the Regulations in Appendix II hereto.

(7) ~~*[Reconstruction or redevelopment by Co-operative Housing Societies or of old buildings belonging to the Corporation.- For reconstruction redevelopment to be undertaken by co-operative housing societies in respect of cessed properties located in the Island City which attract the provisions of Maharashtra Housing and Area Development Act, 1976 or by Co-operative Housing Societies of landlord and occupiers of a cessed building of A category subject to the provisions of the said Act and for reconstruction/redevelopment of buildings of the Corporation constructed before 1940, the floor space index shall be 2.00 or the consumed floor space index of the existing old building whichever is more. The F.S.I. will be subject to the Regulations, in Appendix III so far as construction or redevelopment by such Co-operative Housing Societies is concerned.]*~~[(7)]

~~*[(7) Reconstruction or Redevelopment by Co-operative Housing Societies, or of old buildings belonging to the corporation:-*~~

~~*For reconstruction / redevelopment to be undertaken by the co-operative housing societies in respect of cessed properties located in the Island City which attract the provisions of the Maharashtra Housing and Area Development Authority Act, 1976 or by*~~

[ ][(23)]These words are added vide Govt. Notification u/no. CMS/FSI/1197/229/CR-83/198/UD-11 dt. 5.8.2003

[ ][(7)] – This clause is deleted vide Government Notification u/s. 37(2) of MR&TP Act 1966 under No. FSI-1192/2896/CR-326/UD-11 Dt. 07.02.1994

~~co-operative societies of landlords and occupiers of a cessed building subject to the provisions of the said Act and for reconstruction / redevelopment of buildings of the Corporation constructed before 1940, the floor space index shall be 2.00 on gross plot area or the consumed floor space index that is the total built up area of the existing old building whichever is more. This floor space index will be subject to the Regulations in Appendix III so far as construction or redevelopment by such co-operative societies is concerned.]~~(8)

~~[(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation - For reconstruction/ redevelopment to be undertaken by Co-operative Housing Societies of existing tenants or by Co-operative Housing Societies of Landlords and/or Occupiers of a cessed building of 'A' category in Island City, which attracts the provisions of MHADA Act 1976, and for reconstruction/ redevelopment of the buildings of the Corporation 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:~~

[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.~~](02092015)

~~"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 a cessed buildings of 'A' category in Island City, which attracts the provisions of MHADA Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation and Department of Police, 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.~~

"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 attracts 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.

~~[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.~~ ~~(14082013)~~

~~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).]~~(26)]**(02092015)**

[Provided, however that with the previous approval of the Government, MHADA/ Corporation shall be eligible to get additional incentive FSI over

otherwise permissible FSI as specified in Annexure III of these Regulations:

~~Provided further that in cases of composite redevelopment scheme for plot having 'A' category as also 'B' category cessed building the above FSI shall be available:~~ (14082013)

Provided further that in cases of reconstruction / redevelopment of buildings which have been declared as unsafe by the BHAD Board prior to monsoon of 1997, the above FSI will be available irrespective of category of cessed building.

~~Provided further, that reconstruction / redevelopment undertaken by proposed Cooperative Housing Societies of Landlords and / or Occupiers of cessed building of 'B' category, and where composite development is undertaken by different owners of 5 or more plots the FSI required for Rehabilitation of existing tenants plus incentive FSI as specified in Appendix III will be available.~~

Provided further, that reconstruction / redevelopment undertaken by proposed Cooperative Housing Societies of Landlords and / or Occupiers of cessed building existing prior to 30/9/1969,and where composite development is undertaken by different owners of 5 or more plots, the FSI required for Rehabilitation of existing tenants plus incentive FSI as specified in Appendix III will be available. (14082013)

[Provided further that reconstruction / redevelopment undertaken by proposed Co-operative Housing Society of occupiers of buildings, which were earlier "A" category cessed buildings but thereafter due to purchase / acquisition of the same by Co-operative Housing Society of Occupiers, such buildings are exempted from payment of cess and which have been declared unsafe by BHAD Board / BMC, the FSI required for rehabilitation of existing occupier plus incentive FSI as specified in Appendix-III will be available.] (31102011)

Note : - All Regulations / modifications mentioned above shall not be applicable to the areas which are affected by Coastal Regulations Zone Notification issued by Ministry of Environment and Forest, Government of India vide Notification dated 19 February 1991 and orders issued from time to time.][9]

[ ] [8] – This clause is added vide Government Notification u/s. 37(2) of MR&TP Act 1966 under No. FSI-1192/2896/CR-326/UD-11 Dt. 07.02.1994. This clause is deleted & replaced by subsequent modification as mentioned vide [ ][9]

[ ] [26] This new clause was added in Regulations no. 33(7) vide sanction under section 37(2), from UDD in state Govt. under No. TPB 4303/500/CR-61/2003/UD-11:Dated 27th February, 2004 by deleting the first para of Existing Regulation 33(7)

[ ](02092015) **Modification sanctioned under 37(1)(AA)(C) of MRTPA ACt, 1966 under No. TPB/4313/145/CR-119(2)/2013/UD-11 dated 2nd september 2015. Two paragraphs and some words in the heading were deleted.**

(8) ~~[Construction for Housing the Dishoused.- For the construction of buildings by the Corporation in the category of Housing the Dishoused in the Island City for the purpose of housing those who are displaced by projects undertaken by the Corporation for implementation of proposals of the Development Plan the FSI shall be 2.4 times the permissible FSI. Such additional FSI will not be available when an owner undertakes development as in Serial No.I (c) in Table 4.]~~ (10)

[(8) Construction for housing the dishoused. - For the construction of the building by the Corporation in the category of "Housing the Dishoused" in the Island City for the purpose of the Housing those who are displaced by the projects undertaken by the Corporation for Implementation of proposals of the development plan, the FSI shall be 4.00. Such additional FSI will not be available when owner undertakes development as in Sr. No. I (c) in Table 4.

Note : - All Regulations / modifications mentioned above shall not be applicable to the areas which are affected by Coastal Regulations Zone Notification issued by Ministry of Environment and Forest, Government of India vide Notification dated 19 February 1991 and orders issued from time to time.] (27)

[ ] (9) **--- This clause was added vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99**

[ ] (10) **Existing proviso in 33 (8) is deleted vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99**

[ ] (27) **These words are added vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99**

[ ] (**31102011**) These words were added by Govt Notification under No. No. TPB 4303/533/CR 63/2003/UD-11 dated 31st October, 2011, under 37(2) of MRTP Act, 1966.

[ ] (**14082013**) These words were added/deleted by Govt Notification under No. No. TPB 4312/CR 5/2012/UD-11 dated 14th August, 2013, under 37(1)(AA)(C) of MRTP Act, 1966.

(9) *[Repairs and reconstruction of cessed buildings and Urban Renewal Scheme.- For repairs and reconstruction of cessed buildings and Urban Renewal Schemes undertaken by the Maharashtra Housing and Area Development Authority or the Mumbai Housing and Area Development Board or the Corporation in the Island City the F.S.I. shall be 2.4 times that permissible under these Regulations.]*[11]

[(9) Repairs and reconstruction of cessed buildings and Urban Renewal Scheme: For repairs & reconstruction of cessed buildings and Urban Renewal Scheme undertaken by the Maharashtra Housing and Area Development Authority or the Mumbai Housing and area Development Board or Corporation in the Island City, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers, whichever is more.

Note : - All Regulations / modifications mentioned above shall not be applicable to the areas which are affected by Coastal Regulations Zone Notification issued by Ministry of Environment and Forest, Government of India vide Notification dated 19 February 1991 and orders issued from time to time.][28]

[33(9) : Reconstruction or redevelopment of cessed buildings / Urban Renewal Schemes on extensive area.

For reconstruction or redevelopment of cessed buildings / Urban Renewal Schemes in Island City, undertaken by (a) the Maharashtra Housing & Area Development Authority or Municipal Corporation of Gr. Mumbai either departmentally or through any suitable agency or (b) MHADA/MCGM jointly with land owners and/or Co-op. Housing Societies of tenants / occupiers of buildings or Developer or Co-op. Housing Society of hutment dwellers therein, (c) Independently by land owners and/or Co-op. Housing Societies of tenants / occupiers of buildings or Developer, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers plus incentive FSI as given in Appendix III A, whichever is more.][29]

33(9): Reconstruction or redevelopment of Cluster(s) of Buildings under Urban Renewal Scheme(s)

For reconstruction or redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by (a) the Maharashtra Housing & Area Development Authority (MHADA) or the Municipal Corporation of Gr. Mumbai (MCGM) either departmentally or through any suitable agency or (b) MHADA/MCGM, jointly with land owners and/or Co-op. Housing Societies of tenants / occupiers of buildings and / or Co-op. Housing Society of hutment dwellers therein, or (c) land owners and/or Co-op. Housing Society of tenants / occupiers of buildings and / or Co-op Housing Society of hutment dwellers, independently or through a Promoter /Developer, the FSI shall be 4.00 or the FSI required for

rehabilitation of existing tenants / occupiers plus incentive FSI as per the provisions of AppendixIII-A, whichever is more. (992014)

[ ] (11) Existing proviso in 33 (9) is deleted vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99

[ ] (28) These words are added vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99. These words were again replaced by Government Notification No. TPB 4307/2346/CR-106/2008/UD-11 Dated 2nd March, 2009.

[ ] (29) These words were added by Government Notification No. TPB 4307/2346/CR-106/2008/UD-11 Dated 2nd March, 2009.

[ ] (992014) This clause was substituted by the new regulation vide final sanction under 37(1AA)(c) of MRTP act 1966, vide order no. **TPB 4313/CR- 185/2013/UD·11 dated 9/9/2014)**

[Development Control Regulation No. 33(9)(A)
[Regulations for Dharavi Notified Area (DNA)]

Urban Renewal Scheme under Dharavi Redevelopment Project: - Areas undertaken by Slum Rehabilitation Authority under DRP for renewal and redevelopment of buildings / chawls including cessed buildings situated on non slum areas within Dharavi Notified Area, shall be a part of the entire Dharavi Redevelopment Project Area (DRP Area) which shall have an overall FSI of 4.00. The entitlement of FSI on that particular plot shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers plus incentive FSI and would be in accordance with the guidelines laid down in Appendix XXIV.

Note:-

A) All words and expressions used in these Regulations and not defined herein shall have meanings assigned to them under the Maharashtra Regional and Town Planning Act, 1966 or the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971, or the National Building Code, or the Building Regulations and Bye-Laws or the Development Control Regulations of the Municipal Corporation of Greater Mumbai, as amended from time to time.

B) The provisions of the Development Control Rules for Greater Mumbai, 1991 and all other applicable sections of the Maharashtra Regional and Town Planning Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions " Municipal Corporation of Greater Mumbai" and "Municipal Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

C) Nothing contained herein shall derogate from any right or power exercisable by the Municipal Corporation of Greater Mumbai under the provisions of the Bombay Municipal Corporation Act, 1888, and the rules, regulations and bye-laws made there under. Any development of land shall be carried out without prejudice to such provisions.} **(25012012)**

[ ]**(25012012)** This regulation was modified/added under final sanction under Section 37(2) of the Maharashtra Regional and Town Planning Act. 1966, vide, Notification No. TPB 4310/1631/CR-139/2010/UD-11 Dated 25 January 2012.

~~*[(10) Rehabilitation of slum dwellers through owners/developers/co-operative housing societies.- For redevelopment of restructuring of censused slums or such slums whose structures and inhabitants whose names appear in the Legislative Assembly voters' list of 1985 by the owners/developers of the land on which such slums are located or by Co-operative Housing Societies of such slum dwellers a total floor space index of upto 2.5 may be granted in accordance with schemes to be approved by special permission of the Commissioner in each case. Each scheme shall provide inter-alia the size of tenements to be provided to the slum dwellers, the cost at which they are to be provided on the plot and additional tenements which the owner/developer can provide to accommodate/rehabilitate slum dwellers/project affected persons from other areas etc. in accordance with the guide-lines laid down in the Regulations in Appendix IV.]*~~ (12)

[Development Control Regulation No. 33 (10)

I Eligibility for redevelopment scheme;

~~**(a) For redevelopment of slums including pavements, whose inhabitants' names and structures appear in the electoral roll prepared with reference to 1st January, 1995 or a date prior thereto, but where the inhabitants stay at present in the structure, the provisions of Appendix IV shall apply on the basis of a tenement in exchange for an independently numbered structure.**~~

(a) For this purpose, a person eligible for redevelopment scheme shall mean a protected occupier as defined in Chapter IB of Maharashtra Slums Areas (Improvement, Clearance and Redevelopment)Act, 1971and orders issued thereunder. (03032014)

(b) Subject to the foregoing provisions, only the actual occupants of the hutment shall be held eligible, and the so called structure-owner other than the actual occupant if any, even if his name is shown in the electoral roll for the structure, shall have no right whatsoever to the reconstructed tenement against that structure.

[ ] (12) Existing proviso in 33 (10) is deleted vide Government Notification No. DCR/1095/1209/CR-273/95/UD-11 dtd.15.10.1997

( ) (03032014)This regulation was amended vide Govt Final sanction under section 37(1)(AA)(C) of MRTP act, 1966 vide order no. DCR/1095/CR-38/2012/UD-11 dated 3.3.2014

II Definition of Slum, Pavement, and Structure of hut :

(i) **For this purpose, slums shall mean those censused, or declared and notified, in the past or hereafter under the Maharashtra Slum Areas (Improvement, Clearance and redevelopment) Act, 1971. Slum shall also mean area/pavement stretches hereafter notified [or deemed to be and treated] (13) as Slum Rehabilitation Areas.**

(ii) **If any area fulfils the condition laid down in section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 to qualify as slum area and has been censused or declared and notified shall be deemed to be and treated as Slum Rehabilitation Areas.**

(iii) **Slum rehabilitation area shall also mean any area declared as such by the Slum Rehabilitation Authority though preferably fulfilling conditions laid down in section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 to qualify as slum area and/or required for implementation of any slum rehabilitation project. [Any area where a project under Slum Rehabilitation Scheme has been approved by CEO / SRA shall be a deemed slum rehabilitation area.] (14)**

(iv) **Any area required or proposed for the purpose of construction of temporary or Permanent transit camps and so approved by the Slum Rehabilitation Authority shall also be deemed to be and treated as Slum Rehabilitation Areas, and projects approved in such areas by the Slum Rehabilitation Authority shall be deemed to be Slum Rehabilitation Projects.**

(v) **A pavement shall mean any Municipal/Government/ Semi-Government pavement, and shall include any viable stretch of the pavement as may be considered viable for the purpose of Slum Rehabilitation Scheme.**

~~**(vi) A structure shall mean all the dwelling areas of all persons who were enumerated as living in that one numbered house in the electoral roll of the latest date, upto 1st January, 1995 and regardless of the number of persons, or location of rooms or access.**~~

(vi) A structure shall mean all the dwelling area of a protected occupier as defined in Chapter I-B of Maharashtra Slums Areas (Improvement, Clearance and Redevelopment)Act, 1971and orders issued thereunder. (03032014)

(vii) **A composite building shall mean a building comprising both rehab and free-sale components or part thereof in the same building.**

(viii) Censused shall mean those slums located on lands belonging to Government, any undertaking of Government, or Brihan Mumbai Municipal Corporation and incorporated in the records of the land owning authority as having been censused in 1976, 1980,or 1985 or prior to 1st January, 1995.

III Joint ownership with spouse : The reconstructed tenement shall be of the ownership of the hutment dweller and spouse conjointly, and shall be so entered and be deemed to be so entered in the records of the co-operative housing society, including the share certificates or all other relevant documents.

IV Denotification as Slum Rehabilitation Area : Slum Rehabilitation Authority on being satisfied that it is necessary so to do, or when directed by the State Government, shall denotify the slum rehabilitation area.] (15)

[ ] (13) New words added vide Government Notification No. DCR/1095/1209/CR-273/95/UD-11 dtd 30.11.2002

[ ] (14) New words added vide Government Notification No. DCR/1095/1209/CR-273/95/UD-11 dtd 30.11.2002

( ) (03032014)This regulation was amended vide Govt Final sanction under section 37(1)(AA)(C) of MRTP act, 1966 vide order no. DCR/1095/CR-38/2012/UD-11 dated 3.3.2014

[Development Control Regulation No. 33 (10)(A)
Regulations for Dharavi Notified Area (DNA)]

Slum Rehabilitation Scheme under DRP :-

Areas undertaken by Slum Rehabilitation Authority under DRP for redevelopment of hutments situated on slum areas within DNA shall be part of entire DRP Area which shall have an overall **F.S.I. of 4.00**. The entitlement of FSI on that particular plot would be in accordance with the guidelines given below and in Appendix IV(A).

I Eligibility for redevelopment scheme

(a) For redevelopment of slums including pavement, whose inhabitants names and structures appear in the electoral roll prepared with reference to 1st Jan, 2000 or a date prior thereto, but where the inhabitants stay at present in the structure, the provisions of Appendix IV (A) shall apply on the basis of a tenement in exchange for an independently numbered structure.

(b) Subject to the foregoing provision, only the actual occupants of the hutments shall be held eligible, and the so called structure owner other than the actual occupant if any, even if his name is shown in the electoral roll for the structure, shall have no right whatsoever to the reconstructed tenement against that structure.

II Definition of Slum, Pavement, Structure of hut, planning sectors and related terms :

i. For this purpose, slums shall mean those censused, or declared and notified, in the past or hereafter under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act. 1971. Slums shall also mean areas / portions of pavement stretches, existing & proposed roads, Railway Lands, area under electric H.T. power lines, Nalla banks hereafter notified or deemed to be and treated as Dharavi Redevelopment Project Area.

ii) If any area fulfills the condition laid down in section 4 of the Maharashtra Slum Areas (improvement, clearance and redevelopment) Act. 1971, to qualify as a slum area and has been censused or declared and notified shall be deemed to be and treated as Dharavi Redevelopment Project Area.

iii) Dharavi Redevelopment Project Area shall also mean any area declared as such by the Slum Rehabilitation Authority through preferably fulfilling conditions laid down in section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 to qualify as slum area and/ or required for implementation of Dharavi Redevelopment Project (DRP). Any area where a scheme under Dharavi Redevelopment Project within DNA has been approved by Officer on Special Duty, DRP [OSD, DRP(SRA)] shall be a deemed DRP Area.

iv) Any area required or proposed for the purpose of construction of temporary or permanent transit camps and projects on any/ adjacent land for the amalgamated land for developments so approved by the SRA shall also be deemed to be and treated as Dharavi Redevelopment Project Area, and projects approved in such area by the Dharavi Redevelopment Project cell of Slum Rehabilitation Authority shall be deemed to be Dharavi Redevelopment Projects.

v) A pavement shall mean any Municipal / Government /Semi – Government pavement and shall include any viable stretch of the pavement as may be considered viable for the purpose of Dharavi Redevelopment Project scheme.

vi) A structure shall mean by all dwelling areas of all persons who were enumerated as living in that one numbered house in the electoral roll of the latest date, upto 1st Jan 2000 and regardless of the number of persons, or location of rooms or access.

vii) A composite building shall mean a building comprising both rehab and free-sale components or part thereof along with built up amenity, if proposed, in the same building.

viii) Censused shall mean those slums located on lands belonging to Government, any undertaking of Government, or Brihan Mumbai Municipal Corporation and incorporated in the records of land owning authority as having been censused in 1976, 1980, 1985, 1995 or prior to 1st Jan 2000.

ix) “Dharavi Notified Area (DNA)” shall mean the area of Dharavi for which Govt. of Maharashtra, by exercising the powers conferred by sub-section(1B) of section 40 of M.R. & T.P. Act, 1966, have appointed ‘Slum Rehabilitation Authority’ as Special Planning Authority for Planning & Development and which is

specifically defined in the Govt's notification no.TPB-4304 / 322 / CR-56 / 04 / UD-11 dt. 9/3/2005. and no.TPB-4308/3499/CR-83/09/UD-11
dtd. 25.6.2009.

x) "Planning sector" shall mean the plot of lands comprising C.S. Nos. / CTS Nos. partly or wholly derived from DNA and which will be bounded mainly by existing major roads, railway lines, village boundary and the proposed major roads so as to achieve well planned and controlled development of DRP along with various amenities and facilities to be provided for people at large within the boundaries of such plots/ areas. Such divided plots/ areas are termed as planning sectors. The extent of area and number of planning sectors shall be as per approval obtained from the Committee of Secretaries appointed to monitor DRP vide Government Resolution of Housing Department No. SRA/2003/CR-189/SI-1A dt. 4.2.2004 (hereinafter referred to as "Committee of Secretaries").

III Joint ownership with spouse: The reconstructed tenement shall be of the ownership of the hutment dweller and spouse co-jointly, and shall be so entered and be deemed to be so entered in the records of the co-operative housing society to be formed after getting allotment in the completed rehab building through Asst. Register of societies (SRA), including the share certificates or all other relevant documents.

IV Denotification as DRP Area: OSD, DRP (SRA) on being satisfied that it is necessary so to do, or when directed by the state Government, shall denotify the DRP Area.

Note:-

A)All words and expressions used in these Regulations and not defined herein shall have meanings assigned to them under the Maharashtra Regional and Town Planning Act, 1966 or the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971, or the National Building Code, or the Building Regulations and Bye-Laws or the Development Control Regulations of the Municipal Corporation of Greater Mumbai, as amended from time to time.

B)The provisions of the Development Control Rules for Greater Mumbai, 1991 and all other applicable sections of the

Maharashtra Regional and Town Planning Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions " Municipal Corporation of Greater Mumbai" and "Municipal Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

C)Nothing contained herein shall derogate from any right or power exercisable by the Municipal Corporation of Greater Mumbai under the provisions of the Bombay Municipal Corporation Act, 1888, and the rules, regulations and bye-laws made there under. Any development of land shall be carried out without prejudice to such provisions.] **(25012012)**

[ ] (15) New proviso is added vide Government Notification No. DCR/1095/1209/CR-273/95/UD-11 dtd.15.10.1997 by deleting the existing proviso.

[ ]**(25012012)** This regulation was modified/added under final sanction under Section 37(2) of the Maharashtra Regional and Town Planning Act. 1966, vide, Notification No. TPB 4310/1631/CR-139/2010/UD-11 Dated 25 January 2012.

(11) *Sites and Services, Small Size Tenement, under the Urban Land (Ceilings and Regulations) Act., 1976*- For development of sites and services and smaller size tenements for housing schemes under the Urban Land (Ceiling and Regulations) Act, 1976 approved in Appendix V hereto shall apply.

(12) *Development by Maharashtra Housing and Area Development Authority with world Bank Assistance* - Development undertaken by the Maharashtra Housing and Area Development Authority, exclusively with the World Bank Assistance, will be permissible subject to the Regulations in Appendix VI.

Note- With the previous approval of the Government, the Commissioner may after consultation with the concerned authority add, alter or amend , only the condition related to grant of additional floor space index (and not in any case the values of FSIs)which may be allowed in certain categories as referred to in these Regulations.

[13. Development of sites reserved for Resettlement & Rehabilitations of Project Affected Persons : For Development of sites reserved for resettlement and rehabilitation for the purpose of housing Slum dwellers who are displaced by projects undertaken by the Corporation, the FSI shall be 2.5.][16]

[(14) Provisions relating to Transit Camp tenements for Slum Rehabilitation Scheme.

(A) The FSI may be permitted to be exceeded for the construction of Transit Camp Tenements as shown below:

Sr. No. (1)	Location (2)	Total FSI (3)
1.	Suburbs and extended Suburbs.	2.5
2.	Difficult areas comprising of Dharavi and such other areas as may be notified by SRA from time to time	2.99
3.	Island City applicable only to lands belonging to Government and Public Sector undertakings	2.33

(B) The normally permissible FSI on the plot may be used for the purpose for which it is designated in the Development Plan.

(C) The additional FSI could be used for construction of transit camp tenements having a carpet area of 20.90 sq.mts (225 sq.ft.) with the same specifications as for permanent slum rehabilitation tenements which will be used for the purpose of accommodating hutment-dwellers in transit on account of Slum Rehabilitation Scheme for 10 years on rent to be fixed by the Chief Executive Officer of the Slum Rehabilitation Authority. After that period, the tenements can be used by the owner for any purpose.

(D) Or, the additional FSI could be used in the following manner:

Sr. No. (1)	Location (2)	Addl. FSI (3)	FSI for tenements for SRA (4)	FSI for free sale Component (5)
1.	Suburbs and extended suburbs	1.50	0.75	0.75
2.	Difficult areas comprising of Dharavi and such other areas as may be declared by SRA from time to time	1.66	0.71	0.95
3.	Island City applicable only to Government and Public sector under takings.	1.00	0.57	0.43

Even in areas where the normally permissible FSI is less than 1.0, the additional FSI for permanent transit shall be mentioned as in 14(D) above and the ratio between FSI for transit camps to be given free of cost and for sale shall remain the same as in the Table given herein above.

Provisions of Sub-Regulation 8.1 of Appendix IV shall apply to these transit camps.

(E) Only after the Transit camps are handed over free of cost to the Slum Rehabilitation Authority, the occupation certificate, water connection, power connection etc. for the other portion shall be given by the Appropriate Authority.

(F) The additional FSI shall be permitted also in cases where construction has already taken place consuming full or part of the normally permissible FSI, provided 75% of the occupants/owners have no objection thereto.

(G) For the purpose of slum rehabilitation projects, the temporary transit tenements will have tobe provided on a temporary basis on or close to the site as far as possible.][(17)]

[ ][(16)] - This clause is added vide Government Notification vide 37(2) orders under no. TPB/4395/625/CR 301/95/Part I/UD 11 dated 17 th of May 2000.

[ ] [(17)] New clause is added vide vide Government Notification No. DCR/1095/1209/CR-273/95/UD-11 dtd.15.10.1997

[15. Redevelopment of contravening structures included in the Final Plot of a Town Planning Scheme.

For the redevelopment / reconstruction of contravening structures situated in the Town Planning Schemes, additional FSI over and above permissible FSI prescribed under these Regulations shall be admissible as under:

(a) In the redevelopment scheme the number of tenants as recorded in the Town Planning Scheme Book and residing in the contravening structures shall be accommodated by giving alternative accommodation in the redevelopment schemes having carpet area of 20.90 sq.mtr. (225 Sq. ft.) each, irrespective of their original holding provided the overall FSI consumption of the Final Plot shall not exceed 3.19, in the city and 2.5 in Suburbs and extended suburbs.

(b) The Commercial users may be permitted in the redevelopment scheme to accommodate the existing commercial tenants, provided the commercial area in the redevelopment scheme shall not exceed the original commercial area.

(c) The tenants not listed in the records of Town Planning Scheme but residing in contravening structure or such structures which have come up after Town Planning Scheme is finalized, but are existing before 1.01.1995 and where structures and inhabitants names are appeared in the Legislative Assembly Voter's List of 1995 shall also be eligible for being included in the Redevelopment Scheme. Such tenants shall also be granted accommodation at the rate of 20.90 sq.mtr of carpet area per tenant provided the total FSI of the plot does not exceed 3.19 in City & 2.5 in Suburbs / extended suburbs.

(d) Built Up Area equivalent to the area held by the tenant or 20.90 sq.mtr whichever is less shall be handed over free of cost to the respective tenant by the Developer/Owner, while for the balance built up area, sum as may be mutually agreed to between tenant and Owner/Developer shall be paid by the tenant. Condition to this effect shall be prescribed by the Corporation while approving redevelopment proposal.

(e) For the purpose of this redevelopment scheme, the owner/ developer shall get further additional FSI to the extent of 50% of the area of the structures covered under Sr. No. (a),(b),(c)&(d) above provided further that the overall FSI of the Final Plot shall not exceed 3.19 in City & 2.5 in suburbs/extended suburbs.

Notes : For the purpose of this Regulations the contravening structures shall mean:

i. Structure situated outside the original plot but included fully or partly within the final plot allotted to a person in the Town Planning Scheme.
ii. Structures which are partly included in the final plot allotted to a person and partly included in the roads sites reserved for public purpose /adjoining final plot.
iii. Structures which are included in the Town Planning Scheme area but situated outside the final plot allotted to a person and are affected by sites reserved for public purpose, provided the Planning Authority has no objection for rehabilitation of such structures.
iv. However, structures included in the common area comprising of original plots and final plots shall not be treated as contravening structures.][(18)]

[ ] [(18)] – This Clause is added vide Government Notification u/s. 37(2) of MR&TP Act 1966 under No. CMS/TPB 4396/80/CR-320/96/UD-11 Dt. 29.04.1998.

[(16) ~~Buildings of Information Technology Establishment (pertaining to software only): The Commissioner may permit the floor spaces indices specified in Table 14 above to be exceeded by 100% in respect of buildings in independent plots of Information Technology Establishment set up by Public Bodies like MAHDA , SEEPZ, MIDC, SICOM, CIDCO or their joint venture companies having more than 51% stake of these bodies or lessees of these Public Bodies having plots exclusively used for ITE in wards of Island City, Suburbs and extended suburbs subject to terms and conditions as he may specify;~~

~~Provided in case of additional Floor Space Index allowed in respect of Information Technology Establishment as aforesaid premium as may be determined by Government shall be paid to the Corporation out of which 50% shall be payable to the Government.]~~ ~~(19)~~

[33(16) – Buildings of Information Technology Establishments:

The Commissioner may permit the floor space indices specified in Table No. 14 above to be exceeded by 100% subject to following conditions, in respect of-

a) All IT and ITES units in Public IT Parks

b) All registered IT and ITES Units located in Private IT Parks, approved by Director of Industries in the State.

Provided that maximum of 80% of the total FSI may be used for IT/ITES/IT supported Financial Services with the prior approval of the State Govt. and remaining 20% may be used for commercial services.

c) The IT supported financial services shall be restricted to the users specified by the Industry Deptt, in its Government Resolution IMC/2008/CR-46/IND-2 dated 13/8/08 and as may be amended from time to time by the High Power Committee and Industries Department.

d) The additional FSI shall be granted upon the payment of premium. Such premium shall be recovered at the rate of 25% for IT/ITES users, 40% for the IT supported financial services and 100% for commercial users of the present market value of the land under reference as indicated in the Ready Reckoner.

Provided that 40% of the present market value of land under reference as indicated in the Ready Reckoner will be liable to be paid even if only a part of 80% of the total area is used for IT supported Financial Services.

e) 25% the total premium so charged shall be paid to the Govt. and remaining 75% shall be paid to the said Authority.

f) The premium so collected by the Planning Authorities shall be primarily used for development/upgradation of off-site infrastructure.

g) In the event, the developer comes forward for provision of such off site infrastructure at his own cost, then the said Planning Authority shall determine the estimated cost of works and shall also prescribe the standards for the work. After completion of the works the said Planning Authority shall verify as to whether the same is as per prescribed standards, and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered by the said Planning Authority.

h) Additional FSI for IT supported Financial Services & 20% commercial users will be applicable in those zones where the Development Control Regulation permit such use.

i) No condonation in the required open spaces, parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI.

However, in case of demonstrable hardship, the Municipal Commissioner of Municipal Corporation of Gr. Mumbai may relax any of these provisions.](7710)

(17) [Shifting of cattle sheds outside Greater Mumbai:

For Development of lands becoming vacant consequent upon shifting of cattle sheds existing thereon, to places outside Greater Mumbai, additional FSI to the extent of 33% over and above permissible FSI, shall be allowed on land occupied by cattle sheds and subject to the following conditions:

(i) Such additional FSI shall be available for authorised /tolerated (existing prior to 01/04/1962) cattle sheds existing in suburbs &extended suburbs only;

(ii) the development of such lands that have become vacant consequent upon shifting of cattle shall be regulated by the zoning Regulations of the zone in which such lands are situated.

(iii) the additional FSI shall be worked out case by case by a Committee comprising of following members as constituted by Government in Urban Development Department.

1.	The Director (ES&P), Municipal Corporation of Greater Mumbai, Mumbai	Chairman
2.	Cattle Controller, ADF Department, Mumbai	Member
3.	The Deputy Director of Town Planning Greater Mumbai, Mumbai	Member
4.	The Superintendent of Land Records, Mumbai Suburban District, Mumbai	Member

The proposed development shall further be subject to such conditions as may be prescribed by the Committee and payment of such amount of premium as may be fixed by Government in Urban Development Department.](20)

[33(18) - <u>Development of land earmarked for the MHADA/Mill Workers Housing under Regulation 58.</u>

For development of land for transit camp/ mill workers housing undertaken lay MHADA, additional F3I to the extent of 200% over and above permissible FSI shall be allowed on land earmarked for MHADA/Mill Workers Housing under regulation 58 subject to following conditions -

(i) The development of land earmarked for mill workers shall be exclusively used for mill workers housing,

(ii)The development of land earmarked for MHADA for public housing, atleast100%FSI shall be exclusively used for mill workers housing and balance FSI for transit camp only.

Relaxation in buildings and other requirements-

1} The permissible FSI shall be calculated on gross plot area.

2} Physical Recreational Amenity/ Open Spaces up to 8% shall be allowed.

3) For building having height upto 24 mt., the minimum side marginal open spaces shall be 3.6 mt

Provided however that in case of buildings having height more than 24 mt_ the minimum side marginal open, spaces shall be 6.0 mt or as may be prescribed by Chief Fire Officer.

4) All the above relaxations are given to the Mill Workers Housing & Transit tenements hence the premium shall not be charged.][17092010]

(19) [Reconstruction/Redevelopment in gaothan area – For reconstruction or redevelopment of any property in gaothan areas i.e. on land having tenure 'A' in suburban and extended suburbs, the floor space Index shall be as follows :

(a) For plots fronting on roads below 9 mt. width, permissible FSI will be 1.5 only(b) for plot fronting on road width of 9 mt. and above (existing or proposed) additional 0.5 FSI shall be allowed for commercial use subject to condition that margin and parking space as required under these regulation are provided.

Provided that for (a) & (b) above, consumed FSI of existing buildings, utilized authorisedly, shall be permitted.][22]

[The Development in Coastal Regulation Zone (CRZ) area shall be governed by the ministry of Environment and Forest Notification dated 6th January 2011 as amended from time to time.][08052012]

[ ] [7710] This clause was replaced by modification sanctioned under 37(2) of MRTP Act, under No. TPB/4308/2991/CR-253/08/UD-11 dated 7th July, 2010. This final sanction replaces original DCR as well as words inserted by 154 directives, subsequently.

[ ][17092010] This clause was added vide government notification under number TPB/4307/1827/CR-212/07/UD-11 dated 17th September, 2010.

[ ] [22] This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.TPB-4302/1730/CR-233/2002/UD-11 dated 30th July,2008

[ ] [08052012] This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.CMS/TPB-4308/CR-11/2009/UD-11 dated 08th May, 2012

(20) [Buildings of Biotechnology Establishments:- The Commissioner may permit the floor space indices specified in the Table No.14 of Regulation No.32 to be exceeded by 100% in respect of buildings in independent plots of Biotechnology units set up by Public Bodies like MHADA, SEEPZ, MIDC, SICOM, CIDCO or their joint venture companies having more than 11% stake of these bodies or lessees of these public bodies having plots exclusively used for Biotechnology units, subject to terms and conditions as he may specify;

Provided in case additional FSI allowed in respect of Biotechnology unit as aforesaid, premium as may be determined by Government shall be paid to the Corporation out of which 50% shall be payable to the Government.][(21)]

33(21)

[Development/redevelopment of lands designated for existing Municipal Markets in city & Suburbs.

For development/redevelopment of lands, designated for existing Municipal Markets in the Island City and Suburbs, being undertaken by Municipal Corporation or MMRDA or any such Public Authority ***or by the Market Association of the present Licensees of that market,*** the FSI shall be **4.00** on the gross plot area, subject to the following conditions:

i) The entire built-up area constructed for the permissible users of market on the plot shall be exclusively utilized for the purpose of existing licensed vendors located on the plot and for rehabilitation of the Project Affected Person only.

ii) The development/ redevelopment of the market shall be approved by MCGM as Planning Authority.

iii) The commercial galas so constructed in execution of the project shall be offered on priority to the existing licensed vendors located on the plot and the remaining commercial galas or residential tenements so constructed shall be allotted only to Project Affected Persons affected by vital public purposed projects. The residential tenements may be allotted for staff quarters appointed for maintenance of market.

Provided that the Commissioner may allow construction of Public Amenities if any in balance F.S.I. also.

iv) The proposed development/redevelopment shall be further subject to such conditions as mentioned/prescribed by the Municipal Commissioner.](14032016)

~~(24) [Development of Multi storied/Parking lots: - With previous approval of Govt., for development of multi-storied /parking lots on any plot abutting the roads and/or stretches of road, additional FSI, as specified below on built up parking area, created and handed over to MCGM free of cost, shall be allowed on the land belonging to the private owners, which is not reserved for any public purposes.~~

[(24) Development of Multi Storey Public Parking Lots (PPL):-With the previous approval of the Govt.,for development of Multi Storey Public Parking Lots on any plot abutting a road and/or a stretch of road, additional FSI (hereinafter referred to as "Incentive FSI") as specified below on built up parking area, created and handed over to the MCGM free of cost, shall be allowed, on the land belonging to a private owner, which is not reserved for any public purpose, subject to the conditions contained herein below :-](06082014)

This will be subject to following conditions :

i) The minimum area of plot shall be 1000 sq.mt. in Island City & 2000 sq.mt. in suburb and extended suburbs of Gr. Mumbai. The minimum number of Motor Vehicle public parking spaces provided shall not be less than 50 subject to minimum parking space of 700 sq.mt. The location of parking spaces can be in basement, ground floor or upper floors, with access through ramps / lift or combination of both subject to clearance from Chief Fire Officer with special emphasis on fire hazard.

ii) A Committee under the Chairmanship of Municipal Commissioner, MCGM shall earmark / select the plots for public parking, on the basis of their suitablility and seek Government's approval for it. The Committee shall comprise of (i) Joint Commissioner of Police (Traffic) or it's representative (ii) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority or it's representative (iii) Dy. Director of Town Planning, Gr. Mumbai (iv) Chief Engineer (Road, Municipal Corporation of Gr. Mumbai (Member Secretary).

iii) The incentive FSI given on this account will be over and above the FSI permissible under any other provisions of DCR. This incentive FSI shall be allowed to be used on the same plot in conformity with DCR/DP, within the overall cap/limit of total maximum permissible FSI as given (vii) below.

iv) The proposed development shall be further subject to such conditions as mentioned / prescribed by the Municipal Commissioner.

v) Concerned land owner/development/society/company shall not be allowed to operate the public parking.

vi) Area covered under parking shall not be counted towards FSI consumption.

vii) ~~Additional FSI on built up parking area and total permissible FSI including additional FSI shall be as follows.~~

~~Sr. No.~~	~~Location~~	~~Permissible additional FSI on built up parking area.~~	~~Total maximum permissible FSI including additional FSI.~~
~~1~~	~~Within the area of 500 mt. from precincts of Railway Stations, S.T. Bus Depots, Metro Stations, Water Jetties & existing Govt. / Semi Govt. & Corporation Offices, Tourist Places identified by Tourism Department, important Religious Places of Worship (Registered under Charity Act), etc having inadequate Public Parking facilities.~~	~~50%~~	~~a) Island City = 4.00 b) Suburb & Extended Suburbs = 3.00 Independent as well as composite buildings for public parking.~~
~~2~~	~~Remaining area of Gr. Mumbai.~~	~~40%~~	~~a) Island City : i) Independent Building. = 3.50 ii) Composite Building. = 3.00 For public parking. b) Suburb & Ext. Suburbs : i) Independent Building. = 3.00 ii) Composite Building. = 2.50 For public parking.~~]~~(24)~~

[(vii)The incentive FSI permissible under this Regulation against the built up area of the public parking lot, shall be 50% of the built up area of the public parking lot, such that the total permissible FSI including the incentive FSI under this Regulation does not exceed 4.0 in the Island City and 3.0 on the Suburbs/Extended Suburbs."

(viii)Public Parking shall be limited to G + 4 and three basements.

(ix)The maximum cap on the built up area per parking shall be 50.00 sq.mtr. for LMVs,65.00 sq.mtr for LCVs and 12.00 sq.mtr. for HMVs/Buses. The Incentive FSI shall be calculated as per the built-up area of the PPL, based on these norms or the actual built-up area of the PPL, whichever is less.

(x) ~~The developer of the public parking lot (PPL) shall pay 'premium', worked out as per the following formula:~~

~~Premium = 40% of [Value of the additional built up area corresponding to the incentive FSI admissible under this Regulation, as per the A.S.R. prepared by the I.G.R. Maharashtra State (Cost of construction of PPL + cost of any extra~~

~~amenities/facilities provided + cost of construction of built up area corresponding to the incentive F.S.I. admissible under this Regulation)]~~

~~For the purpose of calculating premium as above, the cost of construction of PPL including amenities/facilities and the cost of construction of built-up area corresponding to the Incentive FSI admissible under this Regulation for the financial year 2011 2012 shall be taken as Rs.15,000/ per sq. mtrs. and Rs. 25,000/ per sq.mtr. respectively. Revised construction costs shall be notified by the Municipal Commissioner of Municipal Corporation of Greater Mumbai every year in April, based on the average increase in Material Price Index of RBI (70% weightage) and Labour Index (CPI) (30% weightage) during the previous financial year, over the year preceding that.~~

~~Provided that all the developments of public parking lots for which letter of Intent has been issued by the Corporation as per the DC Regulations 33(24), published vide Notification dated October 20,2008, excepting those which have progressed substantially, shall have to follow the provisions of the Regulations 33(24) as amended vide this Notification and shall have to pay the premium at the rate of 50% of what they could have otherwise been required to pay as per the amended provisions.~~ . **(08022016)**

[The developer of the public parking lot (PPL) shall pay 'premium', worked out as per the following formula:-

Premium = **60%** of [Value of the additional built up area corresponding to the incentive FSI admissible under this Regulation, as per the A.S.R. prepared by the I.G.R. Maharashtra State – (Cost of construction of PPL + cost of any extra amenities/facilities provided + cost of construction of built-up area corresponding to the incentive F.S.I. admissible under this Regulation)]

For the purpose of calculating premium as above, the cost of construction of PPL including amenities /facilities and the cost of construction of built-up area corresponding to the incentive FSI admissible under this Regulation for the financial year 2011-2012 shall be taken as Rs. 15,000/- per sq.mtrs. and Rs. 25,000/- sq.mtr. respectively Revised construction costs shall be notified by the Municipal

Commissioner of Municipal Corporation of Greater Mumbai every year in April, based on the average increase in Material Price Index of RBI (70% weightage) and Labour Index (CPI) (30% weightage) during the previous financial year, over the year preceding that.

Provided that all the developments of public parking lots for which letter of Intent has been issued by the Corporation as per the DC Regulation 33(24), published vide Notification dated October 20, 2008, excepting those which have progressed substantially, shall have to follow the provisions of Regulations 33(24) as amended vide this Notification and shall have to pay the premium at the rate of 50% of what they would have otherwise been required to pay as per the amended provision.

Provided fur ther that all the developments of public parking lots for which IOD/IOA has not been issued as per proposed modification published vide Notice dated 19th March, 2012 and sanctioned modification published vide Notification dated 6th August 2014, shall have to pay the premium as per the amended provision.] **(08022016)**

(xi) The Premium shall be paid in two stages – 50% before the issuance of I.O.D. for the PPL and 50% before the issuance of C.C. for the incentive FSI admissible under this Regulation.

Upon Payment of 100% premium as foresaid, C.C. shall be issued in respect of 50% of the incentive FSI.

In no case shall the remaining 50% Incentive FSI be released without the handing over of the public parking lot , complete - in all respects, to the Corporation.

The year in which 50% premium is paid before the issuance of I.O.D. for the PPL shall be taken as the year for determination of construction cost as well as ASR for calculation of the premium. Out of the total premium payable, 50% shall be paid to the State Government and the remaining 50% to the Corporation.

(xii) The public parking lots, for which letter of intent has been issued by the Corporation as per the Development Control Regulation 33(24) published vide Notification dated October 20, 2008, but which have not been handed over to the Corporation, may be allowed to retain FSI as approved prior to the coming into force of this amended Regulation, with prior approval of the State Government, provided

they pay premium as per provisions of this amended Regulation for the entire incentive FSI.] (06082014)

[ ] (19) - This clause is added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201/ 98/Ud-11 Dt. 17.02.2000 and subsequently modified in July, 2010.

[ ](20) - This clause is added vide Government Notification No. TPB 4396/1684/CR-323/96/UD-11 Dt. 29.04.2002.

[ ](21) This clause is added vide orders under 37(2) of MR&TP Act, 1966 vide No.TPB /4304/2354/CR-62/07/UD-11 dated 8th May, 2007.

[ ] (24) This clause was added vide Govt order under section 37(2) under No. TPB-4305/2736/CR-338/05/UD-11 Dated 20th October, 2008.

[ ] (06082014) This clause was amended/added vide Govt order under section 37(1)(AA)(C) under No. TPB-4313/929/CR-82/2013/Part-II/UD-11 dated 6th August, 2014.

[ ] . (08022016) This clause was amended/added vide Govt order under section 37(1)(AA)(C) under No. TPB-4313/929/CR-82/2013/Part-II/UD-11 dated 8th February, 2016.

[ ](14032016) This clause was added vide final sanction under section 37(2) of MRTP Act 1966, vide order no. TPB/4315/CR-104/2015/UD-11 dated 14th March 2016.

[33(25) Additional FSI to Religious building--

The Municipal Commissioner may permit the floor space indices to be exceeded in respect of buildings of religious purposes of registered Public Trust by 0.5 subject to following terms and conditions--

i. **No objection certificate shall be obtained from concerned police Authority and Collector before applying for permission.**

ii. **Additional FSI shall be used for religious purpose only. However without taking into account the additional FSI, ancillary residential and ancillary commercial user will be permissible upto 10% of total plot area.**

iii. **The additional FSI shall be permissible to existing authorized religious user subject to structural stability.**

iv. **No condonation in the parking requirements shall be allowed for new construction in case of grant of such additional FSI. However in other cases i.e. in cases where the extra FSI will be loaded on existing authorized structures, condonation in the required marginal open spaces and parking may be allowed in cases of demonstrable hardship, with the permission of Municipal Commissioner.**

v. **The additional FSI shall be permissible subject to payment of a premium of 25% of the ready reckoner Value of the respective year, which premium shall be shared equally by the Government and the planning Authority.**

vi. **The minimum area of plot shall be 250 sq.mt.**

vii. **The proposal shall be consistent with the Development Plan Proposals.]**[25]

[ ] [25] This new clause was added vide Govt. order under 37(2) of MRTP act, Vide Notification no. TPB/4309/581/CR-37/2009/UD-11 dated 2nd March, 2009.

34. Transfer of Development Rights ---

In certain circumstances the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR). These Rights may be made available and be subject to the Regulations in Appendix VII hereto.

(i)Provision for Proposed Nalla/Nalla widening/Training and appurtenant service roads thereto shall be considered to be "reservation" in the Development Plan and if the FSI of such land is not possible to be consumed on the remaining land as envisaged under regulation 35, with prior approval of the Government, the owner shall be elligible for grant of TDR on handing over the land free of cost for such purpose as in Appendix-VII. However, as per the provision of regulation 15 of Appendix VII, the owner shall be insisted to pay pro-rata charges for cost of construction of compound wall instead of retaining wall.

Provided that when the Proposed Nalla/Nalla widening/Training and appurtenant service roads thereto is passing through the lands affected by any other reservation of the Development Plan, then TDR of the land can be granted only once either for DP Reservation or deemed reservation mentioned above for nalla etc. Efforts shall be made to cover/to train the nall suitably so that the said land can be used for its intended purpose as proposed in the Development Plan. However, if such covering of nalla is not feasible/viable then the nalla and appurtenant service road shall be developed as per the requirement and the said other reservation of the Development Plan affecting the said land shall be deemed to be deleted/modified to that extent. (8)

35. Floor Space Index Computation-

(1) Floor Space Index / Built -up calculations - The total area of a plot shall be reckoned in floor space index/built -up area calculations applicable only to new development to be undertaken hereafter as under:-

Plot size in sq.m. (1)	Area in sq.m. for FSI Computation (2)
Residential and Commercial zones	
(1) Upto 1000 sq.m.	Total area
(2) 1001 to 2500 sq.m.	Total area subject to a maximum of 2125 sq.m.
(3) 2501 to 10,000 sq.m.	Total area excluding 15 per cent of the area for recreational/amenity open space vide item (ii) in clause (a) of sub-Regulation (1) of Regulations 23.
(4) Above 10,000 sq.m.	Total area excluding 15 percent of the area for recreational open space under item (iii) of clause (a) of sub-Regulations (1) of Regulations 23. **[However, the area for FSI computation shall be 90% of net area (after deducting amenity area) in case of change of Industrial user to Residential user in the suburban area of Greater Mumbai as specified in Regulation 56(3)(c)(ii) and 57(4)(c)(ii)]** (7)

(5) [Area of the amalgamated plots (2 or more) is more than 2125 sq. mt.] (6)	[Total area subject to following conditions :--- 1) This is applicable only in case of plots where total area of amalgamated plots is not exceeding 10000 sq. mt. 2) That the amalgamation is proposed after the DCR 1991 have come into force. 3) That no single plot in the amalgamated plot is larger in size than 2125 sq. mt. and further no individual plot shall have area more than 50 % of the total amalgamated area. 4) A new and separate property card shall be produced in respect of amalgamated plots. 5) At least 15% Recreation Ground shall be kept open to sky and shall be developed as Recreation Ground by plantation of trees. 6) All other provisions of D.C. Regulations shall be followed while allowing development of such amalgamated plots. 7) If the amalgamated plot is developed by taking advantage of these Regulations at no time in future any sub - division would be allowed.] (6)
Industrial Zones.	
Industrial Plots - (1) Upto 1000 sq.m.	Total area subject to maximum of 900 sq.m.
(2) More than 1000 sq.m.	Total area excluding 10 per cent out of the area for recreational/amenity open space vide clause (a) of sub-Regulations (2) of Regulations 23.
Industrial Layouts -	
(1) Plots of 8000 sq.m. or more ..	Total area excluding area of construction permissible in open space over 1500 sq.m. according to clauses (a) and (b) of sub-Regulation (2) of Regulations 23 and excluding 10 per cent out of the area for recreational/amenity open space vide clause (a) of sub-Regulation (2) of Regulation 23.

Note - The occupation certificate for buildings constructed for residential /commercial use shall be granted by the Commissioner only after recreational area is developed and structure for recreational activities are actually provided on site.
(ii)In case of Government/Semi-Government Department and Organisations /Public Sectors Authorities/Undertakings such as the Atomic Energy Department , the Civil Aviation Department International Airport Authority of India , Defence authorities , Railway authorities and the Mumbai Port Trust , for computing the available floor space index , the area of lands not designated /reserved but shown as such in the development plan for the following purpose shall be excluded:-

(a) Playgrounds, stadia, golf courses ;
(b) Parade grounds, training grounds, firing ranges ;
(c) Green areas within their complexes ;
(d) Lands kept open for operational purposes ;
(e) Lands under major internal roads ;
(f) Railway tracks and yards ;
(g) Lands unauthorisedly reclaimed ;
(h) Lands of air-fields and air-strips .

[ ] (6) This new clause is added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. DCR /1095/1624/CR –376/95/UD 11 dated 16 th June 2003.

[ ] (7) This clause was inserted vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB 4304/2770/CR-312/04/UD-11: Dated the 14th May, 2007.

[ ] (8) The following clause was added vide order under section 37(2) of MR&TP Act, 1966 vide No. CMS/4306/440/CR-192/08/UD-11 dated 9th March, 2010

(2). *Exclusion from FSI computation* - The following shall not be counted towards FSI :-

(a) Areas of structures permitted in recreational open space under clause (g) of sub-Regulation (1) of Regulations 23.

(b) Areas covered by features permitted in open spaces as listed in Regulation 30.

(c) Areas covered by stair case rooms, lift rooms above the topmost storey, lift wells and stair-cases and passages thereto, architectural features, chimneys and elevated tanks of permissible dimensions in respect of buildings in the Island City, Suburbs and extended suburbs with the special permission of the Commissioner :

Provided that in the wards of the Island City such exclusion from FSI computation will be available in respect of buildings to be constructed or reconstructed only, the same being not available for existing buildings or proposals decided by the Corporation prior to the coming into force of these Regulations, **[and such exclusion will not be available for reconstruction schemes with FSI exceeding 2.00 in Island City:] [(2)]**

[Provided further that the reconstruction scheme with FSI exceeding 2.00 under Development Control Regulations Nos. 33(6) such exclusion will be permissible as per guidelines here under: -

i. While working out total existing built up area, the built-up area of existing staircase will, not be taken into account.

ii. In redevelopment / reconstruction schemes, the staircase and lift-well areas as per the provisions of said Regulations will be permitted free of FSI.

iii. The premium for the area of the staircase and lift-well will be recovered after working out the area of the staircase and lift-well in the proposed building minus area of the existing staircase, lift-well etc., if any.][(3)]

Provided further that where the permissible FSI has not been exhausted in the case of existing buildings and cases decided by the Corporation prior to coming into force of these Regulations, the exclusion from FSI computation as in these Regulations will be available for construction of balance potential.

[ ][(2)] - These words are deleted u/s. 37(2) of MR&TP Act 1966 vide Government Notification No. TPB/4397/458/CR 63/97 UD 11Dt. 31.05.1999.

[ ][(3)] - This proviso is added u/s. 37(2) of MR&TP Act 1966 vide Government Notification No. PB/4397/458/CR 63/97 UD 11Dt. 31.05.1999.

(d) Area of fire escape stairways and cantilever fire escape passages according to the Chief Fire Officer's requirements as in sub-Regulation (5) of Regulation 44.

(e) Area of the basement as provided in sub-Regulation (9) of Regulation 38.

(f) Area of covered parking spaces as provided in sub-Regulation (5) of Regulations 36.

(g) Area of one office room of a co-operative housing society or apartment owners association as provided in sub-Regulation (11) of Regulation 38.

(h) Area of the sanitary blocks (s) consisting of a bathroom and water closet for each wing of each floor of a building of prescribed dimensions deriving access from a common passage as provided in sub-Regulation (4) of Regulation 38 for the use of domestic servants engaged in the premises.

(i) Refuge area as provided in sub-Regulations (7) of Regulation 44.

(j) Areas covered by:-

i. Lofts [vide sub-Regulation (5) of Regulation 38.]
ii. Meter rooms [vide sub-Regulation (13) of Regulation 38].
iii. Porches[vide sub-Regulation (20) of Regulation 38].
iv. Canopies [vide sub-Regulation (21) of Regulation 38].
v. Air-conditioning plant rooms.
vi. Electric Sub stations (vide Regulation 26).
vii. Service floor of height not exceeding 1.5 m. with the permission of the Commissioner.

(k) Area of balconies as provided in sub-Regulation (22) of Regulation 38 **[except in reconstruction schemes with FSI of 2.00 or more in the Island City.]**[(4)]

(l) Area of structures for an effluent treatment plant as required to be provided by industries as per the requirements of the Maharahstra Pollution Control Board or other relevant authorities:

Provided, however in the case of an existing industry, if no vacant land is available the Commissioner may permit structures with dimensions to be approved by him for such effluent treatment plant on 10 per cent amenity open space.

(m) Areas covered by service ducts, pump rooms, electric substations, niches upto 1m. depth below window sill, passages and additional amenity of lift and/or staircase beyond those required under the Regulations with the permission of the Commissioner.

(n) Area covered by new or additional lifts and staircases, including passages to be provided in a building with the permission of the Commissioner.

(o) Area of one milk booth under the public distribution system with the permission of the Commissioner.

(p) Area of one public telephone booth and one telephone exchange (PBX) per buiding with the permission of the Commissioner.

(q) Area of one room for installation of telephone concentrators as per requirements of Mahanagar Telephone Nigam limited but not exceeding 20 sq.m. per building with the permission of the Commissioner.

(r) Area of a separate letter box on the ground floor of residential and commercial buildings with five or more storeys to the satisfaction of the Commissioner (vide sub-Regulation(12) of 'Regulation 38).

[ ][(4)] - These words are deleted u/s. 37(2) of MR&TP Act 1966 vide Government Notification No. TPB/4397/458/CR 63/97 UD 11Dt. 31.05.1999.

~~(s) Area covered by new lift and passage thereto in an existing building with a height upto 16m. in the Island City (vide clause (iv) of sub Regulation (19) of Regulations 38)~~

~~(t) Area of a covered passage of clear width not more than1.52m.(5ft.)leading from a lift exit at terrace level to the existing staircase so as to enable descent to lower floor in a building to reach tenements not having direct access to a new lift in a building without an existing lift.~~

~~(u) [Any covered antenna / dish antenna / communication tower used for Telecom (basic cellular or satellite telephone) or ITE purposes, V-Sat, Routes, Transponders or similar IT related structure or equipment]~~[(5)]

~~(v) [Area of one fitness centre for a Co-Op. Housing Society or Apartment Owners Association as provided in sub-regulation 38(32).]~~[(7)]

[ ] (5) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/Ud-11 Dt. 17.02.2000.

[ ] (7) This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB-4303/12/CR-249/03/UD-11 Dated 8th September,2006.

35(2) The following shall not be counted in FSI

(i) Areas of structures permitted in recreational open space under clause (g) of sub-Regulation (1) of Regulations 23.

(ii) Areas covered by features permitted in open spaces as listed in Regulation 30 except for regulation 30(i) (b), 30(ii) (e) (ii) and 30(ii) (f) (ii).

(iii)Areas covered by staircase rooms, lift rooms above topmost storey, staircase/ lift wells and passages in stilt, basement and floors exclusively used for parking and other ancillary users as permitted in this regulation No.35(2)

(iv)Areas covered by staircases/ lift wells including lobbies as specified, excluding those covered under D.C.Regulation No.35 (2) (iii) with special written permission of the Commissioner subject to payment of premium.

Provided that in the wards of the Island City such exclusion from FSI computation will be available in respect of buildings to be constructed or reconstructed only, the same being not available for existing buildings or proposals decided by the Corporation prior to coming into force of these Regulations,

Provided further that where the permissible FSI has not been exhausted in the case of existing buildings and cases decided by the Corporation prior to coming into force of these Regulations, the exclusion from FSI computation as in these Regulations will be available for construction of balance potential,

Provided further that the reconstruction scheme under
Development Control Regulations No. 33(6) such exclusion will be permissible as per guidelines here under: -
i. While working out total existing built up area, the built-up area of existing staircase will not be taken into account.

ii. The premium for the area of the staircase and lift-well will be recovered after working out the area of the staircase and lift-well in the proposed building minus area of the existing staircase, lift-well etc., if any

(v) Area of the basement used exclusively for parking and other ancillary uses as permitted in regulation No. 38(9) (iv) (b ,c ,d,& e).

(vi)Area of covered parking spaces as provided in sub-Regulation (5) (a) of Regulation No.36.

[ ](06012012) The regulation 35(2) shall be substituted by regulation 35(2) and 35(3) and new regulation 35(4) added vide Final sanction by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

Provided, however, the additional parking to the extent of 25% of the required parking may be permitted with permission of the Commissioner without payment of premium.

Provided further in non-residential building, where entire parking is proposed by mechanical / automatic means, additional parking to the extent of 10% of the required parking shall be permitted free of FSI as vehicle holding area.

(vii) Area of one office room of a co-operative housing society or apartment owners association as provided in sub-Regulation (11) of Regulation 38.

(viii) Lofts [vide sub-Regulation (5) of Regulation 38.]

(ix)Porches [vide sub-Regulation (20) of Regulation 38].

(x) Canopy [vide sub-Regulation (21) of Regulation 38].

(xi)Area of structures for an effluent treatment plant as required to be provided, as per the requirements of the Maharahstra Pollution Control Board or other relevant authorities:

Provided, however, in the case of an existing industry, if no vacant land is available the Commissioner may permit the structures with dimensions to be approved by him for such effluent treatment plant on 10 per cent amenity open space.

(xii) A chajja, cornice, weather shade, sun-breaker; at lintel level only; projecting not more than 1.2 m. from the face of the building as provided in sub regulation no. 30 (ii) (e)(i).

Further Chajja, Cornice, Weather Shade, sun breaker or other ornamental projections etc. shall be permissible upto 0.3 mt. in Gaothan area for the plots adm. upto 250 sq.mts

(xiii) A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, as provided in sub regulation no. 30 (ii)(f)(i)

(xiv) Area covered by pump rooms, electric substations.

(xv) Area covered by new lift and passage thereto in an existing building with a height upto 16m. in the Island City [vide clause (iv) of sub-Regulation (19) of Regulations 38]

(xvi) Area of a covered passage of clear width not more than 1.52m (5ft.) leading from a lift exit at terrace level to the existing staircase so as to enable descend to lower floor in a building to reach tenements not having direct access to a new lift in a building without an existing lift.

(xvii) Area of one fitness centre for a Co-Op. Housing Society or Apartment Owners Association as provided in sub-regulation 38(32).

(xviii) The fire chutes as provided under D.C.Regulation no. 44(8)

(xix) The refuge areas subject to D.C.Reg. 44(7)

(xx) Fire Check floor / Service Floor of height not exceeding 1.8 mt.

(xxi) Entrance lobbies in stilted portion, height not exceeding 7.2 mt..

(xxii) Open to sky swimming pool at the terrace above the top most storey or on the top most podium only.

(xxiii) Area of the service ducts abutting Sanitary Block not exceeding 1.2 Mtr. in width. In case of high rise buildings higher width/size as per requirement and design approved by Commissioner but not exceeding 2.0 mts.

(xxiv) Ornamental projection of glass façade/glazing not exceeding 0.30m from building line for non-residential building.

(xxv) Area covered by chimney, elevated tanks (provided its height below the tank from the floor does not exceed 1.5 m)

(xxvi) Area of sanitary block for use of domestic servants engaged in the premises, not exceeding 2.2 sq.mts at staircase mid-landing level and at stilt, parking floor level.

Note :

i. Areas covered by the projections exceeding those specified in clauses xii, xiii, xxiii and xxiv above shall be counted in FSI.

ii. Open to sky swimming pool at any level other than (xxii) above, excluding at ground level as provided in D.C.regulation 30 (ii), shall be counted in FSI.

iii. Any passage by whatever name not covered under D.C.R. 35(2) shall be counted in FSI.

[ ](06012012) **The regulation 35(2) shall be substituted by regulation 35(2) and 35(3) and new regulation 35(4) added vide Final sanction by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

35(3) The following shall be counted in FSI.

(i) Covered parking spaces as provided under Regulation no. 36 (5)(d)

(ii) Area of fire escape balcony as provided in regulation 44(5)

(iii)Area of Sanitary block for the use of domestic servants engaged in the premises, other than at staircase mid-landing level, Stilt level, parking level.

(iv) Part / Pocket / Covered terraces, for whatever purpose, except open terrace above the top most storey and the part terrace at top most storey due to planning constraints but accessible from common staircase.

(v) Area below open to sky swimming pool, clearance exceeding 1.5 Mtr. from floor level.

(vi)Air condition plant room / Air handling unit room, meter room, D.G.set room except provided in basement.

(vii) Fire check floor / service floor of height exceeding 1.8 mt.

(viii) Area of balconies as provided in sub regulation 22 of Regulation 38.

(ix)Niches below window sill.

(x) Area of one public telephone booth and one telephone exchange (PBX) room per building.

(xi)The ornamental projection, including the voids, flower beds, etc. projecting from the face of the building except at the terrace level.

(xii) Ornamental projection, flower bed etc. over a balcony or gallery

(xiii) Area of one room for installation of telephone concentrators as per requirements of Mahanagar Telephone Nigam limited.

(xiv) Area of a separate letter box room on the ground floor of residential and commercial buildings.

(xv) Covered areas required on top terrace for antenna / dish antenna / communication tower used for Telecom (basic cellular or satellite telephone) or ITE purposes, V-Sat, Routes, Transponders or similar IT related structure or equipment , in excess of 20.00 sq.mts.

(xvi) The parking floor in excess of required parking under these regulations [35(2)(vi)]. Deck parking inclusive of Car lifts and passages thereto on habitable floors.

(xvii) Driver's room / sanitary block on podium and or parking floor.

(xviii) Covered swimming pool.

[ ](06012012) The regulation 35(2) shall be substituted by regulation 35(2) and 35(3) and new regulation 35(4) added vide Final sanction by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

D.C.Regulation 35(4)

Compensatory Floor Space Index (FSI):-

Notwithstanding anything contained in the D.C.Regulations 32, 33 & 34, the Commissioner may, by special permission, permit fungible compensatory Floor Space Index, not exceeding 35% for residential development and 20% for Industrial/Commercial development, over and above admissible Floor Space Index, by charging a premium at the rate of 60%, 80% and 100% of the Stamp Duty Ready Recknor Rate, for Residential, Industrial and Commercial development respectively.

Provided in case of redevelopment under regulation 33(7),33(9) & 33(10) excluding clause no.3.11 of Appendix-IV of Development Control Regulation 1991, the fungible compensatory F.S.I. admissible on rehabilitation component shall be granted without charging premium.

Provided further that redevelopment under D.C.regulations no. 33(5) and redevelopment proposal of existing buildings in suburbs and extended suburbs by availing TDR, the fungible compensatory F.S.I. admissible on F.S.I. consumed in existing structure shall be granted without charging premium.

Provided further that such fungible compensatory FSI for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants / occupants.

Provided, that this regulation shall be applicable in respect of the buildings to be constructed or reconstructed only.

~~***Provided also that in case development under regulation 33(18), the fungible compensatory F.S.I.shall be admissible without charging premium.***~~ ***(14052015)***

Provided also that in case of development for rehab component under sub-regulation(7) of Regulation 58 for residential buildings/chawls located on the lands of Cotton Textiles Mills and development under regulation 33(18), the fungible compensatory F.S.I. shall be admissible without charging premium. **(08012016)**

" Provided that in case of development under regulation 33(2) excluding buildings of private medical institutions under regulation 33(2)(A),the fungible compensatory F.S.I shall be admissible on 50 % rebate in premium to be charged as per this regulation and the

development under regulation 33(3) shall be admissible without charging premium for fungible FSI." (19082015)

Explanatory Note:-

~~***i)Where IOD/IOA has been granted but building is not completed, this regulation shall apply only at the option of owner /developer,***~~

[(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.](21052015)

ii) For plots/ layouts, where IOD is granted for partial development, this Regulation will apply for the balance potential of the plot,

iii) The fungible FSI is useable as regular FSI,

Provided, further, the development in Coastal Regulation Zone (CRZ) areas shall be governed by the Ministry of Environment & Forests Notification issued from time to time.

Note: ~~***The premium amount collected shall be kept in a separate Account to be utilized for infrastructure development.***~~

[The 1/3 part out of the total premium shall be payable to the State Government.Remaining 2/3 part shall be payable to the Corporation,which shall be kept in a separate account to be utilized for infrastructure development by the Corporation.](20102015)

[ ](06012012) **The regulation 35(2) shall be substituted by regulation 35(2) and 35(3) and new regulation 35(4) added vide Final sanction by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

[ ](14052015) This proviso was added in regulation 35(4) vide **Final sanction by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number TPB/4314/878/CR-128/2014/UD-11 Dated 14th May, 2015.**

[ ]**(21052015)** This proviso is as per Sanctioned Modification to replace the Explanatory Note (i) to Regulation 35(4) of Development Control Regulation for Gr. Mumbai, 1991 under Section 37(IAA) (c) of Maharashtra Regional & Town Planning Act, 1966 under No. TPB 4313/962 /CR-44/2014/UD-II Dated 21st May. 2015.

[ ]**(19082015)** This proviso is as per Sanctioned Modification by adding the words after 5th Para, in Regulation 35(4), of Development Control Regulation for Gr. Mumbai, 1991 under Section 37(IAA) (c) of Maharashtra Regional & Town Planning Act, 1966 under No. TPB 4312/377/CR-139/ 2014/UD-11, dated 19th August , 2015.

( ) **(20102015)** These words in the note below clause 35(4) were modified vide notice under section 37(1)(AA) of MRTP act, 1966 read with directions under section 154(1) of MRTP act, 1966 , vide order no. TPB/4315/CR-142/2015/UD-11 dated 20th october 2015.

*[ ]**(08012016)*** These words after 4th para of clause 35(4) were modified vide notice under section 37(1)(AA) of MRTP act, 1966 read with directions under section **154(1)** of MRTP act, 1966 , vide order no. TPB/4314/878/CR-128/2014/UD-11 dated 8th january, 2016..

36. ***Parking Spaces*** - Wherever a property is developed or redeveloped ,parking spaces at the scale laid down in these Regulations shall be provided. When additions are made to an existing building, the new parking requirement will be reckoned with reference to the additional space only and not to the whole of building but this concession shall not apply where the use is changed.

(1) *General Space Requirement -(i) Types* -The parking spaces mentioned below include parking spaces in basements or on a floor supported by stilts, or on upper floors, covered or uncovered spaces in the plot and lock-up garages.

(ii) Size of Parking Space.-The minimum sizes of parking spaces to be provided shall be as shown below:-

Type of Vehicle	Minimum size/Area of parking space
(a) Motor vehicle	2.5 m X 5.5 m.
(b) Scooter, Motor-cycle	3 sq.m.
(c) Bicycle	1.4 sq.m.
(d) Transport Vehicle	3.75 m. X 7.5 m.

Note.- In the case of parking spaces for motor vehicles, upto 50 per cent of the prescribed space may be of the size of 2.3 m X4.5 m.

(iii) *Marking of Parking Spaces.*-Parking spaces shall be paved and clearly marked for different types of vehicles.

(iv) *Manoeuvring and other ancillary Spaces.*- Off-street parking space must have adequate vehicular access to a street, and the area shall be exclusive of drives, aisles and such other provisions required for adequate manoeuvring of vehicles.

(v) *Ramps for Basement Parking:*-Ramps for parking in basements should conform to the requirements of sub-regulations (18) of Regulation 38.

(2) *Quantitative Requirements.*-Four wheeled auto-vehicles.-Parking spaces for four wheeled auto vehicles shall be provided as in Table 15 below, any fractional space of more than half resulting from the ratios in column (3) thereof being rounded off upward to the nearest integer.

~~TABLE 15~~

~~Off Street Parking Spaces~~

Serial No. (1)	Occupancy (2)	Parking Space required (3)
1	(i) Residential	(A) In Malabar Hill, Cumballa Hill, Fort and Colaba areas in South Mumbai, Pali Hill, Bandra, Juhu-Vile Parle Development Scheme, Sassoon Dock and Jagmohandas Marg, (Nepean Sea Road);
		One parking space for every,- (a) Tenement with a carpet area upto 45 sq.m. (b) 2/3 tenement with carpet area exceeding 45 sq.mt. but not exceeding100 sq.m. (c)1/2 tenements with carpet area exceeding 100 sq.mt. In addition to parking spaces specified in (a),(b) and (c) above, parking spaces for visitors shall be provided to the extent of at least 25 per cent of the number stipulated

		above subject to a minimum of one.
		(B) In the rest of the Island City areas, Suburbs and Extended Suburbs;
		One parking space for every,- (a) 4 tenements having carpet area above 35 sq.m. each. (b) 2 tenements with carpet area exceeding 45 sq.m. but not exceeding 70 sq.m. each. (c) 1 tenement with carpet area exceeding 70 sq.m.
		In addition to the parking spaces specified in (a), (b) and (c) above, parking spaces for visitors parking shall be provided to the extent of 10 per cent of the number stipulated above, subject to minimum of one.
	(ii)For five, four and three star hotels.	One parking space for every 60 sq.m. of total floor area.
	(iii)For lodging establishments.	One parking space for every 120 sq.m. of total floor area of a lodging establishment. (a)For Grade I hotels and eating houses, one parking space for every 25 sq.m. of area of restaurant including hall, dinning room, pantry and bar. (b)For Grade II and III hotels and eating houses, one parking space for every 80 sq.m. of restaurant including hall, dinning room, pantry and bar.
2	Educational	One parking space for 70 sq.m. carpet area of the administrative office area and public service area.
3	Assembly and assembly halls or auditorium (including those educational uses and hostels).	(a)One parking space for 25 seats/persons. (b)Without fixed seats, one parking space for every 30 sq.m. of floor area. (c)For canteen, bar and restaurant, additional parking required under these Regulations for other permissible users as per provisions made herein for such purposes shall be provided.
4	Government or semi-public or private office business buildings.	One parking space for every 75 sq.m. of office space upto 1500 sq.m. and for every 150 sq.m. of additional space for areas exceeding 1500 sq.m. in other areas.
5	Mercantile(Markets, Department, stores, shops and other commercial users).	One parking space for every 80 sq.m. of floor area upto 800 sq.m. and one parking space for every 160 sq.m. of space for areas exceeding 800 sq.m. provided that no parking space need to be provided for floor area upto 100 sq.m.
6	Industrial	One parking space for every 300 sq.m. thereof subject to a minimum of two spaces.
7	Storage	One parking space for every 300 sq.m. thereof to a minimum of two spaces.
8	Hospitals and Medical Institutions ..	One parking space for every 300 sq.m. of total floor area, except that it would be one parking space for every 600 sq.m. of the total floor area in the case of Government and municipal hospitals and medical institutions. In addition, one parking space for ambulance parking measuring 10 m X 4 m for hospitals or

		medical institutions with bed strength of 100 or more.
9.	Cinemas and theatres	Parking spaces equivalent to four per cent of the total number of seats with additional parking as otherwise also required for other permissible users in conjunction with that of cinema/theatre.
10.	Shopping (not included under Mercantile Occupancy).	One parking space for 300 sq.m. of total floor area in the case of shopping user with each shops upto 20 sq.m. in area (i.e. in convenience shopping) and one parking space for 100 sq.m. of total floor area for shops each over 20/30 sq.m. area.
11	Stadia and Clubs (included under Assembly Occupancy.)	One parking space for every 200 seats plus additional parking as in these Regulations for occupancies like those of restaurants, etc. with such stadia or clubs.

[TABLE 15] (1)

Off Street Parking Spaces

Serial No. (1)	Occupancy (2)	Parking Space required (3)
1	(i) Residential	(A) In Malbar Hill, Cumballa Hill & for and Colaba areas in South Mumbai, Palli Hill, Bandra, Juhu, Ville Parle Development Scheme, Sasoon Dock & Jagmohandas Marg, (Nepean Sea Road).
		One Parking Space for every:- a) Tenement with a carpet area upto 22.5 sq.mt b) 2/3rd tenement with carpet area exceeding 22.5 sq.mt. but not exceeding 45 sq.mt. c) 1/3rd tenement with carpet area exceeding 45 sq.mt. but not exceeding 100 sq.mt. d) 1/4th tenement with carpet area exceeding 100 sq.mt. In addition to parking spaces specified in (a),(b) (c) and (d) above, parking spaces for visitors shall be provided to the extent of at least 25% of the number stipulated above subject to a minimum of one. Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(9), 33(10) & 33(14) the parking shall be as follows : One parking space for every. a) Tenement with a carpet area upto 45 sq.mt. b) 2/3rd tenement with carpet area exceeding 45 sq.mt. but not exceeding 100 sq.mt. c) 1/2 tenement with carpet area exceeding 100 sq.mt. In addition to parking spaces specified in (a),(b) and (c) above, parking spaces for visitors shall be provided to the extent of at

		least 25% of the number stipulated anove subject to a minimum of one.
		(B) In the rest of the Island City areas, Suburbs and Extended Suburbs;
		One parking space for every. a) 4 tenements having carpet area upto 35 sq.mt. each. b) 2 tenements with carpet area exceeding 35 sq.mt. but not exceeding 45 sq.mt. each c) 1 tenement with carpet area exceeding 45 sq.mt. but not exceeding 70 sq.mt d) 1/2 tenement with carpet area exceeding 70 sq.mt. In addition to the parking spaces specified in (a), (b) (c) & (d) above, parking for visitors shall be provided to the extent of atleast 25 per cent of the number stipulated above, subject to minimum of one. Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(9), 33(10) & 33(14) the parking shall be as follows. One parking space for every. a) 8 tenements having carpet area upto 35 sq.mt. each b) 4 tenements with carpet area exceeding 35 sq.mt. each c) 2 tenements with carpet area exceeding 45 sq.mt. but not exceeding 70 sq.mt. each. d) 1 tenement with carpet area exceeding 70 sq.mt. .
		In addition to the parking spaces specified in (a), (b), (c) & (d) above, parking spaces for visitors shall be provided to the extent of atleast 25 per cent of the number stipulated above, subject to minimum of one
	(ii)For five, four and three star hotels. For all starred category hotels	One parking space for every 60 sq.mt. of total floor area.
	(iii)For lodging establishments.	One parking space for every 120 sq.mt. of total floor area of a lodging establishment.
	iv) For Grade I, II and III Hotels	One parking space for every 60 sq.mt. of total floor area of a lodging establishment. a) For Grade I hotels and eating houses, one parking space for every 12.5 sq.mt. of area of residential including hall, dinning room, pantry and bar. b) For Grade II and III hotels and eating houses, one parking space for every 40 sq.mtr. of restaurant including hall, dinning room, pantry & bar

2	Educational	One Parking space for 35 sq.mt. carpet area of the administrative office area and public service area.
3	Assembly and assembly halls or auditorium (including those educational uses and hostels).	a) One parking space for 12 seats / persons. b) Without fixed seats, one parking space for every 15 sq.mt. of floor area. c) For canteen, bar and restaurant additional parking required under these Regulations for other permissible users as per provisions made herein for such purposes shall be provided.
4	Government or semi-public or private office business buildings.	One parking space for every 37.5 sq.mt. of office space upto 1500 sq.mt. and for every 75 sq.mt. of additional space for areas exceeding 1500 sq.mt. in other areas.
5	Mercantile(Markets, Department, stores, shops and other commercial users).(I.T.Parks)	One parking space for every 40 sq.mtr. of floor area upto 800 sq.mt. and one parking space for every 80 sq.mt. of space for areas exceeding 800 sq.mt. provided that no parking space need to be provided for floor area upto 50 sq.mt.
6	Industrial	One Parking space for every 150 sq.mt. thereof subject to a minimum of two spaces
7	Storage	One Parking space for every 150 sq.mt. thereof to a minimum of two spaces
8	Hospitals and Medical Institutions ..	One parking space for every 150 sq.mt. of total floor area, except that it would be one parking space for every 600 sq.mt. of the total floor area in the case of Govt. and Municipal Hospitals and Medical institutions. In addition, one parking space for ambulance parking measuring 10 mt x 4 mt for hospitals or medical institutions with bed strength of 100 or more.
9.	Cinemas and theatres	Parking spaces equivalent to eight per cent of the total number of seats with additional parking as otherwise also required for other permissible users in conjunction with that of cinema/theatre.
10.	Shopping (not included under Mercantile Occupancy).	One parking space for 150 sq.mt. of total floor area in the case of shopping user with each shops upto 20 sq.mt. in area (i.e. in convenience shopping) and one parking space for 50 sq.mt. of total floor area for shops each over 20/30 sq.mt. area.
11	Stadia and Clubs (included under Assembly Occupancy.)	One parking space for every 100 seats plus additional parking as in these Regulations for occupancies like those of restaurants, etc. with such stadia or clubs

Note.- In reconstruction schemes under the Maharashtra Housing and Area Development Act, 1976, not involving change of use in the Island City and in gaothan areas elsewhere , on narrow plots upto 9m. in width, the requirement of parking spaces shall not be insisted upon.

(3) Other vehicles.-For all non-residential, assembly and non-assembly occupancies,10 per cent additional parking spaces, subject to a minimum of two spaces shall be provided in addition to what is prescribed in these Regulations.

(4) *Transport Vehicles* .- In addition to the parking spaces provided for mercantile (commercial) buildings like offices, markets, department stores and for industrial and storage buildings, parking spaces for transport vehicles shall be provided at the rate of one space for each 2000 sq.m. of floor area or fraction thereof exceeding the first 400 sq.m. of floor area. The space shall not be less than 3.75 m x 7.5 m. in size and more than 6 spaces need not be insisted upon.

~~*(5) Parking Spaces.* Where to be accommodated The parking spaces may be provided,-~~

~~(a) underneath the building, in basements within its stilted portion, or on upper floors;~~

(5)Parking Spaces: Where to be accommodated-The parking spaces may be provided,-

(a) underneath the building, in basements, podiums, within its stilted portion, or on upper floors if exclusively used for mandatory parking.

Note: (i) The deck parking inclusive of car lifts & passages thereto shall be counted in FSI.

(ii) Additional parking floor in excess of required parking shall be counted in FSI subject to the provision of D.C.R.35(2)(vi).
(iii) In non-residential building, where entire parking is proposed by mechanical / automatic means, additional parking to the extent of 10% of the required parking shall be permitted free of FSI as vehicle holding area. **(06012012)**

(b) in the side and rear open spaces, but not in the amenity open spaces, if,-

(i.) they are unenclosed but uncovered except as provided in (d) below;
(ii.) they do not consume more than 50 percent of the open space;
(iii.) a minimum distance of 3.0 m. around the building is kept free of parking for proper maneuverability of vehicles;
(iv.) they are atleast 7.5 m. from the road boundary in case of detached covered garages;
(v.) the parking layouts meet the requirements of the Chief Fire Officer in the case of multi- storeyed, high rise and special buildings.

(c) in a residential zone, beyond the compulsory side and rear open spaces stipulated in sub-regulations 2 of Regulation 26, if other conditions under sub-rule (b) above are satisfied. Here the parking space may be an unenclosed covered space.

(d) in a residential zone and a residential zone with shop line, with covered parking garages with open type enclosures of a size of 2.5 m. X 5.5 m. with a height of 2.75 m. above ground level, at the rate of one covered garage for every 400 sq.m. or part thereof of plot area, in side or rear open spaces, at a distance of not less than 7.5 m. from any street line or the front boundary of the plot:

Provided that the same is 1.5 m. from the building and the condition in (b) (v) above is complied with.

(6) *Cinemas, Theatres and Assembly Halls*.-Subject to the provisions of sub regulation (5) above, in sites of cinemas, theatres, auditoria and assembly halls, one row of uncovered parking may be allowed in the front margin space of 12 m. or more, if the clear vehicular access way is not reduced to less than 6 m.

(6) Common Parking Space.-If the total parking space required by these regulations is provided by a group of property owners for their mutual benefit, such use of this space may be construed as meeting the off-street parking requirements under these Regulations subject to the approval of the Commissioner. If such common parking space is proposed for a group of buildings, the owners of such buildings shall submit a layout thereof and also a registered undertaking stating that the area earmarked for the parking space will not be built upon.

[ ](06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

[ ](1) Entire Table No. 15 for off street parking norms was modified vide Govt. Final sanction under section 37(2) of MRTP act, 1966 vide . TPB 4308/507/CR-76/2008/UD-11 dated 12th August, 2009.

PART III

GENERAL BUILDING REQUIREMENTS

37. General.-

Space requirements of various parts of Buildings etc.-This Part sets out the standard space requirements of various parts of a building and house of light and ventilation, the building services, fire safety, etc. Some of these items depend on the number of persons who would normally occupy the building, for which the occupant load should be worked out from Table 17 hereunder:

TABLE 17
Occupant Load

Serial No. (1)	Type of Occupancy (2)	Occupant load per 100 sq.m. of plinth or covered area (3)
1	Residential	8
2	Educational	25
3	Institutional	6.6*
4	Assembly **:** (a)With fixed or loose seats and dance floor (b)without seating facilities including dining rooms	 166.6** 66.6**
5	Mercantile **:** (a)Street floor and sales basement (b)Upper sale floors	 33.3 16.6
6	Business and Industrial	10
7	Storage	3.3
8	Hazardous	10

*The occupant load in dormitory portions of homes for the aged, orphanages or mental hospitals etc. where sleeping accommodation is provided, shall be calculated at not less than 13.3, persons per 100 sq.m.

** The plinth or covered area shall include, in addition to the main assembly room or space, any occupied connecting room or space in the same storey or in the storeys above or below where entrance is common to such rooms and spaces and they are available for use by the occupants of the assembly place. No deductions shall be made in the plinth/covered area for corridors, closets and other sub-divisions; that area shall include all space serving the particular assembly occupancy.

38. Requirements of parts of buildings-

(1) *Plinth.*-The plinth or any part of a building or outhouse shall be so located with respect to the surrounding ground level that adequate drainage of the site is assured.

(i) *Main Building.*-The height of the plinth shall not be less than 30 cm above the surrounding ground level. In areas subject to flooding, the height of the plinth shall be at least 60 cm above the high flood level.

(ii) Interior court-yards, covered parking spaces and garages.-These shall be raised at least 15cm.above the surrounding ground level and shall be satisfactorily drained.

(2) *Habitable Rooms-(i) Size and Width* -The minimum size and width shall be as given in the table 18 hereunder.

Table 18
Minimum size and width of Habitable Rooms

Serial No. (1)	Occupancy (2)	Minimum size in sq.m. (3)	Minimum width in m. (4)
1	Any habitable room ..	9.5	2.4
2	Rooms in a two-room tenament -		
	(a)one of the rooms	9.6	2.4
	(b)other room	7.5	2.4
3	Rooms in a two-room tenament of a site and services project -		
	(a)one of the rooms	9.3	2.4
	(b)other room	5.6	2.3
4	Single-bedded room in a hostel of a recognised educational institution.	7.5	2.4
5	Shop	6.0	….
6	Class room in an educational building ..	38.0 or area at the rate of 0.8 sq.m. per student, whichever is more	5.5
7	Institutional building-		
	(a) special room	9.5	3.0
	(b) general ward	40.0	5.5
8	Cinema hall, theatre, auditorium, assembly hall, etc.	In conformity with the Maharashtra Cinema Rules.	

Provided that in sites and services projects, a room of 5.6 sq.m. with a toilet arrangement may be allowed in the first phase, and in the second phase, another room 9.3 sq.m. may be added. Provided further that an additional bedroom for occupancy of a single person with a size of 5.5sq.m.with a minimum width of 1.8 m. may be permitted.

~~(ii) *Height.*- (i)The minimum and maximum height of a habitable room shall be as given in Table 19 hereunder:-~~

~~(ii)~~ **[Notwithstanding the above restriction as stated in Table 19, any telematic equipment storage erection facility can have a height as required for effective functioning of that system]**[(1)]

[Notwithstanding the above restrictions as stated in Table 19, for cinema/TV films production, shooting, editing, recording studios, more height as required for their effective functioning shall be permitted][(2)]

[ ][1] - This clause is added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/UD-11 Dt. 17.02.2000.

[ ][2] – This proviso is added vide Government Notification u/s. 37(2) of MR&TP Act 1966 under No. TPB 4320/1364/CR171/2000/UD-11 Dt. 10.09.2001.

~~TABLE 19~~
~~**Height of Habitable Room**~~

Serial No. (1)	Occupancy (2)	Minimum height (in meters) (3)	Maximum Height (in meters) (4)
1	Flat roof- (a) Any habitable room	2.75	4.2
	(b) Habitable room in High Density Housing.	2.6	4.2
	(c) Air-conditioned habitable room	2.4	4.2
	(d)Assembly halls, residential hotels of 3 star category and above *[rooms in]*[3] institutional, educational, industrial, hazardous or storage occupancies department stores, entrance halls and lobbies to department stores and assembly halls. [ ][3] – These words are deleted by UDD Corrigendum Under No. DCR /1090/RDP/UD-11 Dt. 22.07.1994	3.6	4.2 Subject to the written permission of the Commissioner, greater height may be permitted.
2	Pitched roof- (a) Any habitable room.	2.75 (average with 2.1 m. at the lowest point).	4.2 (average with 3.2 m. at the lowest point).
	(b) Habitable room in High Density Housing.	2.6 (average with 2.0m. at the lowest point).	4.2 (average with 3.2 m. at the lowest point).

~~Provided that-~~

~~(i) the minimum clear head-way under any beam shall be 2.4 m.~~

~~(ii) in all occupancies, except those included in Serial No. 1(d) in the Table above, any height in excess of 4.2 m. shall be deemed to have consumed an additional FSI of 50 per cent of the relevant floor area.~~

~~(iii) *other requirements.*- One full side of a habitable room must abut an exterior open space same as provided in sub-regulation (9) of Regulation 29.~~

(ii) Height.- (i)The minimum and maximum height of a habitable room shall be as given in Table 19 hereunder:-
(ii) Notwithstanding the above restriction as stated in Table 19, any telematic equipment storage erection facility can have a height as required for effective functioning of that system
Notwithstanding the above restrictions as stated in Table 19, for cinema/TV films production, shooting, editing, recording studios, more height as required for their effective functioning shall be permitted

TABLE 19
Height of Habitable Room

Sr. No.	Occupancy	Minimm height (in meter)	Maximum height (in meters)
(1)	(2)	(3)	(4)
1.	Flat roof. (a) Any habitable room	2.75	3.9
	(b) Habitable room in High Density Housing	2.6	3.9
	(c) Aircon-ditioned habitable room.	2.4	3.9
	(d) Assembly halls, residential hotels of 3 Star category and above, institutional, educational, industrial, hazardous or storage occupancies, departmental stores, malls, I.T. buildings, office buildings, entrance halls and lobbies to departme-nt stores and assembly halls.	3.6	4.2 subject to the written permission of the Commissioner greater height may be permitted.
	e) Shops.	3.0	3.9
2.	Pitched roof – (a) Any habitable room	2.75 (average with 2.1 M at the lowest point)	3.9 (average with 2.8 M at the lowest point).

	(b) Habitable room in High Density Housing.	2.6 (average with 2.0 M at the lowest point).	3.9 (average with 2.7 M at the lowest point).

Provided that- (i) the minimum clear head-way under any beam shall be 2.4 m.

ii)In all occupancies except those included in Sr. No. 1 (d) in the table above, any height in excess of 3.9 Mtr. shall be deemed to have consumed an additional F.S.I. of 50% of the relevant floor area.

(iii) other requirements.- One full side of a habitable room must abut an exterior open space same as provided in sub-regulation (9) of Regulation 29.

[ ]**(06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

(3) *Kitchen.-(i) Size-(a) General*.- The area of a kitchen shall not be less than 5.5 sq.m. with a minimum width of 1.8 m. but in a two room tenament the minimum area of the room to be used as a kitchen shall be 7.5 sq.m. with minimum width of 2.1 m.

(b) High Density Housing.- No kitchen need be provided. An alcove (cooking space with direct access from the main room without a communicating door) will suffice; its size shall not be less than 2.4 sq.m. with a minimum width of 1.2m. If a separate kitchen is provided, it shall be at least 4 sq.m. in area with a minimum width of 1.5 m.

(ii) *Height*.- The height of a kitchen shall be the same as that of a habitable room as stipulated in clause (ii) of sub-Regulation (2) of this Regulation.

(iii) *Other Requirements*.- Every room to be used as a kitchen shall have-

(a) unless separately provided in a pantry, means for the washing of kitchen utensils which shall lead directly or through a sink to a grated and trapped connection to the waste pipe;

(b) on an upper floor, an impermeable floor;

(c) at least a window not less than 1 sq.m. in area, opening directly on to an interior or exterior open space, but not into a shaft [see sub regulation (2) of Regulation 42]; and

(d) in residential buildings more than 24m. high, refuse chutes.

(4) Bathroom and water closets.-Bathrooms and water closets shall be provided at the following scale -

(i) Size.- (a) General.- The area and floor dimension of a bathroom or water closet shall not be less than the values given below:-

Type	Area (in sq.m.)	Side (in sq.m.)
(i) Bathroom	1.5	1.1
(ii) Water closet (WC)	1.1	0.9
(iii) Combined bathroom and Water Closet (W.C)	2.2	1.1

A sanitary block consisting of a bathroom and water closet for each wing of each floor at each staircase level of the building for the use of domestic servants engaged on the premises may be permitted by the Commissioner.

(ii) *High Density Housing and Low Cost Housing*.- The minimum dimensions of an independent bathroom shall be 1.3m.X1.1m. and for combined bathroom and water closet (WC) the size shall be 2 sq.m. with minimum width of 1.1m.

(iii) *Height*.-The height of a bathroom or a water closet measured from the surface of the floor to the lowest point of the ceiling (bottom of slab) shall be not less than 2.2m.

(iv) *Other Requirements*- (a) Every bathroom or water closet shall be so situated that at least one of its walls shall abut on to an exterior open space or an interior/exterior chowk of the size specified in clause (a) of sub-regulation (3) of Regulation 29 or a ventilation shaft of the size specified in sub-regulation (2) of Regulation 42 with the openings (windows, ventilators, louvers) not less than 0.3 sq.m. in area or 0.3 m in width.

(b.) No bathrooms or water closet shall be situated directly over any room other than another water closet, washing place, bathroom or terrace unless the said floor is made impervious with adequate water-proofing treatment. However, in no case shall a water closet or bathroom be provided over a kitchen.

(c.) Every bathroom or water closet shall have the platform or seat or flooring made of water-tight non-absorbent material.

(d.) It shall be enclosed by walls or partitions and the surface of every such wall or partition shall be finished with a smooth impervious material to a height of not less than 1m. above the floor of such a room.

(e.) It shall be provided with an impervious floor covering sloping towards the drain with a suitable grade and not towards a verandah or any other room.

(f.) No room containing water closets shall be used for any purpose except as a lavatory.

(g.) Every water closet and/or a set of urinals shall have a flushing cistern of adequate capacity attached to it. In High Density Housing, however, no such flushing cistern need be provided.

(h.) In High Density Housing, pour flush water seal latrines (NEERI type) may be permitted when the municipal sewerage system is not available and the water table in the area is not high.

(i) All the sewerage outlets shall be connected to the municipal sewerage system. Where no such system exists, a septic tank shall be provided within the plot conforming to the requirements of sub-regulation 30 of Regulation 38.

(5) ~~Loft- *(1) Location and extent.*-Lofts may be provided over kitchens, habitable rooms, bath-rooms, water closets, and corridors within a tenement in residential buildings, over shops, and in industrial buildings, subject to the following restrictions:-~~

Serial No. (1)	Rooms over which permitted (2)	Coverage (percentage to area of room below) (3)
1	Kitchen/habitable room	25
2	Bathroom, water closet, corridor	100
3	Shops with width upto 3m.	33 1/3
4	Shops with width exceeding 3m.	50
5	Industrial	33 1/3

~~Provided that (a) lofts in commercial or industrial buildings shall be located at least 2 m. away from the entrance; and (b) loft area shall not be counted towards F.S.I. subject to (ii) below.~~

~~*(ii) Height*. The clear head room under a loft shall not be less than 2.2 m. and that above it shall not be more than 1.5 m. if exceeds 1.5 m. it shall be counted towards F.S.I.~~

(5) Loft :

i) Location : Lofts may be provided over kitchens, habitable rooms, bathrooms, water closets and corridors within a tenement in residential building, in shops and in industrial buildings.

ii) Height :The height of the loft shall not be more than 1.5 Mtr. If it exceeds 1.5 Mtr. shall be counted towards F.S.I.

iii) The lofts in non-residential buildings shall be located at least 2 mts. away from the entrance.

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6) Mezzanine Floor.- ~~*(i) Size. The aggregate area of a mezzanine floor in any room shall not exceed 50 per cent of the built-up area of that room. The size of a mezzanine floor shall not be less than 9.5 sq.m. if it is used as a living room. The area of a mezzanine floor shall be counted towards F.S.I.*~~ [1]

The aggregate area of mezzanine floor in any room shall not exceed 50% of the built up area of that room. The size of mezzanine floor shall not be less than 9.5 sq. mt. if it is used as a living room. The area of the mezzanine floor shall be counted towards FSI. Provided, however, that in existing authorized buildings having no balance FSI, area of the mezzanine floors constructed prior to 15th August, 1997 without approval may be exempted from FSI with special permission of the Commissioner subject to the terms and conditions and payment of premium as may be specified by the Commissioner.
Note:- Lofts having head room more than 1.5 mt. above , it shall be treated as mezzanine floor.] [2]

(ii) *Height*.-The minimum height/head-room above a mezzanine floor shall be 2.2m. The head-room under a mezzanine floor shall not be less than 2.2m.

(iii) *Other Requirements*.-A mezzanine floor may be permitted over a room or a compartment, if-

(a) it conforms to the standards of living rooms in regard to lighting and ventilation in case its size is 9.5 sq.m. or more;
(b) it is so constructed as not to interfere under any circumstances with the ventilation of the space over and under it;
(c) no part of it is put to use as a kitchen;
(d) it is not closed, so that it could be converted into an unventilated compartment;
(e) it is at least 1.8 m. away from the front wall of such room;
(f) access to the mezzanine floor is from with in the respective room below only;
(g) where it is in an industrial building, a no objection certificate from the relevant authorities of the Industries Department is obtained for the additional floor area.

(7) *Store Room*-(i) *Size*.-The area of a store room where provided in residential buildings shall not be more than 3 sq.m.
(ii) *Height* -The store room shall not be less than 2.2 m. high.

(8) *Garage*.- (i) *size*.-The size of a private garage shall not be less than 2.5 m. X5.5 m. or 2.3 mX4.5m. as provided in clause (ii) and then note under it in sub-regulation (1) of Regulation 36.
(ii) *Location*.-If not within the building the garage may be located at its side or rear, but at least 7.5 m. away from any access road.

Explanation.-For purposes of this Regulations, the term "garage" means a detached ground floor structure in the open space of the plot or on the ground floor or on upper floor of a building and intended for parking or shelter of mechanically controlled vehicles but not for their repairs.

(iv) *Other Requirements*.-Lock-up garages when within the building shall be of such construction as will give fire resistance of 2 hours.

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[1] This clause was deleted and replaced by TPB/4397/1287/CR-189/97/UD-11 dated 31st May, 2005 under section 37(2) of MR&TP Act , 1966.
[2] This clause was added by TPB/4397/1287/CR-189/97/UD-11 dated 31st May, 2005 under section 37(2) of MR&TP Act , 1966.

(9) ~~*Basement.*-(i) *Area and Extent.*- The total area of any basement shall not exceed twice the plinth area of the building or the area of the plot, whichever is less. It may be in one level or two.~~

(9) Basement-(i) The basement shall not be constructed in the required front open space under DCR 29. The open space from the other boundaries of the plot shall not be less than 1.5 Mtr. It may be at one level or more. (06012012)

(ii) *Height*.- The height of the basement from the floor to the underside of the roof-slab or ceiling or under side of a beam when the basement has a beam shall not be less than 2.4 m.

(iii) Ventilation.- The extent of ventilation shall be the same as required by the particular occupancy for which the basement is used. Any deficiency must be made good by resort to a mechanical system, viz. blowers, exhaust fans, air-conditioning system, according to the standards in Part VIII Building Services Section I-Lighting and Ventilation, National Building code.

~~*(iv)Uses Permitted.*- A basement may be put to the following uses only:-~~
~~(a) storage of household or other non-hazardous goods;~~
~~(b) store rooms, bank lockers or safe-deposit vaults;~~
~~(c) air-conditioning equipment and other machines used for services and utilities of the building;~~
~~(d) parking spaces.~~
~~(e) Electric sub-station (which will conform to required safety requirements):~~

~~Provided that user strictly ancillary to the principal user may also be permitted in a basement.~~

(iv) Uses permitted – A basement may be put to the following uses only :
(a) (i) Storage of household or other non hazardous goods;
(ii) Store rooms, bank lockers or safe deposit vaults;
(b) Air conditioning equipment /AHU and other machines used for services and utilities of the building;
(c) Parking spaces;
(d) D.G. set room, meter room and Electric sub station (which will conform to required safety requirements);
(e) Effluent Treatment Plant, suction tank, pump room
Provided that the users mentioned at (a) above shall be permitted in the 1st basement only by counting in F.S.I. subject to the following conditions :
i) All requirements regarding access, safety (including fire safety), ventilations etc. shall be complied with.
ii) All the planning standards (particularly as regarding parking) should be strictly adhered to. (06012012)

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(v) *Other Requirements*.-Every basement shall meet the following specifications:-

(a) The ceiling of an upper basement shall be at least 0.9 m. and not more than 1.2 m above the average surrounding ground level.

(b) Adequate arrangements shall be made to ensure that surface drainage does not enter the basement.

(c) The walls and floors of the basement shall be water-tight and the effect of the surrounding soil and moisture , if any ,should be taken into account in design and adequate damp-proofing treatment shall be given.

(d). Any access to the basement through a staircase or pedestrian ramp shall meet requirements of clause (18) of this Regulation. Open ramps may be permitted in the open spaces except in the front open space subject to (b) above and the fire protection requirements.

(e) Any access to the basement through vehicular ramps shall meet the requirements of item, (ii) of clause (18) of this Regulations.

(10) *Cabin* :- Where cabins are provided, a clear passage not less than 0.9 m. wide will be maintained. The size a cabin shall not be less than 3 sq. m. and the distance from the farthest space of cabin to the nearest exit shall not be more than18.5 m. If the cabin does not derive direct light and ventilation from any open spaces/mechanical means, its maximum height shall be 2.2 m.

(11) *Office Room* :- In every residential building, constructed or proposed to be constructed for the use of a co-operative housing society or an apartment owners' association, an office room will be permitted on the ground floor or floor 1. In an already developed property, it may be on an upper floor. The area of the room shall be limited to 12 sq. m., if the number of tenements in the building does not exceed 20 and to 20 sq. m. otherwise.

~~(12) *Letter Box* :- A letter box of appropriate dimensions shall be provided on the ground floor of residential and commercial buildings with five and more storeys to the satisfaction of the Commissioner.~~

(12) Letter Box Room: - A separate letter box room or otherwise of appropriate dimensions shall be provided on the ground floor of residential and commercial building.

(13) *Meter Room* :- An independent and ventilated meter (service) room directly accessible from the outside shall be provided on ground floor and/or on upper floors, according to the requirements of the electric supply undertaking. The door to the room shall have fire resistance of not less than two hours.

(14) *Refuse Chute* :- In all multi-storeyed or high rise residential buildings, a refuse chute shall be provided with openings on each floor.

(15) *Corridor* :- The minimum width of a common corridor shall be as shown in Table 20 hereunder. Provided that any corridor identified as an exit (vide Regulations 43) shall also conform the requirements therein.

(16) *Door* :- Doors shall conform to the under mentioned provisions, In addition, in order to satisfy fire-fighting requirements, any doorway identified as an exit shall conform to the requirements stipulated in Regulation 43, -

(i) *Width* - A door shall be at least 0.9 m. wide, except that doors to bathrooms, water-closets or stores may at least be 0.7 m. wide.

(ii) *Height* :- The minimum height of a doorway shall be 2 m.

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(17) Stairway :- Stairways shall conform to the following provisions in addition to items (i) to (vii) below. In addition, in order to satisfy fire-fighting requirements, any

stairway identified as an exit stairway shall conform to the requirements stipulated in Regulation 43.

(i) *Width* :- The minimum width of a staircase other than a fire escape shall be as given in Table 20 hereunder.

TABLE 20

Minimum Width of Common Stairways/Corridors for various Occupancies

Serial No. (1)	Type of occupancy (2)	Minimum width of stair- case/stairway/corridor (in meters) (3)
1	Residential buildings-	
	(a) General	1.2
	(b) Row Housing (2 storeys)	0.75
	(c) Hotels	1.5
2	Educational buildings-	
	(a) Upto 24 m. high	1.5
	(b) Over 24 m. high	2.0
3	Institutional buildings (i.e. hospitals)-	
	(a) Upto 10 beds	1.5
	(b) Over 10 beds	2.0
4	Assembly buildings ..	2.0
5	Mercantile, business, industrial, storage, hazardous buildings	1.5

(ii) *Flight*.- No flight shall contain more than 12 risers, but in residential buildings, in narrow plots and in High Density Housing a single flight staircase may be permitted.

(iii) *Risers*.- The maximum height of a riser shall be 19 cm. in a residential building, and 16 cm. in any other occupancy. However, on an internal stairway within a dwelling unit a riser may be 25 cm. high.

(iv) T*reads*.- The minimum width of the tread without nosing shall be 25cm. for staircases of a residential building, other than fire escapes. In other occupancies, the minimum width of the tread shall be 30cm. It shall have a non-slippery finish and shall be maintained in that fashion.

(v) *Head-room*.- The minimum head-room in a passage under the landing of a staircase and under the staircase shall be 2.2m.

(vi) *Floor Indicator*.- The number of each floor shall be conspicuously painted in figures at least 15cm. large on the wall facing the flights of a stairway or at such suitable place as is distinctly visible from the flights.

(vii)Hand rail.- Handrails with a minimum height of 0.9m. from the centre of the treads shall be provided.

(18) *Ramps*.- (i) *Ramps for pedestrians- (a) General*-The provision applicable to stairways shall generally apply to ramps. A ramp in a hospital shall not be less than 2.25m. wide. In addition, to satisfy the fire-fighting requirements, a ramp shall conform to sub-regulation (6) of Regulation 43.

(b) *Slope*.- A ramp shall have a slope of not more than 1 in 10. It shall be of non-slippery material.

(c) *Handrail*.- A handrail shall be provided on both the sides of the ramp.

(ii) *Ramps for basement or storeyed parking*.- For parking spaces in a basement and upper floors, at least two ramps of adequate width and slope shall be provided preferably at the opposite ends. Such ramps may be permitted in the side and rear marginal open spaces after leaving sufficient space for movement of fire-fighting vehicles subject to the provision of sub-regulation (6) of Regulation 43.

(19) *Lifts*-Lifts shall conform to the provisions given below and to the provisions of sub-regulation (2) of Regulation 46.

(i) At least one lift shall be provided in every building more than 16m in height. In case of buildings more than 24m high at least two lifts shall be provided. However, in the case of

a proposal to add one additional floor to an existing building having a lift, it will not be necessary to raise the existing lift to the additional floor. Provided that in the case of an existing building with height of 16m or above one additional floor may be permitted without insisting on a lift in the case of chawl like structures. The same concession would be available for buildings with apartment accommodation provided the additional floor space is limited to 120 sq.m. The total height shall not exceed 16m or ground and five upper floors.

(ii) In the case of buildings more than 24m high at least two lifts shall be provided for every dwelling except those situated on the ground and first floor without having to climb or to go down more than one floor:

Provided that in the case of a building with ground floor stilts for parking facilities and serving upper floors not exceeding 22.5m. in height (measured from the ground floor to the top floors), the provision of a second lift may not be insisted upon.

(iii) *Other requirements*.-

a. The number, type and capacity of lift shall satisfy the requirements of Sec.5 Installation of Lifts and Escalators. National Building Code of India.
b. At ground floor level, a grounding switch shall be provided to enable grounding the lift cars in an emergency.
c. The lift machine room shall be separate and no other machinery shall be installed therein.
d. The number of each floor shall be conspicuously painted in figures at least 15cm. large on the wall opposite the lift/lifts opening or on other suitable surface so as to be distinctly visible from the lift cage.
e. In multi-storeyed and high rise residential buildings, one of the lifts installed shall be a freight lift.

(iv) A new lift with passage thereto in an existing building with height upto 16m. in the Island City may be permitted with the permission of the Commissioner.

(20) ~~*Porch*.- A porch, if any, shall be at least 1.5m clear of the plot boundary; the area of a porch upto 5.5m. in length (parallel to the main building) shall not be counted towards FSI. A parapet wall 0.23m. in height is permissible over a porch. The Commissioner may permit larger porches for mercantile, hotel and public buildings.~~

(20) Porch.- A porch, if any, shall be at least 1.5 m clear of the plot boundary, shall have a level difference of 0.3 m. in relation to the level of the floor; the area of a porch upto 5.5m. in length (parallel to the main building) shall not be counted towards FSI. A parapet wall 0.23m. in height is permissible over a porch. The Commissioner may permit larger porches for mercantile, hotel and public buildings. **(06012012)**

(21) ~~*Canopy* :- A cantilevered and un-enclosed canopy may be permitted over each entrance and staircase, if a clear distance of at least 1.5m is maintained between the plot boundary and the outer edge of the canopy. The minimum clear height of the canopy shall be 2.2m.~~

(21) Canopy :- A cantilevered and un-enclosed canopy with level difference of 0.3 m. in relation to the floor level; may be permitted over each entrance and staircase, if a clear distance of at least 1.5 m is maintained between the plot boundary and the outer edge of the canopy. The minimum clear height of the canopy shall be 2.2 m. The Commissioner may permit larger canopies for mercantile, hotel and public buildings. **(06012012)**

~~*(22) Balcony* : In any residential zone (R 1) and residential zone with shop line (R 2), or in a purely residential building in any other zone, balconies may be permitted free of FSI at each floor, excluding the ground and terrace floors, of an area not more than 10 per cent of the area of the floor from which such balcony projects subject to the following conditions :~~

~~(i) No balcony shall reduce the minimum marginal open space to less than 3 mt. at the rear and sides and 1.5m in the front. The width of the balcony will be measured perpendicular to the building line and reckoned from that line to the balcony's outermost edge.~~
~~(ii) Balconies may be allowed to be enclosed with written permission of the Commissioner. When balconies are enclosed, one third of the area of their faces shall have louvers glass shutters or grills on the top and the rest of the area except the parapet shall have glazed shutters.~~

(22) Balcony :- In any residential zone (R-1) and residential zone with shop line (R-2), or in a purely residential building in any other zone, balconies may be permitted at each floor, excluding the ground and terrace floors, of an area not more than 10 per cent of the area of the floor from which such balcony projects subject to the conditions that :- (i) No balcony shall reduce the minimum marginal open space to less than 3 mt. at the rear and sides and 1.5m in the front. The width of the balcony will be measured perpendicular to the building line and reckoned from that line to the balcony's outermost edge. (ii) The balcony may be enclosed. **(06012012)**

(23) *Revas Projection* :- (i) A revas projection 1.20m. in width may be permitted in the front open space when it faces a street 12.20m or more in width. To facilitate the construction of a staircase, such revas projection may be permitted in the side or rear open space provided that such open space is at least 4.5m and the revas projection is limited to a width of 0.75m. and the length of the staircase landing. No revas projection shall be at a height less than 2.1m above the ground level.
(ii) A revas projection shall not be permissible in the side or rear open spaces of a tower like structure.
(iii) The areas of all revas projections shall be taken into account for the computation of FSI.

(24). *Roof* :- (i) *Effective drainage of rain water* :- The roof of a building shall be so constructed or framed as to permit effectual drainage of the rain water there from by means of rain water pipes at the scale of at least one pipe of 10cm diameter for every 40 sq.m. of roof area. Such pipes shall be so arranged, jointed and fixed as to ensure that the rain water is carried away from the building without causing dampness in any parts of the walls or foundations of the building or those of an adjacent building.
(ii) *Connecting rain water to drain or sewer*:- The Commissioner may require rain water pipes to be connected to a drain or sewer through a covered channel formed beneath the public footpath to connect the rain water pipes to the road gutter or in any other approved manner.

(iii) *Manner of fixing rain water pipes*; - Rain water pipes shall be affixed to the outside of the walls of the building or in recesses or chases cut or formed in such walls or in such other manner as may be approved by the Commissioner.

[ ] **(06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

(25) *Terrace* - Terraces shall not be sub-divided and shall be accessible by a common staircase.

(26) *Parapet*.- Parapet walls and hand-rails provided on the edges of the roof terrace, balcony, etc. shall not be less than 1.15m from the finished floor level and not more than 1.30m. in height above the unfinished floor level.

(27) *Boundary wall and main entrance-(i) Boundary wall*-(a) Except with the permission of the Commissioner, the maximum height of a boundary wall shall be 2.0m above the level of the centre line of the front street. A boundary wall upto 2.4m. height may be permitted if the top 0.9m is of open type construction, to facilitate through vision.

(b) At a corner plot, the height of the boundary wall shall be restricted to 0.75m. for a length of 10m. on the front and side of the inter-section and the balance height of 0.75m. if required in accordance with (i) above may be made up of open type construction (through railings).

(c)The provisions of (a) and (b) above will not apply to the boundary walls of jails.

(d) In electric sub-stations, transformer stations, institutional buildings like sanatoria, hospitals, educational buildings like schools, colleges, including hostels, industrial buildings and other uses of public utility undertakings, a height upto 2.4m may be permitted by the Commissioner

(ii) *Main Entrance*.-The main entrance to a plot accommodating a multi-storeyed high rise or a special building shall be at least 4.5m wide and shall be so designed as not to obstruct easy movement of a fire-engine or truck. The entrance gate to it shall open inside and fold back against the compound wall.

(28) *Wells*-(i) *Location*.-No well shall be located-

(a) less than 12m. from any ash pit, refuse pit, sub-soil dispersion (soak pit), earth closet or privy, or on a site lower than the said earth closet or privy;

(b) under a tree, unless it has a canopy over it so that leave and twigs do not fall into it and rot.

(ii) *Other Requirements*.- The well shall-

(a.) have a minimum internal diameter of 1 m;

(b.) be constructed to a height not less than 1m. above the surrounding ground level, to form a parapet or Kerb and to prevent surface water from flowing in to it and shall be surrounded with paving constructed of impervious material which shall extend for a distance of not less than 1.8m, in every direction from the parapet or the kerb forming the well head and the upper surface of such a paving shall be sloped away from the well;

(c.) be of sound and permanent construction (pucca) throughout. A temporary or exposed (kutcha) well shall be permitted only in fields or gardens for purposes of irrigation;

(d.) have the interior surface of its lining or walls rendered impervious for a depth of not less than 1.8m. measured from the level of the ground immediately adjoining the well-head.

(29) *Overhead Tanks*.- Every overhead water storage tank shall be maintained in a perfectly mosquito-proof condition by providing a properly fitting hinged cover and every tank more than 1.5m in height shall be provided with a permanently fixed iron ladder to enable inspection by anti-malaria staff.

(30) *Septic Tanks*.- (i) *Location and sub-soil dispersion*.- A sub-soil dispersion system shall not be closer than 12m. to any source of drinking water, such as a well, to mitigate the possibility of bacterial pollution of water supply. It shall also be as far removed from the nearest habitable building as economically feasible but not closer than 2 m. to avoid damage to the structure.

(ii) *Dimensions etc.*-

(a.) Septic tanks shall have a minimum inner width of 75cm. a minimum depth of one metre below the water level and a per capita minimum liquid capacity of 85 litres. The length of the tanks shall be at least twice the width.

(b.) Septic tanks may be constructed of brick work, stone masonry, concrete or other suitable material as approved by the Commissioner.

(c.) Under no circumstances should effluent from a septic tank be allowed into an open channel drain or body of water without adequate treatment.
(d.) The minimum nominal diameter of the pipe shall be 100 mm. Further, at junctions of pipes in manholes, the direction of flow from a branch connection should not make an angle exceeding 45^{0} degree with the direction of flow in the main pipe.
(e.) The gradients of land-drains, under-drainage as well as the bottom of dispersion trenches and soakways should be between 1 : 300 and 1 : 400.
(f.) Every septic tank shall be provided with a ventilating pipe of at least 50 mm. diameter. The top of the pipe shall be provided with a suitable cage of mosquito-proof wire mesh. The ventilating pipe shall extend to a height which would cause no smell or nuisance to any building in the area. Generally , the ventilating pipe should extend to a height of about 2 m. when the septic tank is at least 15 m. away from the nearest building and to a height of 2 m. above the top of the building when it is located closer than 15 m.
(g.) When the disposal of a septic tank effluent is to a seepage pit, the seepage pit may be of sectional dimension of 90 cm. and not less than 100 cm in depth below the inner level of the inlet pipe. The pit may be lined with stone, brick and concrete blocks with dry open joint which should be backed with at least 7.5 cm. of clean coarse aggregate. The lining above the inlet level should be finished with mortar. In the case of pits of large dimensions the top portion may be narrowed to reduce the size of the R. C. C. cover slabs. Where no lining is used, specially near trees the entire pit should be filled with loose stones. A masonry ring should be constructed at the top of the pit to prevent damage by flooding of the pit by surface run off. The inlet pipe should be taken down to a depth of 90 cm. from the top as an anti-mosquito measure.
(h.) When the disposal of a septic tank effluent is to a dispersion trench, the dispersion trench shall be 50 to 100 cm. wide excavated to a slight gradient and shall be provided with a layer of washed gravel or crushed stones 15 to 25 cm. deep. Open joined pipes placed inside the trench shall be made of unglazed earthenware clay or concrete and shall have a minimum internal diameter of 75 to 100 mm. Each dispersion trench should not be longer than 30 m and trenches should not be placed closer than 1.8 m. to each other.

[(31) *Special Provisions ; for installation of Water Heating Systems.*

Solar Water Heating Systems should be made in the building for Hospitals, Hotels, Guest House, Police Men / Army Barracks, Canteens, Laboratories and Research Institutions,Hospitals of Schools and Colleges and other Institutions.

1. **The solar water heating systems should be mandatory in the hospitals and hotels, where the hot water requirement is of continuous nature. In these buildings, the system must be provided with auxiliary back-up.**
2. **The use of solar water heating system is recommended in the following type of buildings in Government / Semi – Government and Institutional buildings where the hot water requirement may not be continuous / permanent : -**

1) **Guest House.**
2) **Police Men / Army barracks.**
3) **Canteens.**
4) **Laboratory and Research Institutions where hot water is needed.**
5) **Hostels, Schools, Colleges and Other Institutes.**

The installation of the electrical backup in all such water heating systems shall be optional depending on the nature of requirement of hot water.

It is suggested that solar water heating systems of the capacity of about 100 liters per day on thermosyphon with necessary electrical back-up be installed at residential buildings like hostels.

In order to facilitate the installation of the solar water heating systems, the new buildings of aforesaid types shall have the following provisions.

1) **All such buildings where solar water heating systems are to be installed will have open sunny roof area available for installation of solar water heating system.**

2) The roof loading adopted in the design of such building should be at least 50 kg. Per sq. mt. for the installation of solar water heating system.
3) Solar water heating can also be integrated with the building design. These can either be put on the parapet or could be integrated with the south facing, vertical wall of the building. The best inclination of the Collector for regular use throughout the year is equal to the local latitude of the place. The Collector should be facing south. However, for only winter use, the optimum inclination of the Collector would be (latitude + 15 degrees of the south).
4) All the new buildings of aforesaid types to be constructed shall have an installed hot water line from the roof top and also insulated distribution pipelines to each of the points where hot water is required in the building.
5) The capacity of the solar water heating system to be installed on the building shall be described on the basis of the average occupancy of the buildings. The norms for hospitals, hotels and other functional buildings are given below :-

Sr. No.	Type of Buildings	Per capita capacity recommended (litres per day).
1	Hospitals	100
2	Hotels	150
3	Hostels & other such buildings	25
4	Canteen	As required
5	Laboratory & Research Institutions	As required.

(6) An open area of 3 sq. mt. would be required for installation of a Collector which supplies about 100 liters of water per day. At least 60 per cent of the roof area may be utilised for installation of the system.
(7) The specification for the solar water heating system laid down by the Ministry of Non-Conventional Energy Sources can be followed. Flat plate Collector confirming to IS No. 12933 shall be used in all such solar water heating systems.

Note – 1. : - The Commissioner may add to the list of buildings mentioned above on which installation of solar water heating systems can be made mandatory.
Note – 2 : - The Commissioner may insist on installation of Collectors on the terraces of the buildings for harnessing solar energy for purposes other than water heating as well.][(4)]

[(32) In every residential building, either existing or constructed or proposed to be constructed for the use of a existing or proposed Co-Operative Housing Society or an Apartment Owners Association, a fitness centre including toilet facilities will be permitted subject to following conditions:

i. The application for the proposed fitness centre shall be made by the Registered Co-Operative Housing Society/Apartment Owners Association of the building which are given occupation certificate/B.C.C.
ii. The area of such centre shall be allowed free of FSI equivalent to 2(two) percent of the total built up area for every building subject to a condition that, it shall not be less than 20 sq. mt. and more than 200 sq. mt. per building. Any additional built up area, in excess of this limit would be considered by counting in FSI.
iii. The centre shall not be used for any purpose other than for fitness centre activities.
iv. The fitness centre activities shall be confined for to the members of the concerned housing society or an Apartment Owners Association only.

v. The benefits of this provision shall be applicable prospectively and it shall not be extended for the purpose of regularization of already built up structures constructed without permission.

vi. The ownership of the premises of the Fitness Centre shall vest only with the concerned society or the apartment owners association as the case may be.

vii. In case of larger layout where there is existing/proposed Gymnasium in layout RG under Regulation 23 of this regulation, then the fitness centre in the individual building shall not be permissible.

viii. The location of proposed fitness centre shall be necessarily within the building line and preferably same shall not be on ground floor.] (5)

. .

(33) [Special Provisions for Institutional, Assembly, Business or Mercantile and Industrial Buildings :-- A Creche of Minimum 40 Sq. Mt. Built up area shall be provided for Institutional, Assembly, Business or Mercantile Building where total number of female employees are 500 and more.] (6)

(34):- Podium

A podium may be permitted in plot admeasuring 1500 sq.mt or more.

The podium provided with ramp may be permitted in one or more level, total height not exceeding 24 m above ground level.

However, podium not provided with ramp but provided with two car lifts may be permitted in one or more level, total height not exceeding 9 mt above ground level.

The podium shall be used for the parking of vehicles.

~~*The recreational space prescribed in D.C.Regulation 23 may be provided either at ground level or on open to sky podium.*~~

[The Minimum recreational space as laid down under regulation 23, shall be provided at ground level only. The recreational space, if any, provided on the podium under this Regulation shall be in addition to that provided as per Regulation 23.] (10022014)

Podium shall not be permitted in required front open space.

Such podium may be extended beyond the building line in consonance with provision of D.C.Regulation 43(1) on one side whereas on other side and rear side it shall not be less than 1.5 m from the plot boundary.

Ramps may be provided in accordance with D.C.Regulation 38(18).

Adequate area for Drivers rest rooms and sanitary block may be permitted on podiums by counting in FSI. (06012012)

[ ] (4) ---- This new proviso is added as per notification under section 37(2) under number TPB/4302/1253/CR-201/02/UD 11 dated 31 st December 2002.

[ ] (5) This clause was added vide Government sanction u/s. 37(2) of M. R. & T.P. Act 1966 under No. TPB-4303/13/CR-249/2003/UD-11 Dated 8th September,2006

[ ] (6) This clause was added vide Government sanction u/s. 37(2) of

M. R. & T.P. Act 1966 under No. TPB-4306/3730/CR-95/2007/UD-11 Dated 9th June,2008. .

[ ](06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

[ ](10022014) These words were substituted by Govt of Maharashtra in UDD vide orders under section 154 of MRTP act under No. TPB/4313/571/CR-133/2013/UD-11 dated 10th February 2014. The said directive shall apply to those developments where building plans were not approved, or where the Commencement Certificate (CC) had not been issued on 17th December, 2013 i.e. the date of order passed by Hon. Supreme Court in Civil appeal no. 11150/2013 in SLP (Civil) no. 33402/2012.

39. ***Common antenna for Television Transmission Reception*** :-
A common conventional antenna for receipt of television transmission shall be provided for every residential building with more than ten tenements.

40. ***Requirements of Educational Building*** :-

In addition to the class-rooms and other areas every educational building shall be provided with :-

(a) a tiffin room with a minimum area of 18.0 sq. m. for every 800 students or part thereof;
(b) a separate tiffin room for teachers where strength of students exceeds 1000;
(c) a room with drinking water facilities for every 300 students or less on each of the floors.

These requirements may be amended by the Commissioner in consultation with the Education Department of the State Government.

~~***41.*** *[Special Amenities for Physically Handicapped persons :-*~~

~~*Special amenities for physically handicapped persons as specified below shall be provided in buildings to be used for public offices, commercial occupancy or public purposes like cinema or drama theatres, hospitals, maternity homes, telephone offices, educational purposes :-*~~

~~*(a) A 90 cm. high hand-rail and an additional one at a height of 75 cm. above the finished level of the steps for staircases and for steps to the ground floor plinth even if they are enclosed on their sides by walls.*~~
~~*(b) A ramp with a slope not exceeding 1:12 from the ground level of open spaces or road level to the entrance door of the lift or staircases.*~~
~~*(c) One of the wash basins in the toilet block on each floor fixed at a height of 80 cm. with a tap at 100 cm. above the finished floor level.]*~~[11]

[41. *Special Regulation for physically handicapped persons* : -

1. DEFINITIONS:

1.1 Non-ambulatory Disabilities:- Impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.
1.2 Semi-ambulatory Disabilities:- Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, aribritics, spastics, and those with pulmonary and cardiac ills may be semi-ambulatory.
1.3 Hearing Disabilties:- Deafness or hearing handicaps that might make an individual insecure in public areas because he is unable to communicate or hear warning signals.
1.4 Sight Disabilities:- Total blindness or impairments affecting sight to the extent that the individual, functioning in public areas, is insecure or exposed to danger.
1.5 Wheel Chair:- Chair used by Disabled people for mobility. The standard size at wheel chair shall be taken as 1050 mm.X 750 mm.

2. SCOPE:

These bye laws are applicable to all existing and proposed buildings and facilities used by the public.

3. SITE DEVELOPMENT:

Level of the roads, access paths and parking areas shall be described in the plan along with specification of the materials.

3.1 *Access path/walk way*:- Access path from plot entry and surface parking to building entrance shall be of minimum of 1800 mm. wide having even surface without any slope. Slope if any shall not have gradient greater than 5%. Finishes shall have a no slip surface with a texture traversable by a wheel chair. Curbs wherever provided shall blend to a common level.

3.2 *Parking*:- For parking of vehicles of handicapped people, the following provisions shall be made:-

a)Surface parking for two car spaces shall be provided near entrance for the physically handicapped persons with maximum travel distance of 30 mt. from building entrance.
b)The width of parking bay shall be minimum 3.60 mt.
c)The information stating that the space is reserved for wheel chair users shall be conspicuously displayed.

4. Building Requirements: The specified facilities for the buildings for physically handicapped persons shall be as follows:-

1. **Approach to plinth level.**
2. **Corridor connecting the entrance/exit for the handicapped.**
3. **Stairways.**
4. **Lift.**
5. **Toilet.**
6. **Drinking Water.**

4.1 Approach to Plinth Level:- Every building should have atleast one entrance accessible to the handicapped and shall be indicated by proper signage. This entrance shall be approached through a ramp together with the stepped entry.

4.1.1 Ramped Approach:- Ramp shall be finished with no slip material to enter the building. Minimum width of ramp shall be 1800 mm. with maximum gradient 1:12 Length of ramp shall not exceed 9.0 mt. having 800 mm. high hand rail on both sides extending 300 mm. beyond top and bottom of the ramp. Minimum gap from the adjacent wall to the hand rail shall be 50 mm.

4.1.2 Stepped Approach:- For stepped approach size of tread shall not be less than 300 mm. and maximum riser shall be 150 mm. provision of 800 mm. high hand rail on both sides of the stepped approach similar to the ramped approach.

4.1.3 Exit/Entrance Door:- Minimum clear opening of the entrance door shall be 900 mm. and it shall not be provided with a step that obstructed the passage of wheel chair user. Threshold shall not be raised more than 12 mm.

4.1.4 Entrance Landing :- Entrance landing shall be provided adjacent to ramp with the minimum dimension 1800 x 2000 mm. Finishes shall have a non-slip surface with a texture traversable by a wheel chair. Curbs wherever provided should blend to a common level.

4.2 Corridor Connecting the Entrance/Exit for the Handicapped:- The corridor connecting the outdoors to a place where information concerning the overall use of the specified building can be provided to visually impaired persons either by a person or by signs, shall be provided as follows:-

a) The minimum width shall be 1500 mm.
b) In case there is a difference of level slope ways shall be provided with a slope of 1:12.
c) Hand rails shall be provided for ramps/slope ways.

4.3 Stair Ways:- One of the stair-ways near the entrance/exit for the handicapped shall have the following provisions:-

a) The minimum width shall be 1350 mm.
b) Height of the riser shall not be more than 150 mm. and width of the tread 300 mm. The steps shall not have abrupt (square) nosing.
c) Maximum number of risers on a flight shall be limited to 12.
d) Hand rails shall be provided on both sides and shall extend 300 mm. on both sides and shall extend 300 mm. on the top and bottom of each flight of steps.

4.4 Lifts:- Wherever lift is required as per bye-laws, provision of at least one lift shall be made for the wheel chair user with the following cage dimensions:

Clear internal depth : 1100 mm.
Clear internal width : 2000 mm.
Entrance door width: 900 mm.

a) A hand rail not less than 600 mm. long at 1000 mm. above floor level shall be fixed adjacent to the control panel. Also, switch control shall be at an operating height equal to that of hand rails.
b) The lift lobby shall be of an inside measurement of 1800 x 1800 mm. or more.
c) The time of an automatically closing door should be minimum 5 second and the closing speed should not exceed 0.25 M/sec.
d) The interior of the case shall be provided with a device that audibly indicates the floor the cage has reached and indicates that the door of the cage for entrance/exit is either open or closed.

4.5 Toilets:- One special W.C. in a set of toilet shall be provided for the use of handicapped with essential provision of wash basin near the entrance for the handicapped:-

a) The minimum size shall be 1500 x 1750 mm.
b) Minimum clear opening of the door shall be 900 mm. and the door shall swing out.
c) Suitable arrangement of vertical/horizontal handrails with 50 mm. clearance from wall shall be made in the toilet.
d) The W.C. seat shall be 500 mm. from the floor.

4.6 Drinking Water:- Suitable provision of drinking water shall be made for the handicapped near the special toilet provided for them.

4.7 Designing for Children:- In the buildings meant for the predominant use of the children, it will be necessary to suitably alter the height of the handrail and other fittings and fixtures etc.] [12]

[ ] [11] Regulation (41) is deleted vide govt. notification Dated 7th February, 2004 u/No. TPB 4303/948/CR-242/2001/UD-11:

[ ] [12] A New Regulation (41) is added vide govt. notification Dated 7th February, 2004 u/No. TPB 4303/948/CR-242/2001/UD-11:

42. Lighting and Ventilation :-

(1) *Adequacy and manner of provision*:- All parts of any room shall be adequately lighted and ventilated. For this purpose every room shall have -

(a) one or more appertures, excluding doors, with area not less than one-sixth of the floor area of the room, with no part of any habitable room being more than 7.5 m. away from the source of light and ventilation. However, a staircase shall be deemed to be adequately lighted and ventilated, if it has one or more openings their area taken together measuring not less than 1 sq. m. per landing on the external wall;

(b) an opening with a minimum area of 1 sq. m. in any habitable room including a kitchen, and 0.3 sq. m. with one dimension of 0.3 m. for any bathroom, water closet or store;

(c) all the walls, containing the openings for light and ventilation fully exposed to an exterior open space either directly or through a verandah not exceeding 2.4m. in width provided that a room meant for non-residential user shall be considered as adequately lighted and ventilated if its depth from the side abutting the required open space does not exceed 12 m.

(2) *Artificial ventilation shaft* :- A bathroom, water closet, staircase or store may abut on the ventilation shaft, the size of which shall not be less than the values given below :-

Height of buildings in m.	Cross-section of ventilation shaft in sq. m.	Side of shaft in meters.
Upto 12	2.8	1.2
Upto 18	4.0	1.5
Upto 24	5.4	1.8
Upto 30	8.0	2.4
Above 30	9.0	3.0

In such ventilation shafts, mechanical ventilation system shall be installed. Further, such ventilation shaft shall be adequately accessible for maintenance.

(3) *Artificial Lighting & Mechanical Ventilation* :- Where lighting and ventilation requirements are not met through day-lighting and natural ventilation, they shall be ensured through artificial lighting and ventilation in accordance with the provisions of Part VIII, Building Service Section I, Lightning and Ventilation, National Building Code.

(4) In any residential hotel where toilets are provided with a mechanical ventilation system, the size of the ventilation shaft prescribed in this Regulation may be suitably relaxed by the Commissioner.

43. Fire Protection Requirements :-

(1) ~~*General* :- The planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of Part IV: Fire Protection Chapter, National Building Code, shall apply.~~

~~For multi-storeyed, high rise and special buildings, additional provisions relating to fire protection contained in Appendix VIII shall also apply. The approach to the building and open spaces on all sides upto 6 m. width and their layout shall conform to the requirements of the Chief Fire Officer. They shall be capable of taking the weight of a fire engine weighing upto 18 tonnes. These open spaces shall be free of any obstruction and shall be motorable.~~

43(1) General:-

The planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of part IV: Fire Protection Chapter, National Building Code, shall apply.

For multistoried, high rise and special buildings, additional provisions relating to fire protection contained in Appendix VIII shall also apply,

(A) For proposal under regulations 33(7) and 33(10),

In case of rehabilitation / composite buildings on plots exceeding 600 Sq.Mts. and having height more than 24 m, at least, one side other than road side, shall have clear open space of 6 m at ground level, accessible from road side.

Provided, if the building abuts another road of 6m or more this condition shall not be insisted.

~~***Provided further that in case of redevelopment proposals under DCR 33(7) , for plot size upto 600 sq.mt. , 1.5mt open space will be deemed to be adequate.***~~

[Provided further that even for the proposals of plots upto the size of 600 sq. mts. under DCR 33(7), open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or an another access of 6 meters to the building is available, apart from road abutting the building.] **(10022014)**

(B) For the proposals other than (A) above

(a) Buildings having height more than 24 m upto 70 m, at least one side, accessible from road side, shall have clear open space of 9 m at ground level.

Provided, however, if podium is proposed it shall not extend 3m beyond building line so as to have clear open space of 6m beyond podium.

Provided, further, where podium is accessible to fire appliances by a ramp, then above restriction shall not apply.

(b) Buildings having height more than 70 m, at least two sides, accessible from road side, shall have clear open space of 9 m at ground level.

Provided, however, if podium is proposed it shall not extend 3m beyond building line so as to have clear open space 6m beyond podium. No ramps for the podium shall be provided in these side open spaces.

Provided, further, where podium is accessible to fire appliances by a ramp then above restriction shall not apply.

(c) Courtyard / ramp / podium accessible to fire appliances shall be capable of taking the load up to 48 tonnes.

(d) These open spaces shall be free from any obstruction & shall be motorable. *[06012012]*

[ ](06012012) **Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

[ ](10022014) These words were substituted by Govt of Maharashtra in UDD vide orders under section 154 of MRTP act under No. TPB/4313/571/CR-133/2013/UD-11 dated 10th February 2014. The said directive shall apply to those developments where building plans were not approved, or where the Commencement Certificate (CC) had not been issued on 17th December, 2013 i.e. the date of order passed by Hon. Supreme Court in Civil appeal no. 11150/2013 in SLP (Civil) no. 33402/2012.

(2) *Exits*.- Every building meant for human occupancy shall be provided with exits sufficient to permit safe escape of its occupants in case of fire or other emergency for which the exits shall conform to the following:-

(i) *Types*.- Exits should be horizontal or vertical. A horizontal exit may be a door-way, a corridor, a passage-way to an internal or external stairway or to an adjoining building, a ramp, a verandah or a terrace which has access to the street or to the roof of a building. A vertical exit may be a staircase or a ramp, but not a lift.

(ii) *General requirements*.- Exits from all the parts of the building, except those not accessible for general public use, shall-

(a) provide continuous egress to the exterior of the building or to an exterior open space leading to the street;
(b) be so arranged that, except in a residential building, they can be reached without having to cross another occupied unit;
(c) be free of obstruction;
(d) be adequately illuminated;
(e) be clearly visible, with the routes reaching them clearly marked and signs posted to guide any person to the floor concerned;
(f) be fitted, if necessary, with fire fighting equipment suitably located but not as to obstruct the passage, clearly marked and with its location clearly indicated on both sides of the exit way;
(g) be fitted with a fire alarm device, if it is either a multi-storeyed, high-use or a special building so as to ensure its prompt evacuation;
(h) remain unaffected by any alteration of any part of the building so far as their number, width, capacity and protection thereof is concerned;
(j) be so located that the travel distance on the floor does not exceed the following limits :-

(i) Residential, educational, institutional and hazardous occupancies : 22.5 m
(ii) ~~Assembly, business, mercantile, industrial and storage buildings : 30 m.~~

~~Note.- The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above.~~

~~When more than one exit is required on a floor, the exits shall be as remote from each other as possible:~~

~~Provided that for all multi-storeyed high rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one of them opening directly to the exterior to an interior, open space or to any open place of safety.~~

(ii) Assembly, business, mercantile, industrial and storage buildings : 30 m.

Note.- The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above. When more than one exit is required on a floor, the exits shall be as remote from each other as possible:

Provided that, subject to the provision under D.C. Regulation 44(5)(a) for all multi-storeyed high rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one of them opening directly to the exterior, to an interior, open space or to any open place of safety. *[060120[2]*

[ ] **(06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

(iii) *Number and width of exits*.-The width of an exit, stairway/corridor and exit door to be provided at each floor in occupancies of various types shall be as shown in columns 3 and 5 of Table 21 hereunder. Their number shall be calculated by applying to every 100 sq.m. of the plinth or covered area of the occupancy, the relevant multiplier in columns 4 and 6 of the said Table, fractions being rounded off upward to the nearest whole number.

TABLE 21

Width and number of Exits for various Occupancies

Serial No. (1)	Type of Occupancy (2)	Stairway/Corridor Minimum width in meters (3)	Multiplier (4)	Door Minimum width in meters (5)	Exit Multiplier (6)
1	Residential Dwellings row -housing (2 storeys) -hotels ..	1.2 0.75 1.5	0.145 0.213 0.107	.... }	0.053
2	Educational- -upto 24m. high .. -over 24 m. high ..	1.5 2.0	0.333 0.250	....	0.667
3	Institutional i.e.Hospitals- -upto 10 beds .. .. -over 10 beds ..	1.5 2.0	.089* .067*		0.044 0.044
4	Assembly** .. .. -fixed seats or loose seats and dance floor. -no seating facilities and dining rooms.	.... 2.0 2.0	.... 0.694 0.278	1.0	.... 0.926 0.370
5	Mercantile- -street floor and basement .. -upper sales floors ..	1.5 1.5	0.222 0.111	.....	0.222 0.111
6	Business, Industrial ..	1.5	.067	....	0.067
7	Storage ..	1.5	.022	....	0.022
8	Hazardous ..	1.5	.133	....	0.125

*For the dormitory portions of homes for the aged, orphanages, mental hospitals, etc. these multipliers will be doubled.

**The plinth or covered area shall include, in addition to the main assembly rooms or space, any occupied connecting room or space in the same storey or in the storey above or below where entrance is common to such rooms and space and they are available for use by the occupants of the assembly place.

No deductions shall be made in the gross area of the corridors, closets or other sub-divisions: all space serving the particular assembly occupancy shall be reckoned.

44. Requirements of individual exits at each floor.-

The detailed requirements of individual exits at each floor are given below:-

(1) *Corridors*.-(a) Exit corridors shall be of a width not less than the total required width of exit doorways leading from them in the direction of travel to the exterior/stairway.

(b) Where stairways discharge through corridors, the height of the corridors shall not be less than 2.4 m.

(c) Where there is more than one staircase serving a building, there shall be at least one smoke-stop door in the space between the staircases.

(2) *Doorways*.-(a) Every exit doorway shall open into an enclosed stairway, a horizontal exit or a corridor or passageway providing continuous and protected means of egress;
(b) An exit doorway shall open outwards i.e. away from the room, but shall not obstruct the travel along any exit. No door, when opened, shall reduce the required width of a stairway or landing to less than 90 cm.
(c) An exit door shall not open immediately upon a flight or stairs; a landing equal to atleast the width of the door shall be provided in the stairway at each doorway; the level of the landing shall be the same as that of the floor which it serves.
(d) Exit doorways shall be openable from the side which they serve, without the use of a key.

(3) *Revolving doors*.-(a) Revolving doors shall not be used as required exits except in residential, business and mercantile occupancies; they shall not constitute more than half the total required door width.
(b) When revolving doors are considered as required exitways-
(i) the multiplier in Table 21 shall be increased by 33 1/3 per cent, and;
(ii) revolving doors shall not be located at the foot of a stairway. Any stairway served by a revolving door shall discharge through a lobby or foyer.

(4) *Internal stairways*.-(a)Stairways shall be constructed of non-combustible materials throughout.
(b) Any interior staircase shall be constructed as a self-contained unit with atleast one side adjacent to an external wall and shall be completely closed.
(c) A staircase shall not be arranged around a lift shaft unless the later is entirely enclosed by a material of fire resistance rating as that for type of construction itself. For multi-storeyed, high rise and special buildings, the staircase location shall be to the satisfaction of the Chief Fire Officer.
(d) In multi-storeyed, high rise and special buildings, access to main staircases shall be gained through atleast half-an-hour fire-resisting automatic closing doors, placed in the enclosing walls of the staircases. They shall be swing type doors opening in the direction of the escape.
(e) No living space, store or other space, involving fire risk, shall open directly into a staircase.
(f) The external exit door of a staircase enclosure at ground level shall open directly to the open space or should be accessible without passing through any door other than a door provided to form a draught lobby.
(g) In multi-storeyed high rise and special buildings, exit signs with arrows indicating the escape route shall be provided at a height of 1.5 m. from the floor level on the wall and shall be painted with fluorescent paint. All exit way signs should be flush with the wall and so designed that no mechanical damage to them can result from the moving of furniture or other heavy equipment.
(h) Where a building has a single staircase, it shall terminate at the ground floor level, and the access to the basement shall be by a separate staircase. Where the building is served by more than one staircase, one of the staircases may lead to the basement level, by either a ventilated lobby or a cut-off screen wall without opening, having a fire resistance of not less than 2 hours with discharge point at two different ends or through enclosures. It shall also be cut-off from the basement area at various basement levels by a protected and ventilated lobby/lobbies.

~~(5) *Fire escape or external stairs* :- Multi-storeyed, high rise and special buildings shall be provided with fire escape stairs, which will be free of F. S. I., and they should conform to the following :-~~
~~(a) They shall not be taken into account in calculating the evacuation time of a building.~~
~~(b) All of them shall be directly connected to the ground.~~
~~(c) Entrance to them shall be separate and remote from the internal staircase.~~
~~(d) routes to the fire escape shall be free of obstruction at all times, except for a doorway leading to the fire escape, which shall have the required fire resistance.~~
~~(e) They shall be constructed of non-combustible materials.~~
~~(f) They shall have a straight flight not less than 75 cm. wide with 15 cm. treads and risers. not more than 19 cm. The number of risers shall be limited to 16 per flight.~~
~~(g) They shall be provided with handrails at a height not less than 90 cm. above the tread.~~

44(5) (A) Additional Staircase-

(a) In case of multistoreyed residential buildings having height more than 24 m, and less than 70 m additional staircase shall be necessary,

Provided, however, it will not be necessary , if,

(i) Travel distance does not exceed as mentioned in sub regulation (2)(ii)(i)(i & ii) of regulation 43 and;

(ii) If floor area on any floor does not exceeds 500 sq mtrs

Note: These staircases shall be of enclosed type having minimum width of 1.5 mt.

(b) Buildings having height 70 m or more, shall be provided with two enclosed type staircases, each having width not less than 2.0 m.

(c) Whenever two staircases are necessary, both the staircases shall open & terminate at ground floor or to any other place of safety. The staircase shall be as remote as possible.

(B) Fire Escape balcony:

(a) For industrial buildings, a fire escape balcony not exceeding 1.5 meters width shall be provided at the periphery of every floor level and shall be connected to staircase and shall have a railing / parapet of 1.10 meters height on external sides.

(b) Fire escape balcony to the buildings other than residential occupancy shall be decided by Chief Fire Officer.

(c) Requirement of Fire Escape Balcony

(i) It shall always be kept free from obstructions & no partitions shall be erected.

(ii) It shall be provided with wall type sprinklers at every floor level.

Note: - Fire Escape balcony shall be counted in FSI. *[060120012]*

(6) *Ramp* :- (a) All the requirements of sub regulation (4) of this Regulation shall apply to any ramp as they apply to a staircase.

(b) Ramps shall lead directly to outside open spaces at ground level or courtyards or other safe places.

(c) In a multistoreyed, high rise and special building, access to ramps from any floor shall be through a smoke-stop door.

[ ]**(06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012**

(7) ~~*Refuge Area* :- (a) In multi-storeyed and high rise buildings, at least one refuge area shall be provided on the floor immediately above 24 m.~~

~~(b) It shall be on the external walls as a cantilevered projection or any other manner.~~

~~(c) It shall have a minimum area of 15 sq.m. and minimum width of 3.0 m.~~

~~(d) It shall not be counted in F.S.I.~~

(7)Refuge area:

(a) (i) The refuge area shall be provided within building line at floor level.

(ii) In case of multistoreyed & high rise buildings having height more than 30 mts., first refuge area shall be provided at 24 mt. or 1st habitable floor, whichever is higher. Thereafter, the refuge area shall be provided at every 7th habitable floor. The refuge area shall be 4% of the habitable floor area it serves, and will be free of FSI. If it exceeds 4%, the excess area shall be counted in FSI.

(b) Notwithstanding clause (a) for buildings having height upto 70 mts, as an alternate, Refuge areas can be provided as R.C.C. cantilever projections at the alternate mid-landing level of staircase , free of FSI.

Each refuge area at mid-landing shall have a minimum width of 3.0 mts and minimum area of 10.0 sq.mts for residential and 15 sq.mts for non-residential buildings.

(c) In case of multistoreyed & high rise buildings upto 30 mts. height, the terrace floor of the building shall be treated as the refuge area. *[060120012]*

44(8) Fire Escape Chutes/ Controlled Lowering Device for evacuation :-

(A)(i) High rise building having height more than 70 mt., shall necessarily be provided with fire escape chute shaft/s for every wing adjacent to staircase.

(ii) Walls of the shaft shall have 4 hours fire resistance.

(iii) One side of the shaft shall be at external face of the building with proper ventilation.

(iv) The dimension of the shaft shall not be less than 2.5 m X 1.5m.

(v) The access to the fire escape chute's shaft shall be made at alternate floor level from staircase mid-landing with self-closing door having fire resistance of at least one hour.

(vi) The fire chute shall be of staggered type with landing of each section at the vertical height of not more than 21 m.

Alternatively,

(B) For High rise building having height more than 70 mt., "Controlled Lowering Device for evacuation" or "External Evacuation System" as approved by CFO shall be provided. *[06012012]*

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[ ](06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

44 (9) Fire Check Floor

A high rise building having height more than 70 m, shall be provided with fire check floor (entire floor) at every 70 m level.

Height of the fire check floor shall not be more than 1.8 mts.

The fire check floor shall not be used for any purpose and it shall be the responsibility of the owner/occupier to maintain the same clean and free of encumbrances and encroachments at all times.

Periphery of the Fire Check floor shall not be enclosed.

Fire Drenchers shall be provided at the periphery of the each fire check floor externally. *[06012012]*

45.*Structural Safety and Services* :- (1) *Structural Design*:- The structural design of foundations, elements made of masonry, timber, plain concrete, reinforced concrete, prestressed concrete and structural steel shall conform to the provisions of Part VI Structural Design Section-1 Loads, Section 2 - Foundation, Section 3-Wood , Section 4-Masonry, Section5-Concrete, Section 6-Steel, National Building Code of India.

(2). *Quality of materials and workmanship :-*

i. The quality of all materials and workmanship shall conform to accepted standards and Indian Standard Specifications and Codes as included in Part V Building Materials and Part-VII Constructional Practices and Safety, National Building Code of India.

ii. All burrow pits dug in the course of construction and repair of buildings , roads, embankments etc., shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly stepped for discharge into a river , stream, channel or drain, and no person shall create any isolated burrow pit which is likely to cause accumulation of water that may breed mosquitoes.

(3) *Alternative materials, method of design and construction and tests :-*

The provisions of the Regulations are not intended to prevent the use of any material or method of design of construction not specifically prescribed in them provided any such alternative has been approved. Nothing of the provisions of these Regulations is intended to prevent the adoption of architectural planning and layout conceived as an integrated development scheme. The Commissioner may approve any such alternative if it conforms to the provisions of the relevant parts of the National Building Code, regarding material, design and construction, and the material, method, or work offered is, for the purpose intended, atleast equivalent to that prescribed in these Regulations in quality, strength, compatibility, effectiveness, fire and water resistance, durability and safety.

[ ](06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

46 .*Tests:-*

Whenever there is insufficient evidence of compliance with the provisions of the Regulations or evidence that any material or method of design or construction does not conform to the requirements of the Regulations, in order to substantiate claims for alternative materials, design or methods of construction , the Commissioner may require tests, sufficiently in advance, as proof of compliance. These tests shall be made by an approved agency at the expense of the owner as follows:-

(1) *Test Methods:* -Test method shall be as specified by the Regulations for the material or design or construction in question If there are no appropriate test methods specified in the Regulations, the Commissioner shall determine the test procedure. For methods of tests for building materials reference shall be made to the relevant Indian standards as given in the National Building Code of India published by the Bureau of Indian Standards.

(2) *Test results to be preserved* -- copies of the results of all such tests shall be retained by the Commissioner for not less than two years after the acceptance of the alternative material.

47. *Building services* –

(1) *Electrical installation* -The planning design and installation of electrical installation air-conditioning and heating work shall conform to the provision of Part VIII Building Service Section 2- Electrical Installations. Section 3- Air-conditioning and Heating National Building Code of India.

(2) *Lifts-(a) planning and design*- The planning and design of lifts including their number , type and capacity depending on the occupancy of the building, the population on each floor based on occupant load and the building height shall be in accordance with section 5 - Installation of lifts and Escalators ,National Building code of India.

(b*) Maintenance*-(i) The lift installation should receive regular cleaning, lubrication adjustment and adequate servicing by authorised competent persons at such intervals as the type of equipment and frequency of service demand. In order that the lift installation is maintained at all times in a safe condition, a proper maintenance schedule shall be drawn up in consultation with the lift manufacturer and rigidly followed. A log book to record all items relating to general servicing and inspection shall be maintained. The electrical circuit diagram of the lift with the sequence of operation of different components and parts shall be kept readily available for reference by persons responsible for the maintenance and replacement, where necessary, to the satisfaction of the competent authority (Lift Inspector of the Government of Maharashtra).

(ii) Any accident arising out of operation of maintenance of the lifts shall be duly reported to the competent authority, i.e. Lift Inspector of the Government of Maharashtra.

48.*Signs and Outdoor Display Structures*-

(1) *National Building Code to apply* :- The display of advertising signs and outdoor display structures on buildings and land shall be in accordance with Part X-Signs and Outdoor Display Structures, National Building Code of India.

(2) *Additional conditions*.-In addition to sub-regulation(1) above, the following provisions shall apply to advertising signs in different land use zone :-

(i) Residential zone (R-1):-The following non-flashing and neon signs with illumination not exceeding 40 Watt light.-

(a) One name plate with an area not exceeding 0.1 sq.m. for each dwelling unit.

(b) For other users permissible in the zone, one identification sign or bulletin board with an area not exceeding 10 sq. m. provided the height of the sign does not exceed 1.5 m.

(c)"For sale" or "For rent" signs for real estate, not exceeding 2 sq. m. in area provided they are located on the premises offered for sale or rent.

(ii) Residential zones with shop lines (R-2):-Non-flashing business signs placed parallel to the wall and not exceeding 1 m. in height per establishment.

(iii) Commercial Zones (C-1) and (C-2):-Flashing or non-flashing business signs placed parallel to the wall not exceeding 1 m. in height provided such signs do not face residential buildings.

(3) *Prohibition of advertising signs and outdoor display structures in certain cases*.-Notwithstanding the provisions of sub-Regulations (1) and (2) no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetical, historical or heritage importance as may be decided by the Commissioner, or on Government buildings, save that in the case of Government buildings only advertising signs or outdoor display structures may be permitted if they relate to the activities for the said buildings' own purposes or related programmes.

(4) The Commissioner may, with the approval of the Corporation, add, alter or amend the provisions in sub-Regulations (2) above.

PART IV

LAND USE CLASSIFICATION & USES PERMITTED

49. ***Uses and Ancillary Uses***.-The uses and specified ancillary uses as indicated in these Regulations will be permitted in each of the predominant use zones as shown in the development plan. Such ancillary uses will be subject to fulfilment of the prescribed conditions.

50. Power of Granting Permission.-Where it is specified that a particular use is to be allowed only with Commissioner's special permission, the power of granting such permission shall be exercised by the Commissioner or an Officer not below the rank of Deputy Municipal Commissioner.

51. Purely Residential Zone (R-1 Zone)-Ancillary uses permitted.-Apart from residential use, the following uses and specified ancillary uses to the extent of 50 per cent of the floor space of the principal use shall be permitted in buildings, premises or plots in the purely residential zone:-

(i) Customary home occupations.

(ii) Medical and dental practitioners` dispensaries or clinics, including pathological or diagnostic clinics with a restriction of one dispensary or clinic per building to be permitted on the ground floor, on the floor just above the stilts or on the first floor.

(iii) Nursing homes, polyclinics, maternity homes and medical practitioners/consultants in different disciplines of medical sciences in independent buildings or independent parts of buildings on the ground floor, floor 1 and floor 2 with separate means of access/staircase from within the building or outside, but not within the prescribed marginal open spaces in any case, and with special permission of the Commissioner. [**Provided that the Commissioner may, after due investigation and consultation with the Executive Health Officer, allow the condition for separate means of access / staircase as mentioned above to be relaxed, if he is convinced that no nuisance is likely to be caused to the residents of the buildings by such relaxation. However, such relaxation shall not be permitted in the new buildings.**]**(0810)**

(iv) Professional offices and studies of a resident of the premises and incidental to such residential use, or medical and dental practitioners dispensaries or clinics of a resident of the building with only out patient treatment facilities without any indoor work, each not occupying a floor area exceeding 30 sq.m.

(v) Educational buildings, excluding building of trade schools but including students' hostels in independent buildings, religious buildings, community halls, welfare centres and gymnasia:

Provided that the Commissioner may, by order, permit Montessori schools, kindergarten classes or bal-mandirs in a part of a residential building on the ground floor or on the floor above the stilts if the area thereof is not less than 40 sq.m. and no nuisance is likely to be caused to the residents of the building:

Provided further that in congested localities where it is not possible to provide a separate building for a school, the Commissioner may allow a primary school in any part of

or on any separate floor of a residential building. In doing so, he shall take into account the location, room sizes, means of access, water and sanitary arrangements and other relevant factors. He shall also ensure that staircase is easily accessible from the entrance and serves the classrooms. The school shall also conform to the requirements of educational buildings stipulated in Regulations 40.

(vi) Public libraries on the ground floor and floor 1 or on two consecutive floors immediately above the stilts in a building constructed on stilts, and museums in part or entire building.

(vii) Club houses, or gymkhanas not conducted as a business, on independent plots which may have an extension counter or only branch of a bank, in such club-houses or gymkhanas.

(viii) Public or private parks, gardens and play field in independent plots not uitlilsed for business purposes, but not amusement parks.

(ix) Bus shelters, but stations, bus depots, railway stations, taxi-stands and heliports, on independent plots.

(x) Radio broadcasting and television studios and sound recording and dubbing studios in independent buildings or part of, building or in independent plots, with the permission of the Commissioner.

(xi) Places for the disposal of human bodies, subject to the Corporations approval.

(xii) Police stations, telephone exchanges, Government sub-office ~~*[only in the suburbs and extended suburbs]*~~[1],municipal sub-office, sub-offices of Mumbai Electric Supply and Transport under taking or the concerned electric company, consulate offices, post and telegraph offices, branches of banks including safe deposit vaults ~~*[(except that the area of each bank including the vault shall not exceed 400 sq.m. in the Island City)]*~~[2], electrical sub-stations, receiving stations, fire stations, civil defence warden posts and first aid post, home guards and civil defence centers, pumping stations, sewage disposal works and water supply installations and ancillary structures thereof required to cater to the local area on roads of width of not less than 12 m. However, a branch of a bank with a safe deposit vault may be permitted on roads of less than 12 m. ~~*[except that in the Island City the area of each bank including the vault shall not exceed 400 sq.m]*~~[2].

(xiii) Storage of liquefied petroleum gas cylinders (bottled gas) for domestic consumption not exceeding 300 kg. in a residential building and not exceeding 8000 kg. in an independent ground floor structure (except a garage) at any one time, with the special permission of the Commissioner and subject to compliance with statutory safety requirements.

(xiv) General agriculture, horticulture and poultry farming (but not dairy farming) in the areas comprised in suburbs the area extend suburbs, poultry farming being permitted at the rate of 0.25 sq.m. built-up area per bird in an independent plot measuring not less that 1 ha.; provided that no offensive odors, dirt and/or dust are created, that there is no sale of products not produced on the premises, and the accessory buildings are not located within from any of 9 m. the boundaries or 6 m. from the main buildings or the plot:

Provided further that the above restriction on space shall not apply to any poultry kept for domestic consumption only.

(xv) Where the commercial zone boundary or a street of and between 18.3 m. and 31m. wide in the suburbs and extended suburbs and of 24 m. and 31 m. wide in Island City (with shops) is at least 400 m. away, convenience shops at the rate of one shop per 15 tenements on ground floor or in semi-detached ground floor building, with no other use over it, may be permitted provided that the remaining area on the ground floor is used for parking purposes in conformity with these Regulations. Such shopping uses will not be permissible in more than two adjoining plots in any locality and shall not cover more than 5 per cent of the plot area.

(xvi) Flour Mills, with the special permission of the Commissioner, if (a) they are in a single-storeyed detached or semi-detached structure, and (b) their power requirement does not exceed 7.5 KW. each.

(xvii) Research, experimental and testing laboratories not involving any danger of fire or explosion or of any obnoxious nature and located on a plot not less than 4 ha. in area, provided that the laboratory is at least 30 m. from any of the boundaries of the site and the accessory residential building 30 m. from the laboratory.

(xviii) [Information Technology Establishment (pertaining to software only) on the plots/premises fronting on roads having width more than 12.0 metre.](3)

52.Residential Zone with Shop Line (R-2 Zone).-

(1) The residential zone with shop line (R-2 Zone) in which shopping will be permissible as indicated herein, will comprise:-

(a) Plots in a residential zone along roads on which the shop line is marked on the development plan.

(b) Plots in a residential zone along roads having existing or prescribed width of and between 18.3 m. and 31 m. in the suburbs and extended suburbs.

(c) **Plots in a residential zone along roads having existing or prescribed width of and between 24 m. and 31 m. in the Island City.**

[Plots in a residential zone along roads having existing or prescribed width of and between 24 m. and 31 m. in the Island City.

Provided that the restrictions of road width given in this clause to determine plots in R-2 zone in the Island City are not applicable to the plots within Dharavi Notified Area. For the plots within Dharavi Notified Area, R-2 zone shall be determined as the 'plots' along roads having existing or prescribed width of and between 18.30 mt. and 45 mt.

However no commercial users permitted in R-2 Zone shall front directly on the arterial roads above 36 mt. passing through Dharavi Notified Area, on such roads punctures at specific intervals shall be provided so as to have access from such arterial roads.

Note:-

A) All words and expressions used in these Regulations and not defined herein shall have meanings assigned to them under the Maharashtra Regional and Town Planning Act, 1966 or the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971, or the National Building Code, or the Building Regulations and Bye-Laws or the Development Control Regulations of the Municipal Corporation of Greater Mumbai, as amended from time to time.

B)The provisions of the Development Control Rules for Greater Mumbai, 1991 and all other applicable sections of the Maharashtra Regional and Town Planning Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions " Municipal Corporation of Greater Mumbai" and "Municipal

Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

C)Nothing contained herein shall derogate from any right or power exercisable by the Municipal Corporation of Greater Mumbai under the provisions of the Bombay Municipal Corporation Act, 1888, and the rules, regulations and bye-laws made there under. Any development of land shall be carried out without prejudice to such provisions.] **(25012012)**

(2) No new shops will, however, be permitted on plots in the residential zone with a shop
line (R-2 Zone) which abut and are along the following roads, even if a shop line is marked on such roads in the development plan except what is permitted by way of convenience shopping.

(a) `*Western Corridor*-From Regal Cinema junction to Vithalbhai Patel Road, Khar covering Madam Cama Road, Netaji Subhash Road, Dr. N.A. Purandare Marg, Babulnath Road, Justice Patkar Marg, Bhulabhai Desai Road, Lala Lajpatrai Road, Dr. Annie Besant Road, Veer Savarkar Marg, Mahim Causeway, Vithalbhai Road upto its junction with Chitrakar Dhurandhar Marg, Khar.

(b) (i) Mahim Causeway from General Arun Kumar Vaidya Marg upto its junction with Swami Vivekanand Road and further upto the latter roads junction with Chirtrakar Dhurandhar Marg.
(ii)Juhu Tara Road, Shri Mathuradas Visanji Marg (Kurla-Andheri Road) and Jai Prakash Road.

[ ](1) These words are deleted vide Government Order Under No.TPB 4303/978/CR144/03/UD-11 Dt. 21.5.2004.

[ ](2) – These words are deleted vide Government Order Under No.TPB 4398/1462/CR-231/98/UD-11 Dt. 21.11.2000.

[ ](3) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 / 98/UD-11 Dt. 17.02.2000.

[ ]**(25012012)** This regulation was modified under final sanction under Section 37(2) of the Maharashtra Regional and Town Planning Act. 1966, vide, Notification No. TPB 4310/1631/CR-139/2010/UD-11 Dated 25 January 2012

(c) *Central Corridor*.- From Regal Cinema junction to V.N.Purav Marg, Trombay, covering Mahatma Gandhi Road, Dadabhai Navroji Road, Lokmanya Tilak Road, Mohamed Ali Road, Ibrahim Rahimtulla Road, Jamshetji Jeejeebhoy Road, Dr.B. Ambedkar Marg, Sion Road, Tatya Tope Road, V.N. Purav Marg upto Anushakti Nagar

(d) Other roads viz. Shahid Bhagatsingh Road, Lokmanya Tilak Road, L. Jagmohandas Road (Napean Sea Road), Bhulabhai Desai Road (Warden Road), August Kranti Marg, Walkeshwar Road, S.K.Barodawala Marg (Altamount Road), Dahanukar Marg (Carmichael Road), Napean Sea Road, Manav Mandir Road.

(e) All Express Highways/Freeways :

Provided that where the above-mentioned roads intersect other roads, shopping will be permissible on plots on the latter roads in the residential zone with a shop line (R-2 zone) only on the side of the building facing such roads and with access only on such roads :
Provided further that the above restrictions on shopping will not apply to areas falling in the Local Commercial Zone (C-1 zone) and in the case of reconstruction or redevelopment of an existing building having existing shopping users.

(3) Notwithstanding anything contained in this Regulation, for reasons of congestion, traffic or nuisance, new shopping or convenience shopping, even if otherwise permissible, the Commissioner may not, for reasons to be recorded in writing, permit such shopping.

(4) Uses permitted in the Residential Zone with Shop Line (R-2 zone).-The following uses shall be permitted in buildings, premises or plots in a residential zone with shopline :-

(i) All uses permitted in the purely residential zone (R-1 zone).

(ii) Stores or shops for conduct of retail business, including department stores. There will, however, be no storage or sale of combustible materials except with the Commissioners special permission.

(iii) Personal services' establishments, only in the suburbs and extended suburbs.

(iv) Hair dressing saloons and beauty parlours.

(v) Frozen food stores.

(vi) Shoe repair and sports shops.

(vii) Professional offices each not exceeding 100 sq.m. in area ~~*[only in the suburbs and extended suburbs.]*~~ [(1)]

(viii) Shops for the collection and distribution of clothes and other materials for cleaning, pressing and dyeing establishments.

(ix) Tailoring, embroidery and button-hole making shops, each employing not more than 9 persons.

(x) Cleaning and pressing establishments for clothes, each occupying a floor area not more than 200 sq.m. and not employing solvents with a flash point lower than 59^0 C, machine with dry-load capacity not exceeding 30 kg. and employing not more than 9 persons:
Provided that the total power requirement does not exceed 4 KW.

[ ](1) – The words are deleted vide Government Order under No. TPB 4398/1462/CR-231/98/UD-11Dt. 21.11.2000.

[ ] (0810) This clause was added vide orders under section 37(2) of the MRTP Act, 1966 vide TPB/4310/2503/CR-200/2010/UD-11 dated 30th July, 2010.

(xi) Shops for goldsmiths, lock-smiths, watches and clocks and their repairs, bicycles and their rental and repairs, optical glass grinding and repairs, musical instruments and their repairs, picture-framing, radio, television and household appliances and their repairs, umbrellas and their repairs and upholstery work, each employing not more than 9 persons.

(xii) Coffee grinding establishments with electric motive power not exceeding 0.75 KW. (0.025 KW individual motor each).

(xiii) Restaurants eating houses cafeterias, ice-cream and milk bars under one establishment with total area not exceeding 200 sq.m. on the ground and/or floor 1 of a building with the special permission of the Commissioner.

(xiv) Bakeries, with no floor above, each not occupying for production an area more than 75 sq.m. and not employing more than 9 persons, if the power requirement does not exceed 4 KW where only electrical ovens are used, an additional heating load upto 12 KVA being permitted.

(xv) Confectioneries and establishments for the preparation and sale of eatable each not occupying for production an area more than of 75 sq.m. per establishment and employing not more than 9 persons, motive power not exceeding 1-12 KW, as well as sugarcane and fruit juice crusher each employing not more than 6 persons with motive power not exceeding 1.12 KW and area not more than 25 sq.m.

(xvi) Printing presses with aggregate motive power each not exceeding 3.75 KW and not employing more than 9 persons and individual electric motors of not more than 1.5 KW.

(xvii) Trade and other similar schools, not involving any danger of fire or explosion, or offensive noise, vibration, smoke, dust, odour, glare, heat or other objectionable features.

(xviii) Vegetable, fruit, flower, frozen fish, frozen meat or frozen food shops.

(xix) Battery charging and repairing establishments each not employing more than 6 persons with an area not more than 25 sq.m. and not more than 2 charges with power not exceeding 5 KW.

(xx) Photographic studios with laboratories, zeroxing, Photo-copying, video-taping establishments etc. and their laboratories, each with an area not exceeding 50 sq. m. and employing not more than 9 persons and not using power more than 3.75 KW.

(xxi) Coal or fire-wood shops.

(xxii) Local sub-offices of any public utility.

(xxiii) Electronic industry of assembly, but not of manufacturing type, with the Commissioner's special permission, subject to following restrictions:-

(a) Only on the ground floor each with an area not exceeding 50 sq. m.
(b) Total electric power inclusive of motive power and heating load not to exceed 3.75 KW.
(c) Employing not more than 9 persons each.

(xxiv) Pawn shops.

(xxv) Art galleries i.e. display shops.

(xxvi) Undertaker's premises.

(xxvii) Establishments using power only for heating refrigeration or air-conditioning purposes.

(xxviii) Private lockers. In the Island City, the total area shall not exceed 400 sq. m. each

(xxix) Data processing unit, with use of computers.

(xxx) Repairing garages, without activities of body-building and spray painting, each employing not more than 9 persons or using 1.5 KW motive power with no floor, above, with the permission of the Commissioner to be allowed to function only between 08 and 20 hours.

(xxxi) Motor driving schools, with the permission of the Commissioner.

(xxxii) Travel agencies, ticket booking and selling agencies for air, surface or water travel or transport of any other modes of travel or transport.

(xxxiii) Accessory uses customarily incidental to any permitted principal use, including storage upto 50 per cent of the total floor area of the principal use.

(5) Conditions governing additional uses permitted in the R-2 Zone**:-** The uses permissible in the R-2 zone shall be restricted and subject to the conditions below :-

(i) A depth of 12 m. measured from the building line along the front portion abutting the street only provided.
(ii) All goods offered for sale or displayed should be within be premises comprising the shop and should not be kept in the passage or open spaces.
(iii) Shops shall be permitted only on the ground floor of a building unless specified otherwise.
(iv) Area of each shop will not exceed 100 sq. m. unless otherwise specified.
(v) Motive power, unless otherwise specifically indicated, shall not exceed of 2.25 KW per shop, with no individual motor exceeding 0.75 KW, no power being allowed to be sub-let.
(vi) Power may be discontinued if the Commissioner is satisfied that the particular use is a nuisance to the residents.

(6) With the special permission of the Commissioner, shopping uses and departmental stores may be permitted on the entire ground floor of the building, subject to the following conditions**:-**

(i) The side and rear marginal open spaces shall not be less than 9 m. in width.

(ii) No back-to-back shops would be permitted unless they are separated by a corridor at least 1.8 m. in width which shall be properly lighted and ventilated.

(iii) All goods offered for sale or displayed should be within the premises comprising the shop and should not be kept in the passage or open spaces :

Provided that such shopping users and department stores may be permitted in the entire building where the whole building is in occupation of one establishment or of a co-operative society only and subject to the above conditions.

(7) Not with standing anything contained in these Regulations, convenience shops as defined in item (20) of sub-Regulation (3) of Regulation 3 may be permitted on all roads having width of 12 m. and above. In gaothan and Koliwada areas, however, these users will be permitted on roads having width of 9 m. and above.

(8) *Uses permitted in independent premises/buildings in the Residential Zone with Shop Line (R-2 Zone)* **:-** The following uses may be permitted in independent premises/buildings/plots in the R-2 Zone :-

(i) Drive-in-theatres, theatres, cinemas, club-houses, assembly or concert halls, dance and music studies and such other places of entertainment on roads with width not exceeding 25 m. These uses may be permitted in combination with permissible

non-residential uses except that of petrol pump, with the special permission of the Commissioner:

Provided, however, in the case of a cinema/theatre the front open space shall be minimum 12 m. and the side and rear open spaces shall not be less than 6 m.:

Provided further that in the case of development and/or re-development of a cinema/theatre, the user for a cinema/theatre may be permitted in combination with the permissible users in a residential zone with a shop-line (R-2 Zone) excluding the users for bakery, confectionery, trade and other similar schools and coal or fire wood shops, with a cinema/theatre being permitted underneath or above any building subject to compliance with fire and safety requirements specified by and to the satisfaction of the Chief Fire Officer. However, residential user in combination with that of a cinema/theatre may not be allowed in the same building.

Provided further that the redevelopment of a plot allocated for a cinema/theatre shall be subject to such conditions as may be prescribed by the Government.

(ii) ~~[*Petrol filling and service stations each employing not more than 9 persons in combination with other permissible uses in the zone subject to clearance by the Controller of Explosives and the Chief Fire Officer, and observance of such conditions as they may prescribe and with the permission of the Commissioner*~~]**[2]**

[(ii) Filling and Service stations of Petrol, Diesel, Compressed Natural Gas and/or any other Motor Vehicle Fuel approved and allowed to be distributed by the Competent Authority, in combination with other permissible use in the zone except Residential use and/or any other user that may not be permitted by the M. C. for reasons to be recorded in writing subject to clearance of Controller of Explosives and Chief Fire Officer and observance of such conditions as may be prescribed by them and with the special permission of the Commissioner subject to the maximum limits prescribed and special conditions as per DCR No. 55 table 23(xi)(36)][3]

(iii) Trade or other similar schools.
(iv) Bulk storage of kerosene and bottled gas for domestic consumption with the special permission of the Commissioner.
(v) Parking of automobiles and other light vehicles on open plots as a business or otherwise.
(vi) Fish or meat shops.
(vii) Residential hotels or lodging houses in independent buildings or parts of buildings or on upper floors thereof with special written permission of the Commissioner, who will take into account the suitability of the size and shape of the plot, the means of access, water and sanitary arrangements etc. before granting the permission. The Commissioner shall not permit such use unless he is satisfied about the provision of these arrangements:

Provided that residential hotels of 4 and 5 star categories may be allowed only in an independent plot of size not less than 2,500 sq.m. and on roads of 18 m. width or more, a hotel of lower star category being also allowed on a separate floor of a premises or a building with separate access :

Provided further that development of residential hotels of the star categories shall be permitted by the Commissioner, only after due approval by Committee consisting of the Commissioner, the Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, the Commissioner of Police (Law, Order and Traffic) and the Managing Director, Maharashtra Tourism Development Corporation Ltd.

[ ][2] – This clause is deleted vide Government Notification No. TPB 432001/1906/CR-62/2002/UD-11 Dt. 02.07.2002 u/s. 37(2) of M.R.&T.P.Act 1966.

[ ][3] – This clause is added vide Government Notification No. TPB 432001/1906/CR-62/2002/UD-11 Dt. 02.07.2002 u/s. 37(2) of M.R.&T.P.Act 1966.

(viii) General agriculture, horticulture and domestic poultry, with limitation of keeping of upto 20 birds at the rate of 0.25 sq. m. per bird.
(ix) Repairing garages not employing not more than 9 persons or 1.5 KW motive power with no floor above, with the permission of the Commissioner.
(x) Business offices ~~*[on roads of 18 m. wide and more outside the Island City]*~~[(1)] subject to the fulfillment of parking and other requirements; except that balconies if any of such building shall not be free F. S. I. computation.
(xi) Correctional and mental institutions, institutions for children, the aged or widows sanatoria and hospitals (except veterinary hospitals) with the special permission of the Commissioner, provided that those principally for contagious diseases shall be located not less than 36 m. from any boundaries.
(xii) Stadia.

53. Local Commercial Area/Zone (C-1 Zone)-

(1) **Uses permitted in a Local Commercial Zone (C-1 Zone)-**The following uses are permissible in the C-1 Zone:
(i) Any uses permitted in a residential zone with a shop line (R-2 Zone).
(ii) Confectioneries, bakeries and establishments for the preparation and sale of eatables each not occupying for production an area in excess of 250 sq. m. per establishment and employing not more than 25 persons or using power exceeding 10 KW with no upper floors, over the furnace portion. If only electrical ovens are used, an additional load of upto 24 KVA may be permitted
(iii) Auto part stores and show rooms for motor vehicles and machinery.
(iv) Sale of used or second hand goods for merchandise, excepting for junk, cotton and other waste rags or other materials of an offensive nature.
(v) Club houses or other recreational activities conducted as business (with an extension counter or branch of a bank).
(vi) Storage of furniture and household goods.
(vii) Retailing of building materials, open or enclosed, with not more than 500 sq. m. of area per establishment.
(viii) Pasteurising and milk processing plants each employing not more than 9 persons and 7.5 KW motive power within an area not more than 50 sq. m.
(ix) Printing, book-binding, engraving and block-making, each with an area not exceeding 120 sq. m. and motive power not exceeding 7.5 KW per establishment.
(x) Veterinary dispensaries and hospitals and kennels in the suburbs and extended, suburbs only.
(xi) Supari and masala grinding/pounding using motive power not exceeding 7.5 KW or occupying more than 25 sq.m. area, with the special permission of the Commissioner.
(xii) Prisons and animal pounds only in the suburbs and extended suburbs.
(xiii) Repair, cleaning shops and analytical experimental or testing laboratories each employing not more than 15 persons (but not including cleaning and dyeing establishments, using a cleaning or dyeing fluid having a flash point lower than 50 degree C and machines with dry-load capacity not exceeding 30 kg. or any establishment carrying on activities that are offensive because of emission of odour, dust, smoke, gas, noise or vibration or otherwise dangerous to pubic health and safety), provided that the motive power requirement of each such establishment does not exceed 7.5 KW.
(xiv) Paper-box manufacturing, including paper-cutting, each employing not more than 9 persons with motive power not exceeding 3.75 KW and area not more than 50 sq.m.
(xv) Mattress making and cotton-cleaning, each employing not more than 9 persons with motive power, not exceeding 2.25 KW and area not more than 50 sq. m. per establishment.
(xvi) Establishments requiring power for selling tins, package, etc. each employing not more than 9 persons with motive power not exceeding 2.25 KW.

[ ][(1)] – These words are deleted vide Government Order under No. TPB 4398/1462/CR-231/98/UD-11Dt. 21.11.2000.

(xvii) Ice factories in independent buildings, each with an area of not more than 250 sq.m. and power not more than 34 KW.

(xviii) Business offices, including trade exchanges, ~~*[in the suburbs and extended suburbs]*~~[1].

(xix) Accessory uses, customarily incidental to any permitted principal use including storage space upto 50 per cent of the total floor area occupied for the principal use.

(xx) Aquariums.

(2) **General Conditions governing the uses permitted in a C-1 Zone**-In buildings premises or plots in a Local Commercial Zone (C-1 Zone), the uses permitted shall be subject to the following conditions:-

(a) All goods offered for sale shall be displayed within the building, and not in passages and open spaces.

(b) When the commercial zone boundary falls short of a street, the frontage along such street shall not be developed for uses which would not be permissible along such street.

(c) When the uses other than those permissible in the R-1 Zone, have an access from the side or rear open space, the width of such open space shall not be less than 7 m.

(d) In the Island City, except for uses given in items at (I), (iii), (vi) and (xviii) in sub-regulation (1) of this regulation the area of individual uses permitted shall not exceed 100 sq. m. unless specified to the contrary.

54.District Commercial Area/Zone (C-2 Zone)

~~(1) Use permitted in a District Commercial Zone (C-2 Zone):- *The following uses are permissible in C-2 zone :-*~~

~~(i) Any uses permitted in a Local Commercial area/zone (C-1 Zone); except residential use other than ancillary to the said commercial user.~~

~~(ii) Wholesale establishments only in suburbs and extended suburbs each with storage, capacity not exceeding 200 sq. m. for commodities other than those prohibited by any statute or rules.~~

~~(iii) Printing, book-binding, engraving and block making, if they are in an independent building, subject to any special conditions the Commissioner may prescribe in the interest of the adjoining development;~~

~~(iv) Public utility buildings;~~

~~(v) Headquarters of a commercial organisation or firm *[only in the suburbs and extended suburbs.]*~~[1]

(1) [User permitted in a District Commercial zone (C-2 zone)

The following user are permissible in C-2 zone –

(i) Area to the extent of 40% of permissible floor area, shall be developed for following users, as per the specification of the Corporation.

a) Wholesale Establishment.
b) Public utility building
c) Headquarters of a Commercial organization or firm.
d) Printing, book binding engraving and block making.

On the remaining 60% of the permissible floor area, uses permissible in a local Commercial Zone (C-1 Zone) shall be permissible provided that, the extent of residential use shall not exceed 30% of the remaining 60% of the permissible floor area.][3]

(2) General conditions governing the uses permitted in the C-2 Zone.-In a building premises in a District Commercial Zone (C-2 Zone), the uses permitted in sub-Regulation (1) above shall be permitted subject to the following conditions:-

(a) All goods offered for sale shall be displayed within the building and not in passages and open spaces.

(b) When the commercial zone boundary falls short of a street, the frontage along such street shall not be developed for uses which would not be permissible along such street.

(c) If the uses, excepting those permissible in the R-1 zone, derive access from the side or rear open space, the width of such open space shall not be less than 7 m.

(3) [Residential uses will be permitted in C 2 zone subject to following conditions.

a) A composite proposal of development of land for residential use and commercial use shall be submitted by the Owner / Developer.

b) The extent of residential use shall not exceed 30% of the permissible floor area.

c) Occupation certificate for residential development shall be granted only after grant of occupation certificate in regard to corresponding proportionate work in commercial user][2]

55.*Services Industries Zone (I-1 Zone)*-

(1) *Uses permissible in the Service Industries Zone (I-1 Zone) and the conditions governing such uses:* Service industries may be permitted as indicated in Table 23 hereunder in an independent designated plot or in an I-1 zone, or with the Commissioner's special permission in the R-2, C-1 and C-2 zones and subject to the limitations of area permitted, maximum number of persons to be employed, maximum permissible power requirement and the special conditions given in the said Table.

Further, watchmen's quarters, canteens and banks may be permitted within a plot, building or premises for service industries.

[ ][1] **– The words are deleted vide Government Order under No. TPB 4398/462/CR 231/98/UD-11Dt. 21.11.2000.**

[ ][2] **– The words are added vide Government Notification TPB 4397/636/CR118/97/UD-11 Dt. 05.04.2002.**

[ ] [3] **This clause was added vide sanction under section 37(2), from UDD in state Govt. under No. No. TPB 4307/2650/CR-34/2008/UD-11 Dated 4th December, 2008.**

TABLE 23

Uses permissible in Service Industries Zone (I-1) and conditions governing such uses

Serial No.	Category of Industry	Service Industry permitted subject to			Special conditions, if any
		Maximum permissible power (in KW)	Maximum permissible employment.	Maximum permissible floor area (sq.m.)	
(1)	(2)	(3)	(4)	(5)	(6)
I.	Food Products-				
	(1).Ground nut decorticators	7.5	9	50	
	(2)Grain mill for production of flour	7.5	9	50	
	(3)Manufacture of supari and masala grinding	7.5	9	50	
	(4)Manufacture of bakery products	10	25	250	(i) Fuel used shall be electricity, gas or smokeless fuel. (ii) No floor above the furnace portion (iii) Where only electric oven is used, an additional heating load of 24 KVA permitted per establishment.
	(5)Coffee curing, roasting and grinding.	1.5	9	50	
	(6)Manufacture of ice	45.0	20	250	
	(7)Sugarcane and fruit juice crashers	1.5	9	25	
	(8) Rice-hullers	7.5	9	50	
	(9)Manufacture of milk and dairy products.	7.5	9	50	
	(10)Manufacture of ice-cream and ice candy.	7.5	9	50	
II	Tobacco-				

	(11) Manufacture of bidis ..	No power to be used.	No Limit	250	
III	Textile and Textile Products-				
	(12)Embroidery and making of crepe laces and fringes.	3.75	9	50	
	(13) Manufacture of textile goods, such as wearing apparel, curtains, mosquito net, mattresses, bedding material, pillow cases, textile bags.	2.25	9	50	
	(14) Mattress making and cotton cleaning.	2.25	9	50	
IV.	Wood Products and Furnitures-				
	(15)Manufacture of wooden furniture and fixtures.	2.75	9	50	Not permitted under or adjoining a dwelling unit.
	(16)Manufacture of bamboo and cane furniture and fixtures.	2.25	9	50	Not permitted under or adjoining a dwelling unit.
V.	Paper products and Printing Publishing-				
	(17) Manufacturing of containers and boxes from paper board.	3.75	9	50	(i)Manufacture with paper pulp not permitted. (ii) No restrictions on power, number of employees, area of hours of operation shall apply if located in a building on a separate plot not less than 500 sq.m. in area and if special permission of the Commissioner is obtained.

	(18) Printing and publishing periodicals, books, journals, atlases, maps, envelopes, picture post-cards and embossing.	7.5	9	120	(i)Manufacture with paper pulp not permitted. (ii) No restrictions on power, number of employees, area or hours of operation shall apply, if located in a building on a separate plot not less than 500 sq.m. in area and if special permission of the Commissioner is obtained.
	(19) Engraving, etching, block-making etc.	7.5	9	120	
	(20) Book binding ..	7.5	9	120	
VI.	Leather products excluding tanning-				
	(21) Manufacture of leather footwear.	3.75	9	50	Manufacture of leather or leather processing not permitted.
	(22) Manufacture of wearing apparel like coats, gloves.	3.75	9	50	
	(23) Manufacture of leather consumer goods such as upholstery, suitcases, pocket books, cigarette and key cases, purses.	3.75	9	50	
	(24) Repair of footwear and other leather products.	3.75	9	50	
VII	Rubber and Plastic Products-				
	(25) Retreading, recapping and vulcanizing works.	1.5	9	50	
	(26) Manufacture of rubber balloons, hand-gloves and allied products.	1.5	9	50	
VIII	Metal products-				
	(27) Tool sharpening and razor sharpening works.	0.75	9	25	

	(28) Umbrella assembly works	0.75	9	50	
IX	Electrical Goods-				
	(29) Repairs of household electrical appliances, such as radio and television sets, tape recorders, video sets, heaters, irons, shavers, vacuum cleaner, refrigerators, air-conditioners, washing machines, electric cooking ranges, meter rewinding works.	2.25	9	50	No spray painting permitted.
	(30) Electronic industry of assembly type.	3.75	9	50	Only permitted on ground floor.
X	Transport Equipment -				
	(31) (a)Servicing of motor vehicles and motor cycles.	3.75	9	100	No floor above.
	(b) Repair of motor vehicles and motor cycles.	3.75	9	100	(i) No spray painting permitted. (ii) No floor above.
	(c)Battery charging and repairs.	5.0	6	25	
	(d) Repair of bicycles and cycle rickshaws.	3.75	6	50	
XI	Other Manufacturing and Repairs, Industries and Services-				
	(32) Manufacture of jewellery and related articles.	2.25	9	50	
	(33) Repairs of watches, clocks and jewellery.	2.25	9	50	
	(34) Manufacture of musical instruments and their repairs.	2.25	9	50	
	(35) (a) Repairs of locks, stoves, umbrellas, sewing machines, gas-burners, buckets and other sundry household equipments.	2.25	9	50	

	(b) Optical glass grinding and repairs.	2.25	3	50	
	[(36) Petrol filling stations in plot size of 30.5 m. X 16.75 m. and petrol filling and service stations in plot size of 36.5 m. X 30.5 m.	7.5	9	No limit][4]	

[ ][4] - This clause is deleted vide Government notification u/s 37(2) of M.R.&T.P.Act 1966 under NO.TPB 432001/1906/CR 62/2002/UD-11 Dt. 02.07.2002.

	[(36A) Filling stations of Petrol, Diesel, Compressed Natural Gas stations and/or any other motor vehicle fuel in plot size of 30.5 Mt x 16.75 Mt. And filling and service stations. Petrol, Diesel, Compressed Natural Gas Stations and/or any other motor vehicle fuel in plot size of 36.5 mt x 30.5 Mt. and (B) Filling stations of only Compressed Natural Gas Minimum area of plot 300 sq.mt.	(a) 15 (b) 30 per compressor (not more than 3 compressor) (c)150 per compressor (not more than 3 compressors	9 6 6	No limit No limit No Limit	(i)Quantities in (b) or (c) will be permitted for daughter booster pumping station and on line pumping station respectively over(a). (ii)Permissible power mentioned in (b) & (c) will be use exclusively for compressing and filing gas in vehicles. (iii)Special permission from Commissioner is necessary after clearance by the Maharashtra Pollution Control Board from noise pollution point of view and controller of Explosive and Chief Fire Officer and observance of such conditions as they may prescribe.][5]

	(37) Audio, taping recording, manufacture of equipment for the same and recording studio.	4.0	9	50	
	(38) Laundries, laundry services and cleaning, dyeing, bleaching and dry cleaning.	4.0	9	50	(i) Cleaning and dyeing fluid used should not have a flash point lower than a 59^0 C. (ii)Machinery having dry load capacity of 20 kg. and above.
	(39) Data Procession units with use of computer.	4.0	9	50	
	(40) Photo-processing, laboratories, Xeroxing, photocopying, video taping and their laboratories.	3.75	9	50	
	(41) Repacking and mixing of liquids, powders, pastes etc. not involving any chemical reaction which is non-hazardous in nature.	2.25	9	50	
	(42) Diamond cutting and polishing	15.0	30	120	
XII	Business /Administrative offices				
	(43)Business /Administrative offices of the Service Industry/Small Scale Industry within the same premises	----	----	50% of the area under the Service Industry/Small Scale Industry](8)	--------

Note: (1) In the R-2, C-1 and C-2 zones, the hours of the operation for the concerned industry shall be from 08 to 20 hours only.

(2) With the approval of the Corporation, the Commissioner may from time to time add to alter or amend the above Table.

[(3) Notwithstanding anything contained in these Regulations, CNG and any other motor vehicle fuel stations may be permitted in existing authorized petrol , diesel filling stations subject to any other conditions which the Commissioner may prescribe.] (6)

[55(2) : Information Technology Establishment shall be permitted in I-1 Zone and Services Industrial Estates on all plots fronting on roads having width more than 12.0 metre.] (2)

[55(3) : Business offices may be permitted on roads of width 24 mtrs and above in the Island City and 18 mtrs. and above in the suburbs and extended suburbs.](3)

[55(4)- Biotechnology units shall be permitted on all plots fronting roads having width more than 12 mt.](7)

[ ](2) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/Ud-11 Dt. 17.02.2000.

[ ](3) – New Clause added in D. C. Reg. 55 vide Government order under No. TPB 4398/1462/CR-231/98/UD-11 Dt. 21.11.2000.

[ ](5) - This clause is added vide Government notification u/s 37(2) of M.R.&T.P.Act 1966 under NO.TPB 432001/1906/CR 62/2002/UD-11 Dt. 02.07.2002.

[ ] (6) This clause is added vide Government notification u/s 37(2) of M.R.&T.P.Act 1966 under NO.TPB 432001/1906/CR 62/2002/UD-11 Dt. 02.07.2002

[ ](7) This clause is added vide orders under 37(2) of MR&TP Act, 1966 vide No.TPB /4304/2354/CR-62/07/UD-11 dated 8th May, 2007.

[ ](8) - This clause is added vide Corporation Resolution No. 923 dated 5/9/2002 and circular issued as per CHE/Gen-250/DPC of 19/05/2004.

56.*General Industries Zone:* (I-2 Zone) –

(1) *General conditions governing the uses permitted in an I-2 Zone* - The General industries Zone (I-2 Zone) includes any building or part of a building or structure in which products or materials of all kinds and properties are fabricated, assembled or processed, e.g. assembly plants, laboratories, dry-cleaning plants, power plants, pumping stations, smoke houses, laundries, gas plants, refineries, dairies and saw-mills,

(2) *Uses permitted in a General Industries Zone (I-2 Zone)* :- Buildings or premises in the General Industries Zone (I-2 Zone) may be used for any industrial and accessory uses except the following :-

(i) Any dwelling other than dwelling quarters of watchman, caretakers or other essential staff required to be maintained on the premises ;
(ii) Acetone manufacture;
(iii) Acetylene gas manufacture and storage;
(iv) Acid manufacture;
(v) Air-craft (including parts) manufacture;
(vi) Alcohol manufacture;
(vii) Ammonia manufacture;
(viii) Aniline dyes manufacture;
(ix) Arsenol manufacture;
(x) Asphalt manufacture or refining;
(xi) Automobiles, trucks and trailers (including parts) manufacture or engine re-building or motor body-building employing pneumatic riveting;
(xii) Blast furnace;
(xiii) Bleaching powder manufacture;
(xiv) Boiler works manufacture or repairs, except repairs to boilers with heating surface not exceeding 5 sq. m.
(xv) Bricks, tile or terra-cotta manufacture;
(xvi) Carbide manufacture;
(xvii) Caustic Soda and compound manufacture;
(xviii) Celluloid or cellulose manufacture or treatment and articles manufacture;
(xix) Cement manufacture;
(xx) Charcoal and fuel briquettes manufacture;
(xxi) Coke manufacturing ovens;
(xxii) Chlorine manufacture;
(xxiii) Concrete product manufacturing including concrete central mixing and proportioning plants;
(xxiv) Cotton ginning, cleaning, refining or pressing and manufacture or cotton wadding or lint, except cotton processing for the purpose of preparing mattresses.

(xxv) Creosote manufacture or treatment;
(xxvi) Disinfectant manufacture, except mixing of prepared dried liquid ingredients;
(xxvii) Distillation of bones, coal or weed;
(xxviii) Dye-stuff manufacture, except mixing of dry powders and wet mixing;
(xxix) Exterminator or pest poison manufacture except mixing of prepared ingredients;
(xxx) Emery cloth and sand-paper manufacture;
(xxxi) Explosive or fireworks' manufacture or storage, except storage in connection with retail sale;
(xxxii) Fat rendering;
(xxxiii) Fertiliser manufacture;
(xxxiv) Photographic film manufacture;
(xxxv) Flour mill with motive power exceeding 18.75 KW., grain crushing or processing mill with motive power exceeding 37.5 KW, masala grinding mill with motive power exceeding 11.25 KW., or a combination of more than one of the above mills with aggregate motive power exceeding 45 KW. and any one mill using motive power in excess of the above limits;
(xxxvi) Forges, hydraulic or mechanically operated;
(xxxvii) Garbage, offal or dead animals reduction, dumping or incineration;
(xxxviii) Gas manufacture and storage in cylinders, except manufacture of gas as an accessory to a permissible industry;
(xxxix) Glass manufacture, except manufacturing of glass products from manufactured glass;
(xl) Glue, sizing material or gelatine manufacture;
(xli) Graphite and graphite products manufacture;
(xlii) Gypsum or plastser of paris manufacture;
(xliii) Hair, felt, fur and feather-bulk-processing, washing, curing and dyeing;
(xliv) Hydrogen and oxygen manufacture;
(xlv) Industrial alcohol manufacture;
(xlvi) Printing ink manufacture;
(xlvii) Junk (iron, aluminium, magnesium or zinc), cotton-waste or rags storage and baling;
(xlviii) Jute, hemp, sisal, coir and cokum products manufacture;
(xlix) Lime manufacture;
(l) Match manufacture;
(li) Lamp, black, carbon black or bone black manufacture;
(lii) Metal foundries with an aggregate capacity exceeding 10 tonnes a day;
(liii) Metal processing (including fabrication and machinery manufacture) factories employing such machine tools or process as a power hammer forging matching, pneumatic drilling or riveting, sheet working with heavy sledge hammers, or processes expressly prohibited herein.
(liv) Metal finishing, enameling, anodizing, japanning, plating, galvanising, lacquering grinding, polishing, rust-proofing and heat treatment;
(lv) Paint, oil, shellac, turpentine or varnish manufacture, except manufacture of edible oils;
(lvi) Oil-cloth or linoleum manufacture, except water-proofing of paper or cloth.
(lvii) Papers, card-board or pulp manufacture;
(lviii) Petroleum or its products, refining or wholesale storage;
(lix) Plastic materials and synthetic resins' manufacture;
(lx) Pottery or ceramic manufacture, other than the manufacture of handicraft products;
(lxi) Potash works;
(lxii) Pyrexilin manufacture or products;
(lxiii) Rolling mills;
(lxiv) Rubber (natural or synthetic) or gutta-percha manufacture, except manufacture of latex goods and small rubber products and synthetic-treated fabrics, such as washers, gloves, footwear, bathing-caps, atomizers, hoses, tubings, wire insulation, toys and balls, but including manufacture of tyres and tubes;
(lxv) Salt works, except manufacture of common salt from sea water;
(lxvi.) Sand, clay or gravel quarrying;
(lxvii.) Smelting, reduction, refining and alloying of metal and metal ores except of rare and precious metals;
(lxviii.) Soap manufacture, other than cold mix;
(lxix.) Soda and compound manufacture;
(lxx.) Starch, glucose or dextrose manufacture;

(lxxi.) Stock-yard or slaughter of animals or fowls, except the slaughter of fowls incidental to retail business;
(lxxii.) Stone-crushing and quarrying;
(lxxiii.) Shoe polish manufacture;
(lxxiv.) Sugar manufacture or refining;
(lxxv.) Tallow, grease or lard manufacture;
(lxxvi.) Tanning, curing or storage of raw hides or skins;
(lxxvii.) Tar distillation or manufacture;
(lxxviii.) Tar products' manufacture;
(lxxix.) Textiles' manufacture, excepting manufacture of rope , bandage, net and embroidery using electric power upto 37.5 KW.;
(lxxx.) Vegetable oil manufacturing and processing plants ;
(lxxxi.) Wood and timber , bulk processing and wood working including saw-mills and planning mills, excelsior plywood and veneer and wood preserving treatment , except the manufacture or wooden articles with saw or planning machines;
(lxxxii.) Wax products' manufacture from paraffin;
(lxxxiii.) Wool-pulling or scouring;
(lxxxiv.) Yeast Plant;
(lxxxv.) In general, those uses which may be offensive by reason of emission of odour liquid effluvia, dust, smoke, gas noise, vibration or fire hazards.

(3) Notwithstanding anything contained above.-

(a) Service industries and service industrial estates shall be permissible in the General Industries Zone (I-2 Zone).

(b) With the previous approval of Commissioner and on such conditions as deemed appropriate by him, the existing or newly built-up area of unit, in the General Industrial Zone (Zone I-2), (including industrial estates) excluding that of cotton textile mills, may be permitted to be utilised for an office of commercial purposes ~~*[in the suburbs and extended suburbs or for commercial purposes (excluding offices) in the Island City]*~~[(2)], as a part of a package of measures recommended by the Board of Industrial and Financial Reconstruction (BIFR), Financial Institutions and Commissionerate of Industries for the revival/rehabilitation of potentially viable sick industrial units.

(c) With the previous approval of the Commissioner, any open land or lands or industrial lands in the General Industrial Zone, (I-2 Zone) (including industrial estates), excluding lands of cotton textile mills, may be permitted to be utilised for any of the permissible users in the Residential Zone (R-1 Zone) or the Residential Zone with shop line (R-2 Zone) or for those in the Local Commercial Zone (C-1 Zone) subject to the following :

~~[(i) The layout or sub-division of such land shall be approved by the Commissioner, who will ensure that the requisite land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post and such other amenities, as may be considered necessary, will be provided therein ; and~~
~~(ii) In such lay outs or sub-divisions, each more than 2 ha. in area, amenities and facilities shall be provided as required by these Regulations.~~

~~These areas will be addition to those to be earmarked for public utilities and amentias in accordance with clause (c) (i) above and in addition to the recreational space as is required to be provided under these Regulations and further 10 per cent shall be provided as additional recreational space.~~
~~(iii) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercial purposes.~~
~~(iv) Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.~~
~~(v) Provision for public utilities and amentias shall be considered to be reservations in the development plan and Transferable Development Rights as in Appendix VII shall be available for such reservations.]~~[(5)]

[(i) The conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner,

Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. 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 Labour Commissioner. However, in respect of any open land in the industrial zone, where industry never existed, NOC from Labour Commissioner is not required.

The layout or sub division of such land shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.

(ii) In such layouts or sub divisions having areas more than 2 Ha. but less than 5 ha., 20% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post garden, playground, school dispensary and such other amenities shall be provided.

In such layout or sub division each more than 5ha. in area, 25% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post garden, playground, school dispensary and such other amenities shall be provided.

Provided that atleast 50% of the amenity space shall be designated as open space reservation.

These areas will be in addition to the recreational space as required to be provided under regulation No.23.

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

(iv) Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.

(V) Provision for public utilities, amenities and open space shall be considered to be reservation in the development plan and Transferable Development Rights as in Appendix VII or FSI of the same shall be available for utilization on the remaining land. Provided that public utility and amenity plots shall not be developed as per Regulation 9.

Note:

I. Conversion from industrial zone to residential/commercial zone shall be applicable to the part area of land holding subject to the condition that total area of the entire land holding shall be considered for deciding the percentage of and to be reserved of the said part area of land for public amenity spaces, as per the said Regulation. However, necessary segregating distance shall be provided from industrial use.

II. In the layout, where Development Plan has provided any reservations,

A. If the area under Development Plan reservation is less than the required area of public amenity space as per the said Regulation, then only the difference between the area shall be provided for public amenity spaces.

B. If the area under Development Plan reservation is more than the required area of public amenity spaces as per the said regulation, then the provision for public amenity spaces is not necessary.

III. 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 upto 50 sq.mt.][(6)]

56. (3)(c)(vi)

[If the development is already in progress as per clarification vide letter No. TPB 4393/1957/CR-230/UD-11 dated 20/10/1995 and if full occupation certificate has not been granted, then the land owners/developer may convert the proposal in accordance with the provisions of notification dated 14/5/07 subject to following conditions :

Conditions :

1) **The revised provisions will be applicable in toto. The benefit of both old and revised regulations shall not be allowed.**
2) **The benefit of revised regulations will be applicable only in the cases where (a) full occupation certificate has not been granted and (b) required amenity space or D.P. reservations, if any, has not been handed over to the Corporation.] (4)**

(d) With the previous approval of the Commissioner, and subject to such terms as may be stipulated by him, open land in existing industrially zoned land or space, excluding land or space of cotton textile mills, which is unoccupied or is surplus to requirement of the industry's use may be permitted to be utilised for office or commercial purposes ~~*[in the suburbs and extended suburbs or for commercial purposes (excluding offices) in the Island City,]*~~ (2) but excluding warehousing.

(e) With the special written permission of the Commissioner, isolated small open plots upto one hectare in size which are allocated for industrial purposes and situated predominantly in the residential zone (excluding the plots of cotton textile mills) may be permitted to be used for any permissible users in Residential Zone (R-1 Zone) or the Residential Zone with shopline(R 2 zone).

[ ](2) – These words are deleted vide Government Order Under No. TPB 4398/1462/CR231/98/UD-11 Dt. 21.11.2000.

[ ] (6) This clause was inserted vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB 4304/2770/CR-312/04/UD-11: Dated the 14th May, 2007.

[ ] (5)—This clause was replaced vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB 4304/2770/CR-312/04/UD-11: Dated the 14th May, 2007

[ ](4)This clause was added vide Govt. sanction under section 37(2) of MR&TP act, 1966 under number TPB/4304/2770/CR312/04/UD-11 dated 31st August, 2009.

[(f) – Information Technology Establishment shall be permitted on all plots fronting on roads having width more than 12 mtres.][(1)]

[(g) – Biotechnology units shall be permitted on all plots fronting roads having width more than 12 mt.][(3)]

(4).Other uses in the General Industrial Zone (I-2 Zone) -- If a plot in the General industrial Zone (I-2) becomes unbuildable for industrial uses because of any restriction in the Industrial Location Policy or restrictions regarding segregating distances as provided under these Regulations, the following uses may be permitted on such a plot; with the written permission of the Commissioner :-

(i.) Petrol pumps and service stations;
(ii.) Parking lots;
(iii.) Electric sub-stations;
(iv) Non-residential buildings, offices for public utility concerns or organizations *[in the suburbs and extended suburbs;]*[(2)]
(v) Branches of banks, including safe deposit vaults *[(except that their area in each case shall not exceed 400 sq.m. in the Island City)]*[(2)], telephone exchanges, police stations, Government and semi-Government offices, *[only in the suburbs and extended suburbs,]* [(2)] municipal sub-offices, fire stations, posts and telegraph offices;
(vi) Hotels each with not more than 50 rooms;
(vii) Convenience shops, department stores, tea stalls etc.
(viii) Restaurants;
(ix) Warehouses in the suburbs or extended suburbs only;

With the prior approval of the Government, the Commissioner may alter, amend or add to the list of the above users.

57.*Special Industries Zone (I-3 Zone)* –(1) General conditions governing the uses permitted in an I-3 Zone- The Special Industrial Zone (I-3 Zone) includes any building or part of a building which is used for the storage, handling, manufacturing or processing or highly combustible of explosive materials or products which are liable to burn with extreme rapidity of which may produce poisonous fumes or explosions; for storage, handling, manufacturing or processing which involve highly corrosive, toxic or various alkalis, acids or other liquid, or chemicals producing flames, fumes and explosive, poisonous, irritant or corrosive gases; or for the storage, handling or processing of any material producing explosive mixtures of dust or

which result in the division of matter into fine particles capable of spontaneous ignition.

Examples of buildings in this class are those used for :-

(a) Storage, under pressure of more than 1 kg/cm^2 and in quantities exceeding 70 cubic meters (m3) of acetylene, hydrogen, illuminating and natural gases, ammonia, chlorine phosgene, sulphur-di-oxide, methyl oxide, carbon-di-oxide and all gases subject to explosion, fume or toxic hazard ;
(b) Storage and handling of hazardous and highly inflammable liquids;
(c) Storage and handling of hazardous highly inflammable or explosive materials, other than liquids;
(d) Manufacture of synthetic leather, ammunition, explosives and fire works.

(2) Uses permitted in a special Industries zone (I-3 Zone) **:-** Buildings or premises in the Special Industries zone (I-3 Zone) may be used for industrial and warehousing purposes, except as stipulated in sub Regulation (4) of this Regulation.

[ ](1) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/Ud-11 Dt. 17.02.2000.

[ ](2) – These words are deleted vide Government Order Under No. TPB 4398/1462/CR231/98/UD-11 Dt. 21.11.2000.

[ ] (3) This clause is added vide orders under 37(2) of MR&TP Act, 1966 vide No.TPB /4304/2354/CR-62/07/UD-11 dated 8th May, 2007

(3) Additional restrictions on certain types of industries :- The following types of industries however, shall require the special permission of the Commissioner and to minimize nuisance and other environmental hazards, he may prescribe additional restrictions like increased minimum plot size, additional marginal open space within the plot boundary :-

(i) Acids like sulphurous, sulphuric, citric, nitric, hydrochloric or other corrosive types including manufacture or their use of storage except as accessory to a permitted industry;
(ii) Alcohol ammonia and acetone manufacture;
(iii) Blast furnace;
(iv) Bleaching powder manufacturer;
(v) Cellulose manufacture and manufacture of similar explosives or inflammable products;
(vi) Cellulose manufacture or treatment;
(vii) Cement manufacture;
(viii) Chlorine manufacture;
(ix) Dyestuff manufacture;
(x) Explosive or inflammable products manufacture;
(xi) Fat rendering;
(xii) Fat, tallow, grease or lard refining or manufacturing;
(xiii) Fertilizer manufacture form organic materials;
(xiv) Explosives fireworks - storage or manufacture;
(xv) Gelatin or glue manufacture, or processes, involving recovery from fish or animal offal.
(xvi) Gypsum, plaster or plaster of Paris manufacture;
(xvii) Lime manufacture;
(xviii) Match manufacture;
(xix) Offal, dead animals garbage or refuse dumping, incineration and reduction or commercial basis or the establishment of loading and transfer platforms, except where restricted, regulated or controlled by Government or Municipal authorities having the power to restrict, regulate or control them;
(xx) Paraffin wax products manufacture including candles;
(xxi) Photographic films manufacture;
(xxii) Pyroxylin manufacture;
(xxiii) Smelting of aluminum, magnesium, tin, copper, zinc or iron;
(xxiv) Tar distillation or manufacture;
(xxv) Turpentine, varnish or size-manufacture or refining ;
(xxvi) Diamond cutting and polishing;

(4) Notwithstanding anything contained above-

(a) Service industries and service industrial estates shall be permissible in the Special Industries Zone (I-3 Zone).

(b) With the previous approval of the Commissioner and on such conditions as deemed appropriate by him, the existing or newly built-up area of units in the Special Industrial Zone (Zone I-3) (including industrial estates), excluding that of cotton textile mills, may be permitted to be utilised for an office or commercial purposes ~~*[in the suburbs and extended suburbs, or for commercial purposes (excluding offices) in the Island City]*~~[4], as a part of a package measures recommended by the Board of Industrial and Financial Reconstruction (BIFR), Financial Institutions and Commissionerate of Industries for the revival/rehabilitation of potentially viable sick industrial units.

(c) With the previous approval of Commissioner, any open land or lands or industrial lands in the Special Industrial Zone (1-3 Zone) (including industrial estate), excluding lands of cotton textile mills, may be permitted to be utilised for any of the permissible users in Residential Zone (R-1 Zone) the or Residential Zone with shop line (R-2 Zone) or for those in the Local Commercial Zone (C-1 Zone) subject to the following:-

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[ ][4] - The words are deleted in reg. 57 vide Government Notification No. TPB 4398/1462/CR-231/98/UD-11 Dt. 21.11.2000 u/s. 37(2) of MR&TP Act 1966.

~~(i) [The layout or sub-divisions of such land shall be approved by the Commissioner, who will ensure that the requisite land for public utilities and amenities like electric sub-station, bus station, sub-post office, police out post and such other amenities as may be considered necessary, will be provided therein ; and~~

~~(ii) In such lay outs or sub divisions each more than 2 ha. in area, amenities and facilities shall be provided as required by these Regulations.~~

~~These areas will be in addition to those to be earmarked for public utilities and amenities in accordance with clause (c) (i) above and the recreational space as is required to be provided under these Regulations and further 10 per cent shall be provided as additional recreational space.~~

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

~~(iv) Such residential or local commercial development shall be allowed with the permissible FSI of the nearby residential or commercial zone.~~

(v) ~~Provision for public utilities and amenities shall be considered to be reservations in the development plan and Transferable Development Right as in Appendix VII shall be available for such reservations~~.][5]

[(i) The conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. 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 Labour Commissioner. However, in respect of any open land in the industrial zone, where industry never existed, NOC from Labour Commissioner is not required.

The layout or sub division of such land shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like

electric, sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.

(ii) In such layouts or sub divisions having areas more than 2 Ha. but less than 5 ha., 20% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post garden, playground, school dispensary and such other amenities shall be provided.

In such layout or sub division each more than 5ha. in area, 25% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post garden, playground, school dispensary and such other amenities shall be provided.

Provided that atleast 50% of the amenity space shall be designated as open space reservation.

These areas will be in addition to the recreational space as required to be provided under regulation No.23.

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

(iv) Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.

(V) Provision for public utilities, amenities and open space shall be considered to be reservation in the development plan and Transferable Development Rights as in Appendix VII or FSI of the same shall be available for utilization on the remaining land. Provided that public utility and amenity plots shall not be developed as per Regulation 9.

Note:

I. Conversion from industrial zone to residential/commercial zone shall be applicable to the part area of land holding subject to the condition that total area of the entire land holding shall be considered for deciding the percentage of and to be reserved of the said part area of land for public amenity spaces, as per the said Regulation. However, necessary segregating distance shall be provided from industrial use.

II. In the layout, where Development Plan has provided any reservations,

A. If the area under Development Plan reservation is less than the required area of public amenity space as per the said Regulation, then only the difference between the area shall be provided for public amenity spaces.

B. If the area under Development Plan reservation is more than the required area of public amenity spaces as per the said regulation, then the provision for public amenity spaces is not necessary.

III. 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 upto 50 sq.mt.][6]

57. (4)(c)(vi)

[If the development is already in progress as per clarification vide letter No. TPB 4393/1957/CR-230/UD-11 dated 20/10/1995 and if full occupation certificate has not been granted, then the land owners/developer may convert the proposal in accordance with the provisions of notification dated 14/5/07 subject to following conditions :

Conditions :

3) The revised provisions will be applicable in toto. The benefit of both old and revised regulations shall not be allowed.

4) The benefit of revised regulations will be applicable only in the cases where (a) full occupation certificate has not been granted and (b) required amenity space or D.P. reservations, if any, has not been handed over to the Corporation.] (8)

(d) With the previous approval of the Commissioner , and subject to such terms as may be stipulated by him, open land in existing industrially zoned land or space, excluding land or space of cotton textile mills, which is unoccupied or surplus to requirement of the industry's use may be permitted to be utilised for office or commercial purposes ~~*[or for commercial purposes (excluding offices) in the Island City]*~~ (4) but excluding warehousing.

(e) With the special written permission of the Commissioner, isolated small open plots upto one hectare in size allocated for industrial purposes and situated predominantly in the residential zone (excluding the plots of cotton textile mills), may be permitted to be used for any permissible users in Residential Zone (R-1 Zone) or the Residential Zone with shop line (R-2 Zone).

(f) [Information Technology Establishment shall be permitted on all plots fronting on roads having width more than 12 metre](2)

(g) - [Biotechnology units shall be permitted on all plots fronting roads having width more than 12 mt](3)

[ ] (2) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/Ud-11 Dt. 17.02.2000.

[ ](4) - The words are deleted in reg. 57 vide Government Notification No. TPB 4398/1462/CR-231/98/UD-11 Dt. 21.11.2000 u/s. 37(2) of MR&TP Act 1966.

[ ] (3) This clause is added vide orders under 37(2) of MR&TP Act, 1966 vide No.TPB /4304/2354/CR-62/07/UD-11 dated 8th May, 2007

[ ] (6) This clause was inserted vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB 4304/2770/CR-312/04/UD-11: Dated the 14th May, 2007.

[ ] (5)—This clause was replaced vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB 4304/2770/CR-312/04/UD-11: Dated the 14th May, 2007

[ ](8)This clause was added vide Govt. sanction under section 37(2) of MR&TP act, 1966 under number TPB/4304/2770/CR312/04/UD-11 dated 31st August, 2009.

(5). *Other uses in the Special Industries Zone (I-3 Zone).*-If a plot in the Special Industrial zone (I-3 Zone) becomes unbuildable for industrial use because of any restrictions in the Industrial Location Policy or restrictions regarding segregating distance as provided under these Regulations, the following uses may be permitted on such a plot with the special permission of the Commissioner :--

(i) Petrol-pumps and service stations ;
(ii) Parking lots ;
(iii) Electric sub-stations ;

(iv) Non-residential building, offices for public utility concerns or organisations ~~*[only in the suburbs and extended suburbs]*~~ (4)

(v) Branches of banks including safe deposit vaults ~~*[(except that the area in each case shall not exceed 400 sq. m. in the Island City)]*~~ (4), telephone exchanges, police stations, Government and Semi-Government offices~~*[in the suburbs and extended suburbs only]*~~ (4) municipal sub-offices, fire stations and posts and telegraph offices.

(vi) Hotels each with not more than 50 rooms ;
(vii) Convenience shops, department stores, tea stalls etc. ;
(viii) Restaurants ;
(ix) Warehouses only in the suburbs and extended suburbs.

With the prior approval of the Government, the Commissioner may alter, amend or add to the list of the above users.

57A [Notwithstanding anything contained in these Regulations, new offices or expansions of existing offices in new buildings or reconstructed buildings or existing buildings or additions to the existing buildings may be permitted in Residential Zone with shop line (R-2), Commercial Zone (C-1 & C-2) and Industrial Zone (I-1,I-2&I-3)situated in the Island City subject to the following conditions :

(a) adequate parking space as required under these Regulations is provided;
(b) in case of development in R-2 Zone on independent plots, 100 per cent built up space can be utilized for office use, provided that no mixed

user may be permitted where the office use exceeds 30%;

(c) In case of development in R-2 Zone comprising of mixed users, the built up area for office use shall be restricted to 30% of the total permissible built up area provided that the same shall be segregated from residential user by a separate building or separate wing or on separate floor accessible by independent staircase;

(d) Reconstruction of existing office stock located in old buildings may be allowed at consumed FSI or permissible FSI, whichever is more;

(e) Office use may be permitted in Slum Redevelopment Schemes undertaken as per the provisions of these Regulations, both in the Island City and the rest of Mumbai. However, the extent of office use shall be limited to the floor area available for free sale.][3]

[ ] [3] – New Regulations 57 A is added after Regulations No. 57 vide Government Notification No. TPB 4398/1462/CR-231/98/UD-11 Dt. 21.11.2000.u/s. 37(2)of MR&TP Act 1966.

[ ][4] - The words are deleted in reg. 57 vide Government Notification No. TPB 4398/1462/CR-231/98/UD-11 Dt. 21.11.2000 u/s. 37(2) of MR&TP Act 1966.

58.*Development or redevelopment of lands of cotton textile mills*.-

~~*[(1)Lands of sick and / or closed cotton textile mills.-With the previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and built-up area of the premises of a sick and/or closed cotton textile mill and on such conditions deemed appropriate and specified by him and as a part of a package of measures recommended by the Board of Industrial and Financial Reconstruction (BIFR)], Financial Institutions and Commissionerate of Industries for the revival/rehabilitation of a potentially viable sick mill, the Commissioner may allow :*~~

~~*(a) The existing or newly built-up areas to be utilised-*~~

~~*(i) for the same cotton textile or related user subject to permissible FSI and observance of all other Regulations ;*~~

~~*(ii) for diversified industrial users in accordance with the industrial location policy, with office space only ancillary to and required for such users, subject to FSI of 1.00 and observance of all other Regulations ;*~~

~~*(iii) for commercial purposes, as permitted under these Regulations :*~~

~~*Provided that in the Island City, the area used for office purposes shall not exceed that used earlier for the same purpose.*~~

~~*(b) Open lands and lands after demolition of existing structures in case of a redevelopment scheme to be used as in the Table below:-*~~

Serial No.	Extent	Percentage to be earmarked for Recreation Ground/Garden /Playground or any other open user as specified by the Commissioner	Percentage to be earmarked and handed over for development by MHADA/ public sector undertakings	Percentage to be earmarked and to be developed for residential or commercial user to be developed by the owner
(1)	(2)	(3)	(4)	(5)
1	Upto and inclusive of 5 Ha.	33	27 (to be developed by MHADA for Public Housing)	40
2	Between 5Ha and upto 10 Ha.	33	34 (out of which 50 per cent to be developed by MHADA for Public Housing and remaining 50 per cent to be developed by public sector undertakings for their housing to be developed according to normal Regulations)	33

3	Over 10 Ha.	33	37 (out of which 50 percent to be developed by MHADA for public Housing and remaining 50 per cent to be developed by public sector undertakings for their housing to be developed according to normal Regulations.)	30

Note.-(i) In addition to the land to be earmarked for recreation ground/garden/playground or any other open user as in column (3) of the above Table, open spaces, public amenities and utilities for the lands shown in columns (4) and (5) of the above Table as otherwise required under these Regulations shall also be provided.

(ii) Segregating distance as required under these Regulations shall be provided within the lands intended to be used for residential / commercial purposes.

(iii) The owner of the land will be entitled to Development Rights in accordance with the Regulations for grant of Transferable Development Rights as in Appendix VII only in respect of the lands earmarked for open spaces in column (3) of the above Table and for the lands earmarked and handed over to MHADA for Public Housing as in column (4) of the above Table.

(2) Lands of cotton textile mills for purpose of modernization.- With the previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and/or built-up area of the premises of a cotton textile mill which is not sick or closed, but requiring modernisation on the same land as approved by the competent authorities, such development or redevelopment shall be permitted by the Commissioner, subject to the condition that it shall also be in accordance with scheme approved by Government provided that the Government shall ensure that when the open land allowed to be uitilised or developed exceeds 15 per cent of the total open land and space then it is developed or utilised in accordance with clauses (a) and (b) of Sub-regulation (1) of this Regulation.

(3) Lands of cotton textile mills after shifting.-If a cotton textile mill is to be shifted out side Greater Mumbai but within the State, with due permission of the competent authorities, and in accordance with a scheme approved by Government, the provisions of sub-clauses (a) and (b) of sub-regulation (1) of this Regulation shall also apply in regard to the development or redevelopment of its land after shifting.

(4) The condition of recommendation by the Board of Industrial and Financial Reconstruction (BIFR) shall not be mandatory in the case of the type referred to in sub-regulation (2) and (3) above.][1]

[ ] [1] : Old Regulations 58 was modified vide Government of Maharashtra Gazette No. TPB 4230/516/CR-50/2000/Part-II/UD-11.Dt. 20.03.2001 and modified text of the regulation is as under.

Text of Modified Regulation 58

58) Development or redevelopment of lands of cotton textile mills---

[(1) Lands of sick and / or closed cotton textile mills.-With the previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and built-up area [~~of the premises~~](5) of a sick and/or closed cotton textile mill and on such conditions deemed appropriate and specified by him and as a part of a package of measures recommended by the Board of Industrial and Financial Reconstruction (BIFR) for the revival/rehabilitation of a potentially viable sick and/or closed mill, the Commissioner may allow:-

(a) The existing built-up areas to be utilised-

(i) For the same cotton textile or related user subject to observance of all other Regulations;

(ii) For diversified industrial user in accordance with the industrial location policy, with office space only ancillary to and required for such users, subject to and observance of all other Regulations;

(iii) For commercial purposes, as permitted under these Regulations;

(b) Open lands and balance FSI shall be used as in the Table below:-

Serial No.	Extent	Percentage to be earmarked for Recreation Ground/Garden/ Playground or any other open user as specified by the Commissioner	Percentage to be earmarked and handed over for development by MHADA for Public Housing / for mill worker's housing as per guidelines approved by Government, to be shared equally	Percentage to be earmarked and to be developed for residential or commercial user (including users permissible in residential or commercial zone as per these Regulations) or diversified Industrial users as per Industrial Location Policy, to be developed by the owner
(1)	(2)	(3)	(4)	(5)
1	Upto and inclusive of 5 Ha.	33	27	40
2	Between 5Ha and upto 10 Ha.	33	34	33
3	Over 10 Ha.	33	37	30

Notes-

(i) In addition to the land to be earmarked for recreation ground/garden/playground or any other open user as in column (3) of the above Table, open spaces, public amenities and utilities for the lands shown in columns (4) and (5) of the above Table as otherwise required under these Regulations shall also be provided.

(ii) Segregating distance as required under these Regulations shall be provided within the lands intended to be used for residential/commercial users.

(iii) The owner of the land will be entitled to Development Rights in accordance with the Regulations for grant of Transferable Development Rights as in Appendix VII in respect of lands earmarked and handed over as per column (4) of the above Table. Notwithstanding anything contained in these Regulations, Development Rights in respect of the lands earmarked and handed over as per column (3) shall be available to the owner of the land for utilization in the land as per Column (5) or as Transferable Development Rights as aforesaid.

(iv) Where FSI is in balance but open land is not available, for the purposes of column (3) and (4) of the above Table, land will be made open by demolishing the existing structures to the extent necessary and made available accordingly.

(v) Where the lands accruing as per Columns (3) & (4) are, in the opinion of the Commissioner, of such small sizes that they do not admit of separate specific uses provided for in the said columns, he may, with the prior approval of Government, earmark the said lands for use as provided in Column (3);the commissioner may allow any other Recreation Ground Lands for any Mills received as Municipal Corporation of Greater Mumbai's share of Mill land as per column no. (3), to be earmarked for MHADA in exchange of such plots, for using as per column no. (4), with the prior approval of the Government.(17032015)

(vi) It shall be permissible for the owners of the land to submit a composite scheme for the development or redevelopment of lands of different cotton textile mills, whether under common ownership or otherwise, upon which the lands comprised in the scheme shall be considered by the Commissioner in an integrated manner.

(vii) [Notwithstanding anything above, the layout of mill land shall be submitted by the mill owner within six months of closure of the mill or within six months of this modification whichever is later and the lands earmarked for MHADA & Recreation Ground shall be handed over to the concerned Authority immediately after the approval of layout](10)

(2) Lands of cotton textile mills for purpose of modernization.- With previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and/or built-up area of the premises of a cotton textile mill which is not sick or closed, but requiring modernisation on the same land as approved by the competent authorities, such development or redevelopment shall be permitted by the Commissioner, subject to the condition that it shall also be in accordance with scheme approved by Government, provided that, with regards to the utilization of built up area, the provisions of clause (a) of sub-Regulation (1) of this Regulation shall apply and, if the development of open lands and balance FSI exceeds 30 per cent of the open land and balance FSI, the provisions of clause (b) of Sub-Regulations (1) of this Regulations shall apply.

Notes--

(i) The exemption of 30 per cent as specified above may be availed of in phases, provided that, taking into account all phases, it is not exceeded in aggregate.

(ii) In the case of more than one cotton textile mill owned by the same company, the exemption of 30% as specified above may be permitted to be consolidated and implemented on any of the said cotton textile mill lands within Mumbai provided, and to the extent, FSI is in balance in the receiving mill land.

(3) Lands of cotton textile mills after shifting--If a cotton textile mill is to be shifted out side Greater Mumbai but within the State, with due permission of the competent authorities, and in accordance with a scheme approved by Government, the provisions of sub-clauses (a) and (b) of Sub-Regulation (1) of this Regulation shall also apply in regard to the development or redevelopment of its land after shifting.

(4) The condition of recommendation by the Board of Industrial and Financial Reconstruction (BIFR) shall not be mandatory in the case of the type referred to in sub-Regulations (2) and (3) above.

(5) Notwithstanding anything contained above, the Commissioner may allow additional development to the extent of the balance FSI on open lands or otherwise by the cotton textile mill itself for the same cotton textile or related user.

(6) With the previous approval of the Commissioner to a layout prepared for development or redevelopment of the entire open land and / or built up area of the premises of a cotton textile mill which is either sick and / or closed or requiring modernisation on the same land, the Commissioner may allow:--

(a) Reconstruction after demolition of existing structures limited to the extent of the built up area of the demolished structures, including by aggregating in one or more structures the built up areas of the demolished structures;

(b) Multi-mills aggregation of the built up areas of existing structures where an integrated scheme for demolition and reconstruction of the existing structures of more than one mill, whether under common ownership or otherwise, is duly submitted, provided that FSI is in balance in the receiving mill land.

(7) Notwithstanding anything contained above---

(a) if and when the built up areas of a cotton textile mill occupied for residential purposes as on the 1st of January, 2000 developed or redeveloped, it shall be obligatory on the part of the land owner to provide to the occupants in lieu of each tenement covered by the development or redevelopment scheme, free of cost, an alternative tenement of the size of 225 sq. ft. carpet area; [Provided that no such occupants shall be evicted till such time, he/she is provided with alternative accommodation of the size 225 sq. ft. carpet area in such development or redevelopment scheme.][(3)]

~~[For reconstruction / redevelopment to be undertaken by landlord / or Co-Op. Housing Society of Occupiers in respect of residential buildings / Chawls located on the lands of Cotton Textile Mills , the following conditions shall apply.~~

~~i. In case of redevelopment of buildings occupying part of larger holding, the notional area of plot on the basis of permissible FSI and the total built up area of the building shall be computed and thereafter considering such notional area of the plot, FSI equivalent to difference in the FSI required for rehabilitation of existing occupants and the existing FSI of the occupants shall be granted as additional incentive FSI.~~

~~ii. Each occupant shall be rehabilitated and given the carpet area of 20.90 sq. mt. or the existing carpet area occupied by him whichever is more subject to a maximum carper area upto 70 sq. mt.~~

~~iii. All the occupants of the old building shall be re-accommodated in the redeveloped building.~~

~~iv. The list of occupants and area occupied by each of them in the old building shall be certified by MHADA.]~~ (6)

[For reconstruction/redevelopment to be undertaken by landlord/or Co-op. Housing society of occupiers in respect of residential buildings/chawls located on the lands of Cotton Textile Mills, the following conditions shall apply.

i) In case of redevelopment of buildings occupying part of larger holding, the notional area of plot on the basis of permissible FSI and the total built up area of the building shall be computed and thereafter considering such notional area of the plot, FSI of 4.0 shall be allowed.

ii) The FSI computation of 4.00 shall be as follows :

Rehab area shall be the total built up area required for rehabilitation of all the occupants of residential buildings/chawls with the carpet area of 27.88 sq.mt. each. In case of authorized non-residential occupier existing on 1st January, 2000 the area to be given in the reconstructed building will be equivalent to the area occupied in the old building.
Difference between FSI 4.00 and FSI used for rehabilitation of existing occupants shall be used and shared as follow :
a) Available difference shall be divided into two parts in a ratio of 1:40.

b) Out of these two parts, 1.00 shall be constructed by the mill owners in the form of additional tenements having 27.88 sq.mt. carpet area each and shall be handed over to MHADA/Government and to be used for rehabilitation of mill workers.

c) The mill owners shall be entitled for FSI of above 0.4 part as stated in (a) in lieu of construction done and handed over to MHADA/Government.

d) Construction for rehabilitation of all the occupants of residential buildings/chawls shall be done by mill owner. No incentive FSI against such construction shall be
iii) All the occupant of the old building shall be re-accommodated in the redeveloped building.

iv) In case of the case building, the list of occupants and area occupied by each of them in the old building shall be certified by Mumbai Repairs and Reconstruction Board and for other building it shall be certified by Municipal Corporation of Gr. Mumbai.

v) In case of dispute the matter shall be referred to the Monitoring Committee and the decision of the committee shall be binding on all parties.

vi) An amount of Rs. 20.000/- per tenement have to be deposited by developer as a corpus fund with the society of the occupants at the time of completion of construction, for maintenance of the buildings.

vii) Notwithstanding any thing contained in these Regulation, the relaxations incorporated in regulation No. 33(3) of these regulations and amended from time to time, shall apply.][7]

(b) if and when a cotton textile mill is shifted or the mill owner establishes a diversified industry, he shall offer on priority in the relocated mill or the diversified industry, as the case may be, employment to the worker or at least one member of the family of the worker in the employ of the mill on the 1st January 2000 who possesses the requisite qualifications or skills for the job;

(c) for purposes of clause (b) above, the cotton textile mill owner shall undertake and complete training of candidates for employment before the recruitment of personnel and starting of the relocated mill or diversified industry takes place.

(d) Notwithstanding anything contained above, if and when a cotton textile mill is taken up for development / redevelopment for any industrial/commercial purposes, the mill owner or the developer or the occupier of the premises shall on priority provide employment to the worker or at least one member of the family of the worker in the employ of the mill on the 1st January, 2000 who possesses the requisite qualifications or skills for the job.][9]

(8)(a) Funds accruing to a sick and/or closed cotton textile mill or a cotton textile mill requiring modernisation or a cotton textile mill to be shifted, from the utilisation of built up areas as per clause (a) of Sub-Regulations (1) and as per clauses (a) and (b) of Sub-Regulations (6) or from the sale of Transferable Development Rights in respect of the land as per columns (3) & (4) of the Table contained in clause (b) of Sub-Regulations (1) or from the development by the owner of the land as per column (5), together with FSI on account of the land as per column(3), shall be credited to an escrow account to be operated as hereinafter provided.

(b) The funds credited to the escrow account shall be utilised only for the revival / rehabilitation or modernisation or shifting of the cotton textile mill, as the case may be, provided that the said funds may also be utilised for payment of workers dues, payments under Voluntary Retirement Schemes (VRS), repayment of loans of banks and financial institutions taken for the revival / rehabilitation or modernisation of the cotton textile mill or for its shifting outside Greater Mumbai but within the State.

(9)(a) In order to oversee the due implementation of the package of measures recommended by the Board of Industrial and Financial Reconstruction (BIFR) for the revival / rehabilitation of a potentially sick and / or closed textile mill, or schemes approved by Government for the modernisation or shifting of cotton textile mills, and the permissions for development or redevelopment of lands of cotton textile mills granted by the Commissioner under this Regulations, the Government shall appoint a Monitoring Committee under the chairmanship of a retired High Court Judge with one representative each of the cotton textile mill owners, recognised trade union of cotton textile mill workers, the Commissioner and the Government as members.

(b) The Commissioner shall provide to the Monitoring Committee the services of a Secretary and other required staff and also the necessary facilities for its functioning.

(c) Without prejudice to the generality of the functions provided for in clause (a) of this Sub-Regulation, the Monitoring Committee shall:--

(i) lay down guidelines for the transparent disposal by sale or otherwise of built up space, open lands and balance FSI by the cotton textile mills;

(ii) lay down guidelines for the opening, operation and closure of escrow accounts;

(iii) approve proposals for the withdrawal and application of funds from the escrow accounts;

(iv) monitor the implementation of the provisions of this regulation as regards housing, alternative employment and related training of cotton textile mill workers.

(d) The Monitoring Committee shall have the powers of issuing and enforcing notices and attendance in the manner of a Civil Court.

(e) Every direction or decision of the Monitoring Committee shall be final and conclusive and binding on all concerned.

(f) The Monitoring Committee shall determine for itself the procedures and modalities of its functioning.][2]

(10) [Notwithstanding anything stated or omitted to be stated in these Regulations, the development or redevelopment of all lands in Gr. Mumbai owned or held by all cotton textile mills, irrespective of the operational or other status of the said mills or of the land use zoning relating to the said lands or of the actual use for the time being of the said lands or of any other factor, circumstance or consideration whatsoever shall be regulated by the provisions of this regulation and not under any other Regulation.][4]

[However the lands reserved for public purposes which is owned or held by Cotton Textile Mills, shall not be regulated by the provisions of this regulations and reserved lands shall be handed over to MCGM or the Appropriate Authority in lieu of TDR or shall be developed as per the provisions laid down under Regulation 9 (Table - 4)][8]

[ ][2] – New modified text of D. C. Reg. 58 vide Government of Maharashtra Gazette No. TPB 4230/516/CR-50/2000/Part-II/UD-11. Dt. 20.03.2001.

[ ][3]—This clause inserted vide Govt. orders under section 37(2) of MRTP act, under number TPB/4302/830/CR/108/2002/UD-11 dated 25/05/2004

[ ][4] ----- This clause was inserted vide No: TPB 432001/2174/CR-227/01/UD-11.Dated 14th June,2006.

[ ][5] ----- These words are deleted vide No: TPB 432001/2174/CR-227/01/UD-11.Dated 14th June,2006.

[ ][6] -------This clause was added vide Sanction under section 37(2) of the Maharashtra Regional and Town Planning Act, 1966 vide order No. TPB/4302/830/CR-107/2003/UD-11 dated 6th March 2007.

[ ][7] This clause was added vide Sanction under section 37(2) of the Maharashtra Regional and Town Planning Act, 1966 vide order No. No. TPB 4302/830/CR-107/2003/UD-11 dated 2nd December, 2008.

[ ][8] This clause is inserted vide Notification under no. TPB 4307/214/CR- 41/2007/UD-11 dated 2nd May, 2009 issued under section 37(2) of MR&TP Act, 1966.

[ ][9] This clause was added vide sanction under section 37(2) of MR&TP Act, vide order under number TPB/4307/1702/CR-188/2007/UD-11 dated 3rd November, 2009.

[ ][10] This clause was added vide order under section 37(2) of the MRTP Act, under number TPB/4309/2869/CR-238/09/UD-11 dated 24th August, 2010.

[ ][17032015] This clause was added vide order under section 37(2) of the MRTP Act, under number TPB/4312/CR-7/2012/UD-11 dated 17th March, 2015.

59.*Coastal area Classification and Regulations of Development*.-

[(1) For the purposes or this Regulation, the coastal areas of Greater Bombay shall be classified into two Categories viz. Categories I and II, as under and shown in the map in Figure I appended hereto.

Category I.- This Category shall comprise of the coastal areas from Versova Beach starting from South of the Malad Creek upto the southern-most point in the Island City in Colaba and thereafter stretching along the eastern coast upto the northern boundary of the M Ward marked in black verge on the map in Figure I.

It shall comprise lands in these areas upto-

(a)a depth of 200 m. on the land ward side from the high tide line, or

(b)the first nearest existing or proposed development plan road on the land ward

side from the high tide line,whichever is less.

Category II.-This Category shall comprise of the coastal areas of Greater Bombay along the sea front upto a depth of 200 m. from the high tide line or upto the first nearest existing or proposed development plan road, whichever is less, (I)on the west coast, the areas of the villages of Madh, Erangal, Akse, Marve, Manori and Gorai and Malad and Marve Creeks in the P and R Wards, and (ii) on the east coast, southern boundary of N Ward and in the N, S and T Wards, including the creeks in these wards, which do not fall in Category I.

(2)Regulation of Development.-Notwithstanding anything contained in these Regulations except construction of underground toilets and greening without constructions, no development including temporary constructions, stalls, advertising signs or outdoor display structures shall be permitted on the beaches/coastal areas proper including the sandy, rocky, rocky, craggy, marshy of foreshore portion in the coastal areas both in Categories I and II.

The development permissible in the coastal areas in categories II and I are given below.

(A)Category I :

The following developments will be permissible:-

(i) On a plot of land abutting the high tide line, foreshore or creek, development of a building shall be permitted provided the building is set-back at least 10 m. from the boundary of the plot on the seaward side with a maximum height of o22 m. in the Island City and 16 m. in the suburbs and extended suburbs.

(iii) On a plot of land not abutting the high tide line, foreshore or creek,-

(a)If there is no building between the high tide line, foreshore or creek and the said plot, development of a building shall be permitted with a maximum height of 22 m. in the Island city and 16 m. in the suburbs and extended suburbs;

(b)If there is an existing authorised building between the high tide line, foreshore or creek and the said plot, with height more than that in (a) above, development shall be permitted up to the height of the existing authorised building;

(c)Additions and alternations to or reconstruction of an existing authorised building shall be permitted according to the normal Regulations upto the maximum height of any part of the original building, or the heights in (a) above, whichever is more.

[Restrictions on height spelt out in this regulation shall not be applicable for reconstruction and redevelopment of old buildings undertaken under Regulation 33(7),33(8) and 33(9) of these Regulations",[which are not affected by Coastal Regulation Zone Notification dated 19th February 1991, issued by the Ministry of Environment and Forests, Government of India], [4] *and orders issued from time to time]*[1]

(A) Category II :

(i) The following developments will be permissible,-
(a) Purely residential use;
(b) Cottage-type hotels;
(c) Restaurants and eating houses;
(d) Swimming pools, club houses and allied activities.
(e) Operational construction, not including commercial, office and industrial buildings, by defence and port authorities which physically need a water front for their operations;
(f) Users related to fishing activities, fish curing and open land fish farming or similar uses on the beach proper or foreshore area upto an extent of 300 m. from the village gaothan boundary and parallel to the high tide line but excluding fish processing, fish canning or similar units or an ice factory or cold storage. However, in any case, the beach area proper of upto 50 m. from the high tide line towards landward side shall be kept free of any such activities for uninterrupted movement by visitors and tourists which would enable better, cleaner and regulated use of beaches;
(g) Development or users related to water sports, jetties, boar storage, boat repairs, workshop only related to fishing activities, etc.

(ii) Development as stipulated in (i) shall be subject to the following conditions :-
(a) The height of a building or structure shall not be more than 6.75 m. (22 ft.) which may be allowed to be exceeded only where the building or structure has a basement by total of 1.83 m. (6ft.) (i.e. a plinth height of 1.22 m. (4ft.) above average surrounding ground level and 0.651 m. (2ft.) for provision of ducts, air-conditioning equipment, beams and other requirements).
(b) The building or structure on the first plot abutting the beach/coastal area should be set back by at least 10 m. from the plot boundary on the seaward side and development should be allowed starting from the landward side of the plot boundary.
(c) The design and construction of buildings should merge with local architecture and landscape
(d) No services of any kind need be provided by the Corporation:.

Provided further that, construction/reconstruction of dwelling units within the ambit of traditional rights and customary uses may be permitted in accordance with the normal provisions of these Regulations.

(3) Notwithstanding the provisions in this Regulation, in the case of developments to be undertaken both in Category I and II by public authorities like the Maharashtra Housing and Area Development Authority or any such Authority specified by the State Government, new construction shall be permitted according to the relevant Regulations without height restrictions, provided that the building is set back at least 10 m. from the plot boundary on the seaward side, in the case of plots abutting the beach or coastal area.

B) Category II :

(i) The following developments will be permissible,-
(h) Purely residential use;
(i) Cottage-type hotels;
(j) Restaurants and eating houses;
(k) Swimming pools, club houses and allied activities.
(l) Operational construction, not including commercial, office and industrial buildings, by defence and port authorities which physically need a water front for their operations;
(m) Users related to fishing activities, fish curing and open land fish farming or similar uses on the beach proper or foreshore area upto an extent of 300 m. from the village gaothan boundary and parallel to the high tide line but excluding fish processing, fish

~~canning or similar units or an ice factory or cold storage. However, in any case, the beach area proper of upto 50 m. from the high tide line towards landward side shall be kept free of any such activities for uninterrupted movement by visitors and tourists which would enable better, cleaner and regulated use of beaches;~~

~~(n) Development or users related to water sports, jetties, boat storage, boat repairs, workshop only related to fishing activities, etc.~~

~~(ii) Development as stipulated in (i) shall be subject to the following conditions :-~~

~~(e) The height of a building or structure shall not be more than 6.75 m. (22 ft.) which may be allowed to be exceeded only where the building or structure has a basement by total of 1.83 m. (6ft.) (i.e. a plinth height of 1.22 m. (4ft.) above average surrounding ground level and 0.651 m. (2ft.) for provision of ducts, air-conditioning equipment, beams and other requirements).~~

~~(f) The building or structure on the first plot abutting the beach/coastal area should be set back by at least 10 m. from the plot boundary on the seaward side and development should be allowed starting from the landward side of the plot boundary.~~

~~(g) The design and construction of buildings should merge with local architecture and landscape~~

~~(h) No services of any kind need be provided by the Corporation:.~~

~~Provided further that, construction/reconstruction of dwelling units within the ambit of traditional rights and customary uses may be permitted in accordance with the normal provisions of these Regulations.~~

(3) ~~Notwithstanding the provisions in this Regulations, in the case of developments to be undertaken both in Category I and II by public authorities like the Maharashtra Housing and Area Development Authority or any such Authority specified by the State Government, new construction shall be permitted according to the relevant Regulations without height restrictions, provided that the building is set back at least 10 m. from the plot boundary on the seaward side in the case of plots abutting the beach or coastal area.]~~[2]

[All the development permission within the ambit of coastal regulation Zone, shall be governed by the contents of the notification dated 19/2/1991, as modified from time to time, issued by the Ministry of Environment and Forests, Govt. of India, in this regard.][3]

[ ](1) – This clause is added vide Government Notification No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99 and subsequently deleted by Govt. notification dated 24th August, 2004.

[ ] [4] These words were deleted vide TPB/4304/1734/CR229/04/UD-11 dated 24 th August 2004 vide section 37(2) of MR&TP Act , 1966.

[ ][2] Entire Regulation 59 is deleted by Govt. Notification under number TPB/4397/2125/CR-112/98/UD-11 dated 4 th November 2005 vide section 37(2) of MR&TP Act , 1966.

[ ][3] Entire Regulation 59 is deleted and replaced by new regulation vide Govt. Notification under number TPB/4397/2125/CR-112/98/UD-11 dated 4 th November 2005 vide section 37(2) of MR&TP Act , 1966.

60.*No Development Zone (NDZ)* .-

The following uses are permissible in a No Development Zone (NDZ) provided, however, no services of any kind will be provided by the Corporation:-

(i)Agriculture, horticulture and animal husbandry (except for keeping animals on a commercial scale), subject to a limit of 10 head of cattle per acre and providing necessary buildings, garages, pig sties, stables and storage buildings;
(ii)Gardens and poultry farms;
(iii.)Forestry;
(iv.)Golf clubs and links;
(v.) Public parks, private parks, play fields, stadia, gymkhanas, swimming pools, gliding facilities, temporary camps for recreation of all types.
(vi) Amusement park, in a plot of not less than 5 ha. in area, with recreational and amusement devices like a giant wheel, roller coaster, merry-go-round or similar rides, ocean -park, swimming pool, magic mountain and lake, ethnic village, shops for souvenirs, toys, goods, refreshments and beverages on the following conditions with the special permission of the Commissioner:-

a) The entire land for the amusement park shall vest in a single ownership and the land shall not be sub-divided at any time.
b) Structure for the amusement park shall not be sold at any time to any other person.
c) The required infrastructure, like proper and adequate access to the park, water supply, sanitation, conservancy services, sewage disposal and adequate off-street parking will have to be provided and maintained by the promoters of the project at their cost and to the satisfaction of the Commissioner.
d) The promoters of the project shall provide adequate facilities for collection and disposal of garbage at their cost, and to the satisfaction of the Commissioner and will keep, at all times, the entire environment clean, neat and hygienic.
e) Structures for ancillary activities, such as administrative offices, exhibition hall or auditorium, restaurant, open air theatre, essential staff quarters, store buildings, fast food shops, museum, souvenir and small shops, ancillary structures to swimming pool, may be permitted subject to a maximum floor space index not exceeding 0.04; i.e. FSI of 0.025 for principal activity and 0.015 for ancillary activities.
f) Structures permitted in the amusement park (except those intended for park apparatus, entertainment such as magic mountain etc. and other equipment) should be ground floor structures, with the construction blending with the surrounding environment and landscape.
g) Except for minor dressing, hills and natural features, if any, shall be maintained in their natural condition and beautified with planting of trees etc.
h) All trees already growing on the land shall be preserved to the extent possible, except that if it becomes necessary to cut any tree, the required permission of the Competent Authority should be obtained under the law. At least 5 trees per 100 sq. m. shall be planted and grown within the area of the park.
i) Structures, buildings or monuments of historical, aesthetical, architectural, or heritage importance, if any, shall be preserved and maintained properly.
j) Sufficient parking facilities and ancillary facilities for cars, buses, transport vehicles etc. shall be provided on site as prescribed by and to the satisfaction of the Commissioner and Commissioner of Police.
k) The promoters of the project will prepare a suitable layout with appropriate land-scaping of the recreational and other facilities and obtain approval of the Commissioner.

l) No objection certificate of the Tourism Department shall be obtained.
m) The development shall be regulated according to other requirements of these and all applicable rules and Regulations and subject to all other clearances as may be required.
n) Proper arrangements for safety, Regulations of traffic approaches to the park etc. shall be made to the satisfaction of the Commissioner of Police from the law and order and traffic aspects.

(vii)Race tracks and shooting ranges.
(viii)Fish curing on open land/fish farming.

(ix)Salt manufacture from sea water.
(x)Public utility establishments such as electric sub-stations, receiving stations, switch yards, over-head line corridors, radio and television stations, receiving stations, main stations for public gas distribution, sewage treatment and disposal works, water works along with residential quarters for essential staff for such works, with the special permission of the Commissioner.
(xi)Cemeteries and crematoria and structures incidental theretoo.
(xii)Structure for watchmen's quarters each not exceeding 20 sq. m.,numbers of such structures in each plot to be decided by the Commissioner.
(xiii)A residential building, in an area other than that of an amusement park as in (vi) above, subject to the following :-

(a) Building to be not more than ground and one story with a height not exceeding 9.75m. including the height of stilted portion, if any ;

(b) FSI to be not more than 0.05 for independent plots of area upto one hectare each;

(c)For plots each more than one hectare in area FSI to be 0.05 for upto the first hectare and thereafter to be not more than 0.025 for the remaining area of the plot, no sub-division of plots being permitted.

(XIV)[Construction of transit camp tenements required for implementation of Slum Rehabilitation Schemes provided the area is within No Development Zone, but restricted to within 100 metres from the periphery of No Development Zone towards the developed/non-NDZ area.] (1)

(xv) ~~*[Development of Information Technology Establishment (pertaining to software only) with residential development subject to the following:*~~
~~*(i) The total FSI shall not exceed 0.20.*~~
~~*(ii)Residential development shall not exceed one third of the total built up area*~~
~~*(iii)Construction of ITE / Residential use may be permitted (in a suitable location so as to keep as much of remaining space open) upto 20% on 10% of the area of total plot. On remaining 90% plot, trees shall be planted at the rate of 500 trees per hectare.*~~
~~*(iv)Sub-division of lands shall be permitted with area of the plots so sub-divided being not less than 4000 sq.mt.]*~~ (2)

[ ] (1) --- This new clause is added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. DCR /1095/1209/CR 273/95/UD 11 dated 15 th of October 1997.

[ ] (2) - This clause was added vide Government sanction u/s. 37(2) of M. R. & T. P. Act 1966 under No. TPB. 4398/1234/CR-201 98/Ud-11 Dt. 17.02.2000 and subsequently replaced by Amendment dated 15th May, 2004.

(xv)[a) Information Technology & Information Technology Enabled Services (IT/ITES) to be allowed in No Development Zone:--

IT/ITES Parks/Units set up by public or private sector ; shall be allowed in No Development zone, subject to following conditions:----

(i) Total FSI shall not exceed 0.20.

(ii) Residential development shall not exceed one-third of the total built-up area.

(iii) Construction of buildings for IT/ITES shall be permitted to the extent of 20% on 10% of the total plot area and shall be located such that, as much of remaining open space is available in a contiguous manner and on remaining 90% of plot area, trees shall be planted at the rate as may be prescribed by the Commissioner or the concerned officer.

(iv) Sub-division of land shall be permitted in such a way that the sub-divided plot does not measure less than 4000 sq.mt.

(v) Lands from No Development Zone shall be contiguous to the development zone prescribed in the Development Plan.

b) Additional FSI to IT/ITES Parks/Units set up by public or private sector in No Development Zone:

Subject to the approval by the Director of Industries, the Commissioner or the concerned officer may permit the FSI of 0.20, available in NDZ to be exceeded by 100%. Grant of such additional FSI shall be further subject to following terms and conditions.

(i) Additional FSI to IT/ITES units would be available only upon full utilisation of basic admissible FSI of 0.20.

(ii) Additional FSI to IT/ITES units would be available to IT/ITES parks duly approved by the Directorate of Industries.

(iii) The additional FSI shall be granted upon payment of premium to the said corporation which shall be paid in the manner as may be determined by the Govt. Such premium shall be recovered at the rate of 25% of the present day market value of the land under reference as indicated in the ready reckoner residential use.

(iv) Out of which 25% the total premium shall be payable to the Govt. and remaining 75% amount shall be payable to the Corporation.

(v) The premium so collected by the said Corporation, shall be primarily used for development /upgradation of offsite infrastructure required for the IT/ITES park and the utilisation of this premium shall be monitored by the empowered committee.

(vi) In the event, the developer comes forward for provision of such offsite infrastructure at his own cost, then the said Corporation shall determine the estimated cost of the works and shall also prescribe the standards for the work. After completion of the works the said Corporation, shall verify as to whether the same is as per prescribed standards and thereafter deducting the cost of works, the balance amount of premium shall be recovered by the said Corporation.

(vii) Users/services ancillary to the IT/ITES: While developing site for IT/ITES with additional FSI, users ancillary to the principal user, as may be approved by the Directorate of Industries shall also be allowed.

(viii) No condonation in the required open spaces, parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI.

c) Relaxation of height/extent of built up areas, for IT/ITES Units located in developable Zones:

In cases of grant of additional FSI, if the Commissioner is satisfied that it is not possible to utilize the full built-up area, he may grant relaxation in height of the buildings and extent of built up area, provided such relaxation's is not contrary to the any other statutory regulations in these regards.][(3)]

[(xvi) Development of Cinema and TV Film production, shooting, editing and recording studios with its ancillary and supporting users, including construction of staff quarters, rest rooms, canteens etc. shall be allowed subject to the following conditions :

a) The minimum plot area (necessarily under one ownership) shall not be less than 2 hectares.
b) The total permissible FSI shall not exceed 0.2.
c) Out of the permissible built up area equivalent to 0.2 FSI, built up areas for ancillary and supporting users shall not exceeding 1/3 of permissible FSI 0.2.

d) The construction shall be confined to 10% of the plot and the remaining plot (excluding areas required for parking, roads etc.) shall be planted with trees at the rate of 500 trees per hectare.
e) Such development shall be permissible within a periphery of 3 kms around the boundary of Film City at Goregaon as indicated in the sanctioned Development Plan of Greater Mumbai.
f) In order to prevent erosion of soil and silting in lakes, an exclusive green belt of 100 mtrs shall be provided around the periphery of Vihar and Powai lakes, in which no constructions, whatsoever shall be allowed.][(4)]

[ ] [(3)]his new clause was added in Regulations no. 60 vide sanction under section 37(2), from UDD in state Govt. under No. TPB 4303/CR-192/03/UD-11:Dated : 15th May, 2004

[ ] [(4)] This clause was added vide government order under section 37(2) of MR&TP Act , 1966, under number TPB/4320/1364/CR171/2000/UD-11 dated 10.09.2001.

[(xvii) Users such as Educational Institutions ,Medical Institutions, Research and Development Institutions and Biotech units shall be permitted into No Development Zone subject to the following conditions:-

(i) Minimum area of plot shall be 5.0 Ha.

(ii) Maximum FSI limit shall be 0.20 and as far as possible the development shall be at one place of the total land.

(iii) The ground coverage shall not exceed 10% of the area of plot.

(iv) Tree plantation shall be done at the rate of 500 Trees/Ha. on the remaining land excluding the built-up area and the surrounding open space/utility space.

(v) The maximum height of the building shall not exceed 24 mt.

(vi) Essential residential development for the staff/officer's accommodation shall be permitted upto the extent of 33% of the permissible built-up area.

(vii) These uses shall be permitted in No Development Zone, within a distance of 3 km. from the adjoining developble zone.

(viii) Development in plots affected by CRZ area , shall be permissible,subject to the notification issued by MOEF, regarding CRZ.

(viii) **In order to prevent erosion of soil and silting in lakes , an exclusive green belt of 100 mt. Shall be provided around the periphery of Vihar and Pawai lake, in which no construction , whatsoever, shall be allowed.][(5)]**

[ ] (5) This clause was added by TPB/4302/971/CR-220/02/UD-11 dated 18th September, 2003 under section 37(2) of MR&TP Act , 1966.

61.*Tourism Development Zones (TDZ).-*

Sites or plots identified by the Tourism Department of the State Government in consultation with the Maharashtra Tourism Development Corporation Ltd., and as specified by Government from time to time as suitable for promotion of tourism to serve as holiday or beach resorts, hotels or motels may be included in a Tourism Development Zone (TDZ), and allowed to be developed for activities like beach resorts, hotels, motels, restaurants, health farms, water sports facilities, arts and crafts complexes, golf courses, gliding, powered gliding, grass skiing facilities, marinas, jetties and pontoons for docking of boats and swimming pools.

If such specified sites are situated in the No Development Zone, they shall be permitted to be developed for the aforesaid purposes with a FSI of o.5 Notwithstanding anything contained in these Regulations, additional FSI in such zone shall not be admissible.

If such sites are situated in any other zone ,the FSI permissible shall be that corresponding to the FSI permissible in the respective zones as stipulated in Table 14.

[Guidelines for identification of Tourism Development Zone and for development to be permitted therein] **(301095)**

I. GENERAL CONDITIONS

(a) Tourism Development Zone can be developed by individual or Company or Partnership firm or Government / Semi-Government Organisation / corporations.

(b) These guidelines shall be applicable for Tourism Development Zone in No Development Zone and other Zones, too as set out herein below.

II. TOURISM DEVELOPMENT ZONE COMMITTEE

Proposals for lands to be specified as Tourism Development Zone shall be recommended for consideration of Government in Urban Development Department by a Committee consisting of:

1.	Secretary, Tourism Development Department Mantralaya	Chairman
2.	Metropolitan Commissioner BMRDA	Member.
3.	Municipal Commissioner, Municipal Corporation of Greater Mumbai	Member
4.	Dy. Director of Town Planning Greater Bombay	Member
5.	Representative of Hotel Industries, Mumbai	Member
6.	Environmentalist	Member
7.	Architect, having 20 years experience in architectural practice.	Member.

This Committee may be called “Tourism Development Zone Committee” (TDZC). The persons at 5,6 & 7 of the Committee may be nominated by Secretary, Tourism Department and the tenure of these members shall change after every 3 years, provided that however that the same person shall be eligible for reappointment as a Member.

~~III SIZE OF PLOT AND FSI~~

~~Minimum requirement regarding the size of the plot for Tourism Development Zone and other features shall be as follows:~~

~~Area~~	~~Development Zone~~	~~No Development Zone~~		
~~Permissible~~	~~As in the development Control Regulations (Table 14)~~	~~Total NDZ holding (in ha.)~~	~~Maximum TDZ area permissible (fixed) (in ha)~~	~~Maximum FSI permissible (In M2)~~
		~~2.00~~	~~1.00~~	~~5000~~
		~~2.00 – 3.00~~	~~1.10~~	~~5500~~
		~~3.00 – 4.00~~	~~1.20~~	~~6000~~
		~~4.00-5.00~~	~~1.40~~	~~7000~~
		~~5.00 – 6.00~~	~~1.60~~	~~8000~~
		~~6.00 – 7.00~~	~~1.70~~	~~8500~~
		~~7.00 – 8.00~~	~~1.80~~	~~9000~~
		~~8.00 – 9.00~~	~~1.90~~	~~9500~~
		~~9.00 – 10.00~~	~~2.00~~	~~10000~~
		~~Above 10~~	~~1/5th of the holding~~	~~Half of the area of TDZ (0.5 FSI of TDZ area)~~

~~Note:~~

~~1. After deducting the area of Tourism Development Zone. FSI will be available for the rest of the land in No Development Zone as provided for No Development Zone under Development Control Regulation No. 60 including (xiii) (a), (b) & (c).~~

~~2. For plots each more than 2 ha. in area in No Development Zone no sub-division of plots shall be permitted.~~ **(06022016)**

III

SIZE OF PLOT AND FSI(06022016)

Maximum area permissible as Tourism Development Zone out of a holding in No Development Zone shall be as follows:-

No Development Zone		
Total NDZ Holding	Maximum TDZ area permissible (fixed) (in ha.)	Maximum FSI Permissible
More than 2 but less than 5 Hect.	40%	0.5 FSI over the TDZ area subject to premium of 10% of A.S.R. over and above the basic zonal F.S.I. for No development zone, out of the amount of premium 500/0 ispayable to State Government and 500/0 payable to Municipal Corporation of Greater Mumbai.
Equal to or more than 5 Hect. but less than 6 Hect.	50%	
6 - 7 Hect.	60%	
7 8 Hect.	70%	
8 - 9 Hect.	80%	
9 10 Hect.	90%	
Equal to or more than 10 Hect.	100%	

Explanation:

1. After deducting the area of Tourism Development Zone, FSI will be available for the rest of the land in No Development Zone, as provided for the area in No Development Zone under the Development Control Regulation No.60, including clauses (xiii)(a),(b) & (c).
2. In case of plots having area more than 2 ha. in No Development Zone, no sub-division of plots shall be permitted. **(06022016)**

IV SMALLER PLOTS:

For existing landholders having smaller plots in No Development Zone, the provisions of promotion of Tourism through bed-and-breakfast type arrangements for tourists shall be permissible, as recommended by Tourism Development Zone Committee and approved by the Government in Urban Development Department. There shall be the same FSI as in No Development Zone for plots, according to Development Control Regulation No. 60 for Greater Bombay.

V PROHIBITION FOR INCLUSION IN TDZ

Land falling in categories specified below shall not be included in Tourism Development Zone and hence shall not be considered for the purposes-

(a) Lands affected beyond permissible levels by pollution in land, water and air, as may be decided and certified by the Maharashtra Pollution Control Board.

(b) Lands covered by mangroves.

(c) Areas from No Development Zone directly abutting the Residential Zone without being separated by road having width not less than 18.25 M.

VI INFRASTRUCTURAL FACILITIES

All the infrastructural facilities required on site and as specified by Bombay Municipal Corporation and also as suggested by Tourism Development Zone Committee shall be provided by the developer at his own cost on the site. Proper arrangement for treatment and disposal of sewage and sullage and solid wastes shall be made to the satisfaction of the Municipal Corporation of Greater Bombay and Maharashtra Pollution Control Board. No untreated effluent shall be allowed to pass into the sea or any waterbody.

VII RESERVED SITES FOR TDZ:

Where the land are located in a unique. / unusual area, particularly suitable for development of tourism in view of an existing waterbody, scenic beauty, tree plantations or geological formation to but are designated / reserved in the Development Plan for the purpose of parks or gardens or recreation ground or private gardens or private recreational ground, it can be specified as Tourism Development Zone. The minimum area of such site however shall not be less than 1.00 hector. The floor space index available for development in a such site will be 0.20. This FSI is to be consumed on only 15% per cent of the area of the lands declared ass Tourism Development Zone out of the sites designated for open user, such as Recreation Ground, Parks etc. Except as specified hereinabove in Part VII, such development shall be controlled in accordance with provisions of No. 61 of the said Regulations.

[Provided that, with the previous approval of the Government the permissible FSI in park/garden/recreation ground/private garden/private recreation ground may be permitted to exceed by maximum 100% and subject to following conditions.

1) Premium shall be recovered at the rate of 25% of the ready reckoner for additional FSI out of which 50% shall be payable to the said corporation.
2) The remaining area of park/garden/recreation ground/private garden/private recreation after leaving appurtenant open space shall be rendered open for the public.] (**13042010**)

[Sites reserved / designated as "Play Ground" in the Development Plan can be developed for TDZ with an FSI of 0.20 subject to terms and conditions mentioned in Clause – VII of the said guidelines and further subject to the following conditions.

i) Built up area on Ground Floor shall not exceed 10% of the total area reserved / designated site.
ii) The Corporation shall formulate precise guidelines for overall developments of sites reserved / designated for Playground and got the same approved by the Government.
iii) Playground excluding the permissible built up portion and apartment land as may be prescribed in the guidelines referred as Sr. No. (ii) above, shall be cleared of the encroachments and shall be made open to public or Appropriate Authority for appropriate use.] (**130599**)

VIII ENVIRONMENT AND EDUCATION

Places where rare species of migratory birds are known to visit and where there is a heritage of flora and fauna shall be given preference fro development as Tourism Development Zones. Efforts should be made for creating environmental awareness among the local population and especially among the school-going children in nearby area.

IX

The provisions of Coastal Zone Regulations as published by the Ministry of Environment and Forests, Government of India's Notification NO. SO. 114 (E) dated 19 February 1991 as amended from time to time shall be applicable till the final approval of the Coastal Zone Management Plan and thereafter in accordance with the provisions of such an approved Coastal Zone Management Plan.

X**(06022016)**

The projects identified as Mega Tourism Projects by Tourism and Cultural Affairs Department of the State Govt. under the Tourism Policy of Maharashtra- 2006" shall be governed by the following special provisions :-

Mega Tourism Projects:-

1) The ground coverage shall be 1/2 of the gross plot area.
2) The uses which are not covered under Regulation 61 like studio and Film School with their shooting stages and screening rooms, performing Arts Academy, Students Hostels and faculty residences, Auditoria, Art Gallery, Museums, Multiplex, Food & Beverage areas and also a combination of compatible users may be allowed, with the approval of the Tourism Development Zone Committee.
3) The height upto 70m may be allowed for Building of Film Studio, subject to the provisions of Regulation 31.
4) The height of a room in occupancy mentioned at Sr. No. 1(d) of Table 19 of Regulation 38, may be permitted beyond 4.2m for Studio, Museum, Screening Rooms, Multiplex and Auditoria. However for permitting such higher height, written permission of the Municipal Commissioner shall not be necessary.
5) The 20% fungible Compensatory Floor Space Index may be allowed, subject to the provisions of Regulation 35(4).

Note:- The development in the Eco Sensitive Zone and Coastal Regulation Zone shall be governed and regulated as per MoEF's Notification in this regard and Circulars issued from time to time. **(06022016)**

[ ] **(301095)** Original Guidelines were approved and issued under 62(3) of D C Regulations, 1991, vide Notification under No. TPB/4392/6065/UD-11(RDP) dated 19 September 1995 and came into force with effect from 30th October 1995.

[ ] **(130599)** These words were added by modifying clause no VII in the guidelines by Govt Notification under No. No. TPB 4398/959/CR 151/98/UD-11 dated 13th may 1999, under 62(3) of D C Regulations, 1991.

[ ] **(13042010)** These words were added by modifying clause no VII in the guidelines by Govt Notification under No. No. TPB 4307/83/CR 332/08/UD-11 dated 13th April 2010, under 37(2) of MRTP Act, 1966.

[ ] **(06022016)** These words were replaced by modifying clause no III in the guidelines as well as by adding new clause X by **Notification No. TPB 4314 / 912/ CR-169/2014 1 UD-11, dated 6th February 2016, under 37(1)(AA)(C) of MRTP act.**

PART V

SUPPLMENTAL AND MISCELLANEOUS PROVISIONS

62. ***Interpretation***

(1) In these Regulations, the use of the present tense includes the future tense, the masculine gender includes the feminine and neuter genders, the singular number includes the plural number and plural number includes singular number. The word "person" includes a corporation as well as an individual; "writing" includes printing and typing and "signature" includes thumb impression of a person unable to sign, provided that his name is written below such impression.

(2) Sizes and Dimensions.-Wherever sizes and dimensions of rooms and spaces within buildings are specified, they mean the clear dimensions, unless otherwise specified in these Regulations.

(3) If any question or dispute arises with regard to interpretation of any of these Regulations the matter shall be referred to the State Government which, after considering the matter and, if necessary, after giving hearing to the parties, shall give a decision on the interpretation of the provisions of these Regulations. The decision of the Government on the interpretation of these Regulations shall be final and binding on the concerned party or parities.

63.*Delegation of powers*.-

Except where the Commissioner's special permission is expressly stipulated, the powers or functions vested in him by these Regulations may be delegated to any municipal official under his control, subject to his revision if necessary and to such conditions and limitations , if any , as he may prescribe. In each of the said Regulations, the word "Commissioner" shall, to the extent to which any municipal official is so empowered, be deemed to include such official.

64.*Discretionary powers*.-(a) In conformity with the intent and spirit of these Regulations, the Commissioner may:-

(i) decide on matters where it is alleged that there is an error in any order, requirement, decision, determination made by any municipal officer under delegation of powers in Regulations or interpretation in the application of these Regulations:

(ii) interpret the provisions of these Regulations where a street layout actually on the ground varies from the street layout shown on the development plan;

(iii) modify the limit of a zone where the boundary line of the zone divides a plot with the previous approval of Government; and

(iv) authorise the erection of a building or the use of premises for a public service undertaking for public utility purposes only, where he finds such an authorisation to be reasonably necessary for the public convenience and welfare, even if it is not permitted in any land use classification.

(b) In specific cases where a clearly demonstrable hardship is caused, the Commissioner may for reasons to be recorded in writing, by special permission permit any of the dimensions prescribed by these Regulations to be modified, except those relating to floor space indices unless otherwise permitted under these Regulations, provided that the relaxation will not affect the health, safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighborhood.

65.*Temporary Constructions.-*The Commissioner may grant permission for temporary construction of a period not exceeding six month at a time in the aggregate not exceeding for a period of three years. such a permission may be given by him for the construction of the following namely:-

(i) Structures for protection from the rain or covering of the terraces during the monsoon only;

(ii) Pandals for fairs, ceremonies, religious function etc;

(iii) Structures for godowns/storage of construction materials within the site;

(iv) Temporary site offices and watchmen chowkies within the site only during the phase of construction of the main building;
(v) structure for exhibitions/circuses etc.;
(vi) structures for storage of machinery, before installation, for factories in industrial lands within the site;
(vii) Structures for ancillary works for quarrying operations in conforming zones;
(viii) MAFCO stalls, milk booths and telephone booths;
(ix) Transit accommodation for persons to be rehabilitated in a new construction :
(x) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings :

Provided that temporary constructions for structures, etc. mentioned at (iii),(iv), (vi), (ix) and (x) maybe permitted to be continued temporarily by the Commissioner but in any case not beyond completion of construction of the main structure or building, and that structure in (viii) may be continued on annual renewable basis by the Commissioner beyond a period of three years.

66.*Power to delegate.-*

The State Government may, by notification in the Official Gazette delegate by a general or special order any of its powers under these Regulations, subject to such conditions as it may consider appropriate, to any officer of the State Government not below the rank of Deputy Secretary, except those relating to any matter which is required to be dealt with under the special permission of the Commissioner.

[Regulations No. 67 - Conservation of listed Buildings, areas, artefacts, structures and precincts of historical and / or aesthetical and / or Architectural and/ or cultural value (heritage buildings and heritage precincts).

1. Applicability : This Regulation will apply to those buildings, artefacts, structures and/or precincts of historical and/or aesthetical and/or architectural and/or cultural value (hereinafter referred to as Listed Buildings / Heritage Buildings and Listed precincts / Heritage precincts) which will be listed in notification(s) to be issued by the Government.

2. Restriction on Development / Redevelopment / Repairs, etc. (i). No development or redevelopment or engineering operations or additions, alterations, repairs, renovation including the painting of buildings, replacement of special features or demolition of the whole or any part thereof or plastering of said listed /heritage buildings or listed / Heritage precincts shall be allowed except with the prior written permission of the Commissioner. The Commissioner shall act on the advice of/in consultation with the Heritage Conservation Committee to be appointed by Government (hereinafter called "the said Heritage Conservation Committee"). (Vide Annexure).

Provided that in exceptional cases for reasons to be recorded in writing, the Commissioner may overrule the recommendation of the Heritage Conservation Committee.

Provided that the power to overrule the recommendations of the Heritage Conservation Committee shall be not be delegated by the Commissioner to any other officer.

(ii) In relation to religious buildings in the said list, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts or as a part of holy practices laid down in religious codes shall be treated as permissible, subject to their being in accordance and consonance with the original structure and architecture designs, aesthetics and other special

features thereof. Provided that before arriving at his decision, the Commissioner shall take into consideration the recommendations of the Heritage Conservation Committee.

(iii)(a) –[1] ~~**[Provisions of Regulations 67 would be applicable only in Grade I and Grade II category of Heritage Building for reconstruction and redevelopment of old buildings undertaken under Regulations 33(7),33(8) and 33(9) of these Regulations;**~~

~~**(b) In case of redevelopment of cessed buildings from Grade III and precincts, special permission from the Municipal Commissioner, Municipal Corporation of Greater Mumbai may be obtained if the height of the building exceeds 24 metres (excluding height of stilt on ground floor.**~~

(iii)(a) Provisions of Regulation 67 would be applicable only in Grade-II category of heritage Buildings for reconstruction and redevelopment of old buildings undertaken under regulations 33(6), 33(7), 33(8), 33(9) and 33(10) of these Regulations.

(b) In case of redevelopment under D.C.R. 33(6), 33(7), 33(8), 33(9) and 33(10) of heritage building/ sites from Grade-III and precincts special permission from the Municipal Commissioner, Municipal Corporation of Gr. Mumbai, may be obtained if the height of the building exceeds 24 mts. (excluding height of stilt on ground floor).[2]

Note : - All Regulations / modifications mentioned above shall not be applicable to the areas which are affected by Coastal Regulations Zone Notification issued by Ministry of Environment and Forest, Government of India vide Notification dated 19 February 1991 and orders issued from time to time. .][1]

3. Preparation of list of Heritage Buildings and Heritage Precincts – The said list of buildings, artefacts, structures and precincts of Historical, and/or aesthetical and/or architectural and/or cultural value to which this Regulations applies shall not form part of the this Regulations for the purpose of Section 37 of the Maharashtra Regional and Town Planning Act, 1966. This list may be supplemented, altered, deleted or modified from time to time by Government on receipt of proposals from the Commissioner or from the said Heritage Conservation Committee, or by the Government suo motu, provided that before the list is supplemented, altered, deleted or modified, objections and suggestions from the public be invited and duly considered by the Commissioner and/or by Government.

4. Power of Alter, Modify or Relax Regulations - with the approval of Government and after consultation with the said Heritage Conservation Committee, the Commissioner shall have the power to alter, modify or relax the provisions of other Regulations of the Development Control Regulations of Greater Mumbai, 1991(hereinafter referred to as " the said Regulations") if it is need for the conservation, preservation or retention of historical, aesthetical, cultural or architectural quality of any listed Buildings / heritage Building or listed Precincts / heritage precinct.

5. Hearing etc. to persons likely to be affected – provided that in case any alterations, modifications or relaxation of any of the provisions of the Development Control Regulations, 1991 will cause undue loss to the owners /

lessees of Heritage Buildings / Heritage Precincts, the Commissioner shall give an opportunity of hearing to the said owner / lessee and to the public.

6. Grant of Transferable Development Rights in case of loss of Development Rights – If any applications for development is refused under this Regulations and conditions are imposed while permitting such development which deprive the owner / lessee of any unconsumed FSI the said owner / lessee shall be compensated by grant of Development Right Certificate (hereinafter referred to as "TDR") of the nature set out in Development Control Regulations No. 34 and Appendix VII-A and as may be prescribed by Government from time to time. The TDR from heritage buildings in the Island City may be also be consumed in the same ward from which it originated. The extent of TDR certificates to be granted may be determined by the Commissioner. If required in consultation with the Heritage Conservation Committee and will not be awarded unless sanctioned by Government.

7. Maintaining Sky Line--- Buildings included in Listed Heritage Precincts shall maintain the sky line in the precincts (without any high-rise development) as may be existing in the surrounding area, so as not to diminish or destroy the value and beauty of the said listed Heritage buildings / Heritage Precincts. The development within the precincts shall be in accordance with the guidelines framed by the Commissioner in consultation with Heritage Conservation Committee.

8. Restrictive Covenants - Restriction existing as on date of this notification imposed under covenants, terms and conditions on the leasehold plots either by the State Government or by Mumbai Port Trust or by Mumbai Municipal Corporation shall continue to be imposed in addition to Development Control Regulations. However in case of any conflicts with heritage preservation interest, the said Regulations shall prevail.

9. Repair Fund -- Non-cessed buildings included in the said list shall be repaired by the owners / lessees of the said buildings themselves or if they are cessed buildings, those can be repaired by MHADA or by the owner or by the Co-operative Society of the owners and/or occupiers of the old building. With a view to give monetary help for such repairs a separate fund my be created, which would be kept at the disposal of Municipal Commissioner, Mumbai Municipal Corporation, who will make disbursement from the funds in consultation with Heritage Conservation Committee. Provisions for such a fund may be made through District Planning and Development Council Budget.

10. Grading of the Listed Buildings / Listed Precincts – In the last column of the said list of Heritage Building, Heritage precincts "Grades" such as I, II, or III have been indicated. The meaning of these Grades and basic guidelines for development permissions are as follows:

Listing does not prevent change of ownership or usage. However such usage should be in harmony with the said listed precincts / building. Care will be taken to ensure that the development permission relating to these buildings is given without delay.

[ ](1) – This clause is added vide Government Notification u/s. 37(2) of MR&TP Act under No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.1999.

[ ] (2) – This clause was substituted vide Government Notification under section 37(2) of MRTP act under number TPB/4309/1829/CR209/2009/UD11 dated 4th September 2009.

"WHAT POSTERITY WOULD NOT WILLINGLY LET DIE"

Grade – I	Grade – II	Grade – III
A. Definition – Heritage Grade – I comprises of buildings, and precincts of national or historical importance, embodying excellence in architectural style, design, technology and material usage; they may be associated with a great historical event, personality, movement or institution. They have been and are, the prime landmarks of the City.	~~Heritage Grade – II (A&B) comprises of buildings or regional or local importance, possessing special architectural or aesthetical merit, cultural or historical value, though of a lower scale than in Heritage Grade. They are local landmarks, contributing to the image and identity of the City. They may be the work of master craftsman, or may be models of proportion and ornamentation or designed to suit particular climate.~~ **A. [Scope— Heritage Grade II comprises building/ precincts, of regional or local importance, possessing special architectural or aesthetical merit or cultural or historical value, though of a lower order than that of Heritage Grade I. They are local landmarks contributing to the image and identity of the city. They may be the work of master craftsmen or may be models of proportion and ornamentation, or designed to suit particular climate.** **Heritage Grade II buildings within the premises (open space/compound) of which independent/separate additional building(s) /structure(s) may be permitted to be constructed, owing to the availability of**	**Heritage Grade –III – Comprises of buildings and precincts of importance for town scape, they evoke architectural aesthetic or sociological interest though not as much as in Heritage Grade – II. These contribute to determine the character of the locality, and can be representative of a life style or a particular community or region and may also be distinguished by setting on a streetline or special character of the façade and uniformity of height, width and scale.**

	adequate surrounding open space and unconsumed FSI, have been assigned Grade II-B. The remaining Grade II buildings have been assigned Grade –IIA.][5]	
B. Objective – Heritage Grade – I – richly deserve careful preservation.	B. Objective-- Heritage Grade – II deserves intelligent conservation.	Heritage Grade III – Deserves protection of unique features and attributes.
C. Scope for Changes – No interventions would be permitted either on the exterior or interior unless it is necessary in the interest of strengthening and prolonging the life of the buildings or precincts or any part or features thereof. For these purpose, absolutely essential and minimum changes would be allowed and they must be in accordance with the original.	~~Grade – II (A) : Internal changes and adaptive reuse will be generally allowed, but external changes will be subject to scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade II. Grade-II / B – In addition to above extension or additional buildings in the same plot or compound could,in certain circumstances, be allowed provided that the extension / additional building is in harmony with (and does not detract from) existing heritage building(s) or precincts, specially in terms of height and façade.~~ C. [Scope for development --- Grade II A: In addition to the scope for development permissible for Grade –I, internal changes, and adaptive reuse may be generally allowed. In certain circumstances, extension of a Grade II A heritage building may also be allowed; provided that such extension shall be in harmony with (and shall not detract from) the Grade II A heritage building concerned or	External and internal changes and adaptive reuse would generally be allowed. Changes can include extensions / additional buildings in the same plot or compound provided that extension / additional building is in harmony with and does not detract from the existing heritage building / precincts especially in terms of height and/or facade. Reconstruction may be allowed when the building is structurally weak or unsafe or when it has been affected by accidental fire or any other calamity or if reconstruction is required to consume the permissible FSI and no option other than reconstruction is available. Reconstruction may also be allowed in case of those buildings which attract the provisions of Regulations 33(6), 33(7), 33(9) and Appendix II and III of Development Control Regulations, 1991. Reconstruction may be allowed in those buildings being repaired / reconstructed by MHADA. However, unless absolutely essential,

	precinct, especially in terms of height and/or façade. External changes too may be permitted, subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects/features of Grade – II A building concerned. Grade –II(B):-- In addition to above, additional building(s) in the same plot or compound may, in certain circumstances, be allowed; provided that, such additional building(s) shall be in harmony with (and shall not detract from) the Grade--IIB heritage building(s) or precinct, especially in terms of height and/or facade.] (5)	nothing should be spoil or destroy any special features or attributes for which it is placed in the Heritage List.
D. Procedure – Development permission for the changes would be given by the planning Authority on the advice of the Heritage Conservation Committee to be appointed by the State Government.	~~Development permission for the changes would be given by the Planning Authority in consultation with a sub-committee of the Heritage Conservation Committee.~~ D. [Procedure:-- Development permission would be given by the Municipal Commissioner in consultation with the MHCC.] (5)	Development permission would be given for changes by the Planning Authority itself but in consonance with guidelines which are to be laid down by Government in Consultation with Heritage Conservation Committee.
E. Vistas/Surrounding Development - All the development in the areas surrounding Heritage Grade - I shall be regulated and controlled , ensuring that it does not mar the grandeur of or views from Heritage Grade - I.		

] (4)

[ ][4] New Regulation 67 was added vide govt. notification number DCR/1090/3197/RDP/UD11 dated 21/04/1995.

[ ] [5] These words were replaced vide sanction to modification under section 37(2), under No. TPB/4302/66/CR 10/2003/UD-11 dated 8th January, 2004.

D. C. Regulations 68:

[Subject to the conditions as may be prescribed by the Commissioner, Greater Mumbai Municipal Corporation, underground parking and shopping shall be allowed below existing or proposed Development Plan Roads and below lands reserved for Recreational Ground / Playground / Gardens / Parks and Open Spaces both existing and proposed and to be used at one or two levels below the ground. Provided no such users will be allowed below the following.

Oval Maidan, Cross Maidan, Azad Maidan, Shivaji Park, All parade Grounds, Nare Park, Jambhori Maidan, Five Gardens and Recreational Ground opposite Scottish School, Dadar, Cadell Road (Veer Sawarkar Marg) situated to the north of Hinduja Hospital

And provided further that the area to the extent of 10 meters along the road side below the surface within the boundary of the aforesaid Maidans/Parks/Gardens / Recreational Gardens / Open Spaces may be used for the purpose of ingress and egress to the underground area.] [2]

[Provided further that only underground parking shall be allowed below Cross Maiden subject to the above conditions.][3]

D.C.Regulation 69

in the ,Notwithstanding anything contained in these regulations]
,station of Petrol redevelopment of sites of existing filling and service
,Compressed Natural Gas or any other Motor Vehicle Fuel ,Diesel
([29082011]) [.change of user shall not be permitted

[ ][2] - New Regulations No. 68 was incorporated to D. C. Regulations 1991 by Government of Maharashtra under resolution No.DCR 1090/3197/UD-11/RDP Dt. 17.09.1994.

[ ] [3] These words were added vide final sanction under section 37(2) by Urban Development Departments Notification No. TPB 4308/507/CR-76/2008/UD-11 dated 12th August, 2009.

] The new regulation was added vide Notification under ([29082011]) [
CR /211/4308/issued under number TPB ,of MRTP act (2)37section
2011 ,th August29dated 11-UD/2009/87

[D.C.Regulation 70

Special Regulation for Exhibition-cum-Convention Centers in MCGM Area](29072016)

1) Definition: An Exhibition-cum-Convention Centre is a complex comprising buildings, halls and open spaces which are designed to host and/or organize --

(a) business-to-business and business-to-customer exhibitions where products, machinery, art, skills, services, activities etc. are displayed on temporary or permanent basis; and

(b) large congregations for the purpose of conventions, meetings, conferences, assemblies, rallies, concerts, cultural activities and performances.

2) Admissibility: - Development of Exhibition-cum-Convention Centre shall be permissible in Mumbai, on a plot in Residential (R2) / Industrial (I1, I2, I3)/ Commercial (C1, C2)/ No Development Zone subject to following conditions:-

i) For the purpose of calculating the FSI, the remaining area after excluding the land under the Development Plan Roads / Reservation of public amenities shall be considered.

ii) In case of plots in Residential (R2)/Industrial (Il, I2, I3)/ Commercial (C1, C2) Zone, the Floor Space Indices specified in Table 14 above may be permitted to be exceeded up to **4.00** F.S.I by charging premium at the rate of 10% of the land rate as prescribed in Annual Statement of Rates published by Revenue Authority for the relevant year of granting such F.S.I. without applying the guidelines mentioned therein.

iii) In case of plots in No Development Zone, if infra-structure facilities are sufficient or land owner/ developer is ready to provide it, then the Maximum

permissible F.S.I. may be permitted to be exceeded upto 2.00 by charging premium above 0.20 F.S.I. , at the rate of 10% of the land rate as prescribed in Annual Statement of Rates published by Revenue Authority for the relevant year of granting such F.S.I. without applying the guidelines mentioned therein.

3)Conditions for Development of Exhibition-cum-Convention Centre:-

a. Such Plot should have a minimum area of 5 hectares excluding Development Plan proposals of reservation and/or roads, if any.

b. Entry Gates of the Exhibition-cum-Convention Centre must abut a main road/ highway having a minimum width of 18.30 mtr. with minimum 2 each of ingress and egress of proper width.

c. The ground coverage of the Exhibition-cum-Convention Centre on such plot shall not exceed 2/ 3rd of the gross plot area excluding Development Plan proposals of reservation and/ or roads, if any.

d. Recreation Ground and Amenity Area shall be provided on such plot as prescribed for Industrial layouts in Regulation 23(2).

Provided that the limit of maximum area of 2500 sq.mtrs. shall not apply for the development under this Regulation.

The Recreation Ground area shall be counted in 1/3 open space required as per regulation 3(c).

e. Out of the total permissible built up area on such plot, at least 2/3rd shall be allocated for Exhibition-cum-Convention Centre buildings/ halls, toilet blocks, Organiser's office; protocol lounge; VIP lounge; Press lounge; registration areas; pre-function areas; refreshment & snack centres; meeting rooms; business centre;

creche; meditation rooms; wellness centre; bank & forex service counters; surveillance & security rooms; service contractor's office; audio-visual/ sound room; green room; maintenance workshop; maintenance staff office; strong rooms, first aid and emergency room.

f. Remaining permissible built up area, not exceeding 1/ 3rd of the total built up area, on such plot may be allocated for Support Services as described below in Table-1.

TABLE-1

Sr. No.	Support Services
1.	Hotels not less than 3-star category Hotels
2.	Dining Areas: Food Courts, Cafeteria, Fine Dining Restaurants, Restaurants & Bar, Convenience Store
3.	Recreation Areas: Indoor children's play area, Indoor games area, Fitness center
4.	Fire Services
5.	Health post for emergency services with ambulance facility shall be provided.
6.	Staff quarters for minimum 25 tenements per 5 Ha. Each having not less than 25 Sq.mtr. BUA
7.	Space for Police Chowky of minimum 100 sq. mtr. shall be provided as per requirement of Police Department.
8.	Sewerage treatment system as per design and drawings approved by MCGM.
9.	Rain water harvesting plant shall be provided.
10.	Special provisions for Drinking water & PSC blocks for gents & ladies shall be provided.
11.	Dedicated Electric Su b-station as per requirement of Power Supply Company, shall be provided

Note: Regulation 33(4) pertaining to hotels shall not be applicable to the hotels in any Exhibition-cum-Convention Centre.

g. Occupation Certificate (OC) in respect of a minimum of 1/6th built-up area of the Exhibition-cum-Convention Centre shall be obtained prior to obtaining Commencement Certificate in respect of Support Services.

4). FSI Computation for Exhibition-cum-Convention Centre:-

FSI computation for areas shall be as per Regulation 35(2) and 35(3).

Provided that height of any Exhibition Hall or Convention Hall greater than 3.90 meters shall not be deemed to have consumed an additional FSI of 50% of the relevant floor area.

5). Marginal Open Spaces:

i) The marginal open space shall be minimum 12.00 mt. from all sides of the plot.

ii) Canopies may be permitted in front open space, provided the marginal open space does not become less than 6.00 mt.

6). General Requirements for Exhibition / Convention Halls shall be as under:

i) The size of each hall shall not be less than 4,000 sq. m.

ii) Minimum width of the hall shall not be less than 50m.

iii) The minimum floor to floor height of the Exhibition Hall / Convention Hall shall be 8.00 mt.

iv) It shall be permissible to construct the Exhibition-cum-Convention Centre buildings / halls in multiple levels.

v) For the planning of all the other habitable / non habitable areas for amenities areas and Support services, Regulation 38 shall be applicable.

vi) Minimum width of the internal road shall be 13.40 mtr.

vii) Requirement of fire shall be as per Regulation 43 of these Regulations.

7). Parking requirements for Exhibition-cum-Convention Centre shall be follows :-

i) Allotted parking space for one (1) Fire Engine and one(1) Ambulance shall be compulsorily provided.

ii)	(a) Convention Center-	For every 10 seates, parking space for 2 cars shall be provided.
	(b) Exhibition Area--	For every 1000 Sq. mtrs of exhibition area, including open exhibition area, parking space for 25 cars shall be provided.

(c) In addition to the parking spaces provided for 4-wheeler vehicles. The following shall be provided.

1. For 2-wheeler vehicles, minimum 25% of the total number of required parking for 4-wheelers, shall be provided.
2. Taxi Stand for minimum 25 taxis and 50 Auto Rikshaws.
3. Bus Terminal for minimum 10 buses shall be provided.

iii) For the area of Support Services, parking shall be provided as per Regulation 36.

iv) The additional parking space may be granted without counting the such area of parking into F.S.I.

8) In CRZ areas, the FSI for such proposals, shall be governed by the MoEF Notification issued for time to time.

9) No relaxation under Regulation 64(b) shall be granted.]**(29072016)**

[ ]**(29072016)** **This regulation was added vide final sanction under 37(1)(AA)(C) of MRTP act 1966 vide Notification No. TPB 4314 / 268 / CR-111 / 2014 / UD-11, dated 29th July, 2016.**

[REGULATIONS FOR DEVELOPMENT OF SPECIAL TOWNSHIPS IN AREA UNDER MUNICIPAL CORPORATION OF GREATER MUMBAI][1]

A. GENERAL REQUIREMENTS:

1. APPLICABILITY: These Regulations would be applicable to the area under sanctioned Development Plan of Greater Mumbai excluding the area under Maharashtra Industrial Development Corporation and Special Planning Authority, if any .

1.1 AREA REQUIREMENT : Any suitable area free from all encumbrances having sufficiently wide means of access (not less than 18 mt wide) can be identified for the purpose of development as " Special Township'. The area under the Special Township shall not be less than 40 Ha. (100 acres) at one place, contiguous, unbroken and uninterrupted which shall not include the area under forest, water bodies like river, creek canal, reservoir, lands falling within the belt of 100mt. from the HFL of major lakes, dams and its surrounding restricted area, lands in the command area of irrigation projects, land falling within the belt of 200mt. from the historical monuments and places of Archeological importance, Archeological monuments, Heritage precincts and places, any restricted areas, notified National parks, existing and proposed industrial zone, gaothan areas or congested areas, truck terminus specially earmarked on Development plan, wild life corridors and biosphere reserves, Eco-sensitive zone/ area, quarry zone and recreational tourism development zone catchment areas of water bodies, Defence areas, Cantoment areas, notified area of SEZ, designated Port/ Harbour areas, RTD Zone , Area under Hills & Hill Slope zones.

1.2 MANNER OF DECLARATION : Any area identified above and if found suitable can be Notified by Government in Urban Development Department by following procedure under section 37 of the Maharashtra Regional and Town Planning Act 1966 and also in such other manner as may be determined by it for the purpose of development as ' Special Township Project.'
However, in cases where the proposal of Special Townships is submitted by the land owners by themselves or by the Developer who holds rights to develop the whole land under the Special Township, the procedure under section 37 of said act shall not be necessary.

1.3 INFRASTRUCTURE FACILITIES : The entire Township should be an integrated one with all facilities within the boundaries of declared townships. All the on site infrastructure, i.e roads, including D.P.Roads, approach road, street lights, water supply and drainage system shall be provided and maintained in future by the developer till urban local body is constituted for such area and the developer shall also carry out development of amenity or proposals, if any designated in the Development Plan, in accordance with the prevailing regulations.

(a) Water Supply : The developer shall be required to develop the source for drinking water (excluding the groundwater source) or secure firm commitment from any water supply authority including the Municipal Corporation of Greater Mumbai for meeting the daily water requirement of minimum 140 litres per capita per day exclusive of requirement of water for fire fighting and gardening. The storage capacity of the same shall be at least 1.5 times of the actual required quantity as determined by expected population (Resident and Floating) and other uses. The developer would be required to develop proper internal distribution and maintenance

system and shall specially undertake rainwater harvesting, groundwater recharging and waste water recycling projects within the Township.

(b) **Drainage and Garbage disposal** : The developer shall make suitable and environment friendly arrangements for the disposal and Treatment of sewage and solid waste as per requirements of Maharashtra Pollution Control Board. Recycling sewage for gardening shall be undertaken by the developer.

The developer shall develop Eco-friendly garbage disposal system by adopting the recycling and bio- degradation system in consultation with Maharashtra Pollution Control Board .

(c) **Power :** The developer shall ensure continuous and good quality power supply to township area. The developer may draw the power from existing supply system or may go in for arrangement of captive power generation with the approval from concerned authority. If power is drawn from an existing supply system, the developer shall before commencement of development , procure a firm commitment of power for the entire township from the power supply company.

1.4 ENVIRONMENT : The development contemplated in townships shall not cause damage to ecology. Environmental clearance shall be obtained from the Ministry of Environment and Forest, Government of India as per directions issued by the MOEF's notification dated 7th July 2004 and as amended from time to time. The Township shall provide at least 20% of the total area as park/ garden/ play ground as mentioned in 4 (f) below with proper land scaping and open uses designated in the Township which shall be developed by owner/ developer. This amenity shall be open to general public without any restriction or discrimination.

2. Special Concessions :

(a) **N.A permission :** Non- agriculture permission will be automatic. As soon as the scheme is notified, lands notified under Special Township area as per Regulation No.1.2 will be deemed to have been converted into non agriculture and no separate permission is required. Non- agriculture assessment however will commence from the date of sanction of scheme as per Regulation No.7 (c).

(b) **Stamp duty :** The stamp duty rates applicable in Notified Special Township area shall be 50% of the prevailing rates of the Mumbai Stamp Act.

(c) **Development charges** : A special Township Project shall be exempted from payment of Development charges to the extent of 50%.

(d) **Grant of Government Land**: Any Government land falling under township area shall be leased out to the developer at the prevailing market rate on usual terms and conditions, without any subsidy.

(e) **Relaxation from Mumbai Tenancy and Agriculture Land Act**: The condition that only the agriculturist will be eligible to buy the agriculture land shall not be applicable in Special Township area.

(f) **Ceiling of agriculture land**: There shall be no ceiling limit for holding agriculture land to be purchased by the owner/developer for such project.

(g) **Exemption from Urban Land (Ceiling and Regulation) Act, 1976**: Special Township Projects will be exempted from the purview of Urban Land (Ceiling and Regulation) Act.1976.

(h) **Scrutiny fee**: A Special Township Project shall be partially exempted from payment of scrutiny fee being levied by the Municipal Corporation of

Gr. Mumbai for processing the development proposal on certain terms and conditions as may be decided by the Municipal Corporation of Gr. Mumbai.

(i) **Floating FSI**: There will be floating FSI in the township Unused FSI of one plot can be used anywhere in the whole township.

(j) **Special benefits**/concessions in respect of Star Category Hotels, Hospitals and Multiplexes/Property Property Tax shall be provided.

3. PLANNING CONSIDERATIONS:

The Township project has to be an integrated township project. The should necessarily provide land for following users:-

a) Residential
b) Commercial
c) Educational
d) Amenity Spaces
e) Health Facilities
f) Parks, Gardens & Play grounds
g) Publiic Utilities.

4. GENERAL NORMS FOR DIFFERENT LAND USES:

The overall planning of the special townships shall be such that the project shall meets with the specifications spelt out in the prevailing planning standards approved by Government. Further, the planning of Special Township shall take care of following land uses in particular.

a) **Residential** : The residential area should be well defined in clusters or neighborhoods or in plotted development with proper road grid. Out of the total built up area proposed to be utilised which is permissible as proportionate to zoning of area under such township at least 60% of the area shall be used for purely residential development and further out of the total built up area proposed to be utilisied for residential development, 10% of the same shall be built for residential tenements having built up area upto 40 sq.mt.

b) **Commercial**: The commercial area shall be properly distributed in hierarchical manner such as convenient shopping, community center etc.

c) **Educational**: Comprehensive educational system providing education from primary to secondary should be provided as per the requirement,. The area allocation should be on projected population base and as far as possible the educational complex should not be concentrated at one place. All such complexes should have adequate area for playground. Minimum area required for educational purpose shall be as per prevailing planning standards.

d) **Amenity Spaces**: The area allocation for amenity space providing amenities like market, essential shopping area, recreation centers, town hall , library etc. should not be less than 5% of gross area of township and should be evenly placed.

e) **Health Facilities**: Adequate area allocation for health facilities for primary health shall be provided. Minimum area required for health facilities shall be as per prevailing planning standards.

f) **Parks, Gardens & Play Grounds**: The township shall also provide at least 20% of the gross area of township as parks/gardens/play grounds without changing the topography. This should be exclusive of the statutory open spaces to be kept in smaller layout and should be distributed in all

residential clusters. This 20% area should be developed by the developer for such purposes and kept open to general public without any restriction of discrimination.

g) **Public Utilities**: Appropriate area allocation should be provided for (a) power receiving station/sub station, (b) water supply system, (c) sewerage and garbage disposal system, (d) police station, (e) public parking,(f) cemetery/cremation ground, (g) bus station, fire brigade station, and other public utilities as per requirements.

h) **Trasnport and Communication**: The entire area of township shall be well knitted with proper road pattern, taking into consideration the linkages with existing roads within the township and outside area as well. All such roads shall be developed by the developer as per standard and road widths shall be as given below.

Classified Road - as prescribed
Main road/Ring road – Minimum 18 to 24 meter wide.
Internal road – as per prevailing bye laws applicable to Development Plan subject to minimum road width 9 mt.

i) **Service Industries** : In The Special Township area, lands required for commercial uses, industrial uses, permissible in residential user, may also be earmarked. However, the predominant land use shall be residential use.

Notes:-

I) All the amenities referred to above shall be inclusive of designated amenities and Amenity space required as per regulations of Development Plan.

II) Location of Development Plan reservation can be shifted anywhere in the Township Area with the approval of Municipal Commissioner.

III) Development Plan reservations in the Township area, shall not be handed over to the Planning Authority but the same shall be developed by the developer for the designated amenity

IV) Development Plan roads in the township area shall be developed and maintained by developer, and the same shall be always open for general public without any restrictions there upon.

V) Minimum parking shall be provided as per DCR of Municipal Corporation of Greater Mumbai provided that for hotel, restaurant, college, school, educational, institute, educational classes, hospitals, polyclinics and diagnostic centers, offices, mangal Karyalaya, town hall, clubs, etc. onsite parking shall be provided . For buildings having mixed users, in addition to the regular parking area as mentioned above a space of 3.0 mt. wide strip within the plot area along the road on front/side shall be provided for visitor's parking.

5. Development Control Regulations:

Prevailing Development Control Regulations of sanctioned Development Plan as well as provisions of MOEF CRZ notification dtd.19.2.1991 amended from time to time shall be applicable mutadis mutandis except those expressly provided in these Special Regulations.

5.1 Special Township in Residential, Residential with Agricultural Zone/No Development Zone

(i) The Total builtup area/FSI of entire gross area of the Special Township declared as per Regulation 1.1 excluding the area under Agriculture/No Development Zone, if any, included in the project shall be 1.00. The FSI for Agriculture/No Development Zone if any included in Special Township Zone shall be 0.2 only in proportion to such area of the zone. There will be no limit of total built up area/FSI for the development of individual plots Height of building shall be as per prevailing Development Control Regulations for

Greater Mumbai However, it may be increased subject to provisions of fire fighting arrangements with prior approval of Chief Fire Officer, Municipal Corporation of Greater Mumbai. Utilization of DRC's originated from any other area i.e. outside Special Township area shall not be permissible in Special Township area.

(ii) In case area Notified under Special Township falls in Residential Zone and partly in Agricultural/No Development Zone the provisions applicable to such scheme shall be proportionate to the area under the respective zoning as per sanctioned Development Plan.

5.2 Special Township in Agirculatural/No Development Zone.

(i) Development of Special Township Project in Agricultural/No Development Zone, contained in the Development Plan shall be permissible subject to conditions that 50% of the gross area of the project shall be kept open while the projects of Special Township shall be executed on the remaining 50% land with gross built up area/FSI of 0.20 worked out on the entire gross area of the project. Further, while developing such projects, it would be obligatory on the part of the developer to provide and develop all the infrastructure facilities including sites required for public purposes as per the prescribed planning norms. As regards 50% of land which is required to be kept open, the same shall be free of encumbrances and no development except town level open amenities shall be permissible therein.

(ii) All provision of Regulations except 4(f) shall apply to the development of Township in Agricultural/No Development Zone.

5.3 General Regulations:

(i) In the event the special township project contains sites reserved for public purposes (buildable reservations) in Development Plan, for which the Appropriate Authority is any department of State Govt/Central Govt. or any Government underaking, the developer shall construct the amenity as per requirement of the concerned department and handover the constructed amenity free of cost to that Depaetment. Upon such handing over the constructed amenity the developer would be entitled to utilize additional floor space, over and above the FSI permissible (equivalent to the builtup area of the constructed amenity) anywhere within the Special Township project.

(ii) In every Special Township proposal the structural designer of developer has to submit declaration with project report to Municipal Corporation of Greater Mumbai about the construction of building as below:

'I have confirmed that the proposed construction in the scheme is as per norms as specified by Indian Standards Institute,for the resistance of earthquake fire safety &natural calamities'

(iii) Upper and lower ground floor type construction shall not be allowed.

(iv) In Special Township schemes under Residential Zone and Agricultural/No Development Zone trees at the rate of minimum 150 trees per ha. And 400 trees per ha. respectively shall be planted and maintained by the developer.

(v) Once the proposal for special Township is submitted to the Government under Regulation No.7(A) no change of zone proposal in such Township area shall be considered by Government.

6. Sale permission:

It would be obligatory on the part of the developer firstly to provide for basic infrastructure and as such no permission for sale of plot/flat shall be allowed unless the basic infrastructure as per Regulation no. 1.3 is provided by the developer to the satisfaction of the Commissioner, Municipal Corporation of Greater Mumbai. In case the development is proposed in Phases and sale permission is excepted after completion of Phase wise basic infrastructure, such permission may be granted by

the Municipal Corporation of Greater Mumbai. Before granting such sale permission, Developer has to submit undertaking about the basic infrastructure to be provided & completed phase wise. The plots earmarked for amenities, facilities, and utilities shall be also simultanesouly developed phase wise along with residential/allied development.

7. Procedure:

a) **Locational Clearance**: The proposal for development of Special Township, alongwith details of ownership of land or Development rights of lands in the proposed scheme, site plan, part plan of sanction development plan, shall be submitted to Government in Urban Development Department alongwith a copy to Director of Town Planning Maharashtra State, Pune, Environment Department of Maharashtra State, for grant of locational clearance. Upon receipt of such proposal, depending upon the merits of the case locational clearance may be granted by Government u/s 45 of M.R.& T.P. Act, 1966 in consultation with the Director of Town Planning and Environment Department and other respective departments of the State Government within a period of 90 days from the date of receipt of the proposal & after completion of all prescribed procedure specified in Regulation No.1.2 above and compliance of any such document as may be required by Government. This locational clearance will be valid for one year from the date of issue and if within such period the letter of intent and final approval is not taken or not applied for, such clearance/approval will stand lapsed unless it is renewed by Govt. for sufficient reasons. Application for renewal has to be made to Govt. before expiry of one year. These special Regulations shall not be applicable to the area on which clearance/approval has lapsed.

b) **Letter of intent:** Upon receipt of locational clearance from the Government, the developer shall submit the proposal in respect of Special Township to Commissioner, Municipal Corporation of Greater Mumbai, alongwith the environmental clearance as mentioned in Regulation No.1.4 for issue of letter of intent. The proposal shall contain ownership rights/development rights document in respect of at least 50% of area under scheme and other particulars as decided and directed by Commissioner, Municipal Corporation of Greater Mumbai, details of qualified technical staff and consultant in technical and law field. Letter of intent shall be issued within a period of 45 days from the date of receipt of the final proposal completed in all respect. The letter of intent shall be valid for six months unless renewed.

c) (i) Final Approval: The Developer shall submit the layout plan of the entire township area, sector-wise detailed building plans and details of phasing, for final sanction to the Commissioner, Municipal Corporation of Greater Mumbai. The developer shall also submit an undertaking and execute an agreement about development and maintenance of basic infrastructural amenities in future with bank guarantee of 15% of its development costs. The Commissioner, Municipal Corporation of Greater Mumbai shall conduct proper enquiry and ensure the correctness of title and ownership etc. Only after such verification, Commissioner, Municipal Corporation of Greater Mumbai, shall grant approval to layout plan and sector wise detailed building plan in consultation with Deputy Director of Town Planning, Greater Mumbai, Mumbai within the stipulated period on terms & conditions as may be determined by Commissioner Municipal Corporation of Greater Mumbai & Deputy Director of Town Planning, Greater Mumbai, Mumbai.

The period required for Technical consultation with Deputy Director of Town Planning, Greater Mumbai, Mumbai shall not be computed.

Any one aggrieved by an order passed under prevailing D.C.Regulation may within forty days of the date of communication of the order prefer an appeal to the State Govt.

(ii) Every application shall be accompanied by:

(a)	Ownership Document:	7/12 extract/Property Card, ownership right Document in original with list of such documents
(b)	Extent of area:	Village maps showing the extent of area and authenticated measurement plan/gat book of the land in original and list of such documents.
(c)	Authenticalted copies of locational clearance and letter of intent	
(d)	Layout and building: (Prepared & signed by experts in respective field and team headed by an Architect Town Planner)	i) Layout plan showing all details of area utilized under roads, open spaces, parks, garden, play ground & other amenties. ii) Detailed layout plan, building plans of all development with area of all sector and individual plots and built up area/FSI proposed on each sector and plot. iii) Details Report comprising of Expected population, requirement of amenities and proposed amenities with reference to prevailing planning, standards approved by Government, and sources of all basic amenities details of implementation and maintenance & Taxation etc. iv) Details of zoning and area under such zone. v) Details of FSI/Total built up area proposed to be utilized in scheme. vi) Details of Eco friendly amenities provided.

vii) Plan showing road hierarchy and road widths, pedestrian facility, street furniture, plantation, side walk, subways with details.

viii) Details of solid waste management plan.

ix) Plan showing HFL of major lakes, river if any certified by Irrigation Department.

x) Plan showing details of distribution of total built-up-area/ space.

xi) Plan showing water supply distribution system, including reservoirs, recycling system, details of rainwater harvesting system.

xii) Details of Storm Water drainage Scheme.

xiii) Details of fire fighting mechanism, fire brigade station.

xiv) All other documents as determined and directed by Commissioner, Municipal Corporation of Gr. Mumbai.

Note: The above prescribed periods shall be computed after compliance of all the requirements listed above and any other additional information called for from the owner/ developer by the Government/ Collector/ Commissioner.

8. Implementation & completion:

i) Development of Basic infrastructure & amenity shall be completed by the developer to the satisfaction of the Commissioner, Municipal Corporation of Gr. Mumbai as per phases of Scheme. Development of the scheme shall be completed within 10 years from the date of final sanction to the layout plan of scheme.

ii) No building in the scheme is permitted to be occupied in any manner unless occupancys certificate is issued by Commissioner, Municipal Corpn. of Gr. Mumbai.

iii) Final completion certificate for the scheme is to be issued by Commissioner, Municipal Corporation of Gr. Mumbai in consultatiion with Maharashtra Pollution Control Board, Tree Authority as far as tree plantation is concerned and Chief Fire Officer of Municipal Corporation Gr. Mumbai.

iv) Application for occupation certificate or final completion certificate shall be submitted alongwith a declaration and undertaking by the developer and his structural consultant, Architect/ Town Planner as follows:-

i) We confirm that all buildings constructed in the scheme area are as per norms as specified by Indian Standard Institute for the resistance of earthquake, fire safety and natural calamities.

ii) Work is done as per sanctioned plan.

iii) Built-up area and FSI consumed in Scheme is as per

sanctioned plan of the scheme.

iv) If it is found that extra built-up area/ FSI is consumed in the scheme at any time, it shall be demolished by developer at his own cost as directed by Commissioner, Municipal Corporation of Gr. Mumbai within one month.

9. Interpretation: If any question or dispute arises with regard to interpretation of any of these regulations, the matter shall be referred to the State Government. The Government after considering the matter and, if necessary, after giving hearing to the parties, shall give a decision on the interpretation of the provisions of the Regulations. The decision of Government on the interpretation of these Regulation shall be final and binding on all concerned.][(1)]

[ ] [(1)] **This new clause for special township was added vide final sanction under section 37(2) of MR&TP act, 1966 under number No.TPB 4302/2080/CR-215/02/UD-11 Dated 24th May, 2006.**

[RAIN WATER HARVESTING

a) All the layout open spaces/ amenity spaces of housing societies and new constructions/ reconstructions/ additions on plots having area not less than 300 Sq.Mt. in non gaothan areas of all towns shall have one or more Rain Water Harvesting structures having a minimum total capacity as detailed in Schedule.

provided that the Authority may approve the Rain Water Harvesting Structures of specifications different from those in Schedule, subject to the minimum capacity of Rain Water Harvesting being ensured in each case.

b) The owner/ society of every building mentioned in the (a) above shall ensure that the Rain Water Harvesting structure is maintained in good repair for storage of water for non potable purposes or recharge of ground water at all times.

c) The Authority may impose a levy of not exceeding Rs.1000/- per annum for every 100 Sq.Mt. of built-up area for the failure of the owner of any building mentioned in the (a) above to provide or to maintain Rain Water Harvesting structures as required under these byelaws.

SCHEDULE

RAIN WATER HARVESTING

Rain Water Harvesting in a building site includes storage or recharging into ground of rain water falling on the terrace or on any paved or unpaved surface within the building site.

1. **The following systems may be adopted for harvesting the rain water drawn from terrace and the paved surface.**

   (i) **Open well of a minimum of 1.00 mt. dia and 6 mt. in depth into which rain water may be channeled and allowed after filtration for removing silt and floating material. The well shall be provided with ventilating covers. The water from the open well may be used for non potable domestic purposes such as washing, flushing an for watering the garden etc.**

   (ii) **Rain Water Harvesting for recharge of ground water may be done through a bore well around which a pit of one metre width may be excavated upto a depth of at least 3.00 mt. and refilled with stone aggregate and sand. The filtered rain water may be channeled to the refilled pit for recharging the borewell.**

   (iii) **An impervious surface/ underground storage tank of required capacity may be constructed in the setback or other open space and the rain water may be channeled to the storage tank. The storage tank shall always be provided with ventilating covers and shall have draw-off taps suitably placed so that the rain water may be drawn off for domestic, washing gardening and such other purposes. The storage tanks shall be provided with an overflow.**

   (iv) **The surplus rain water after storage may be recharged into ground through percolation pits or trenches or combination of pits and trenches. Depending on the geomorphological and topographical condition, the pits may be of the size of 1.20 mt. width X 1.20 mt. length X 2.00 mt. to 2.50 mt. depth. The trenches can be or 0.60 mt. width X 2.00 to 6.00 mt. length X 1.50 to 2.00 mt. depth. Terrace water shall be channeled to pits or trenches. Such pits or trenches shall be back filled with filter media comprising the following materials.**

      a) **40 mm stone aggregate as bottom layer upto 50% of the depth;**

      b) **20 mm stone aggregate as lower middle layer upto 20% of the depth;**

c) Coarse sand as upper middle layer upto 20% of the depth;

d) A thin layer of fine sand as top layer;

e) Top 10% of the pits/ trenches will be empty and a splash is to be provided in this portion in such a way that roof top water falls on the splash pad.

f) Brick masonry wall is to be constructed on the exposed surface of pits/ trenches and the cement mortar plastered.

The depth of wall below ground shall be such that the wall prevents lose soil entering into pits/ trenches. The projection of the wall above ground shall atleast be 15 cms.

g) Perforated concrete slabs shall be provided on the pits/ trenches.

(v) If the open space surrounding the building is not paved, the top layer upto a sufficient depth shall be removed and refilled with course sand to allow percolation of rain water into ground.

2. The terrace shall be connected to the open well/ borewell/ storage tank/ recharge pit/ trench by means of HDPE/ PVC pipes through filter media. A valve system shall be provided to enable the first washings from roof or terrace catchment, as they would contain undesirable dirt. The mouths of all pipes and opening shall be covered with mosquito (insect) proof wire net. For the efficient discharge of rain water, there shall be at least two rain water pipes of 100 mm dia mtr. for a roof area of 100 Sq.Mt.

3. Rain Water Harvesting structures shall be sited as not to endanger the stability of building or earthwork. The structures shall be designed such that no dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.

4. The water so collected/ recharged shall as far as possible be used for non-drinking and non-cooking purpose.

Provided that when the rain water in exceptional circumstances will be utilised for drinking and/ or cooking purpose, it shall be ensured that proper filter

arrangement and the separate outlet for by passing the first rain-water has been provided.

Provided further that it will be ensured that for such use, proper disinfectants and the water purification arrangement have been made.][(2)

[ ] **(2) This new clause for Rain water Harvesting was added vide final sanction under section 37(2) of MR&TP act, 1966 under number No.TPB-4307/396/CR-124/2007/UD-11 Dated the 6th June,2007**

[Regulation for Inclusive Housing

(1) (a) For the sub-division or layout of the land admeasuring 4000 sq.mt. or more for residential purpose, minimum 20% of the net plot area shall have to be provided ----

i) either in the form of developed plots of 30 to 50 sq.mt. size for Economically Weaker Sections / Low Income Groups (EWS/LIG), (hereinafter referred to as "affordable plots")in which plots of 30 sq.mtr. size shall be kept for EWS.

Or

ii) in the form of equivalent 20% net plot area for constructing EWS/LIG tenements, which area shall be handed over to MHADA at the land rate prescribed in the Annual Statement of Rates prepared by the Inspector General of Registration, Maharashtra State, Pune (hereinafter referred to as ASR) of the year in which final approval is accorded to such sub-division or layout.

(b))The Landowner/ Developer shall sell the affordable plots to MHADA at one place in lieu of equivalent FSI to be utilized in the remaining plots. If MHADA declines to purchase the same within a reasonable time of six months, he can sell the affordable plots in the open market, in such case additional FSI of affordable plots shall not be admissible.

"Provided that in case the Landowner / Developer desires not to utilize such additional FSI in the same land. fully or partly. then he shall be awarded TDR in lieu or such unutilized additional FSI. The utilization of this TDR shall be subject to the prevailing provisions of DCR and as per the following formula.

Formula :

X= (Rg/Rr)*Y

Where, X = Utilization of Development Right (DR) on the receiving plot.

Rg = Land Rate in Rs. Per Sq. m. as per the Annual Schedule of Rates (herein after referred to as "ASR") of generating plot in the year when project is sanctioned.

Rr = Land Rate in Rs. per Sqm. as per ASR of the receiving plot of the same year of generating plot.

Y = Unutilized additional FSI."**(27052015)**

(2) For a plot of land, admeasuring 4000 sq.mt. or more to be developed for a Housing Scheme consisting of one or more buildings (hereinafter referred to as 'the said Scheme'), EWS/LIG Housing in the form of tenements of size ranging between 30 to 50 Sq.mt, (hereinafter referred to as 'affordable housing tenements') shall be constructed at least to the extent of 20% of the basic zonal F.S.I., subject to the following conditions.:--

(a) The built up area of the EWS/LIG tenements constructed under the Scheme shall not be counted towards F.S.I.

(b) The Landowner / Developer shall construct the stock of the affordable housing tenements in the same plot and the Planning Authority shall ensure that the Occupation Certificate for the rest of the development under the said Scheme is not issued till the Occupation Certificate is issued for the Affordable Housing tenements under the said Scheme.
" Provided that the equivalent Affordable Housing Plots or 20% plot area can also be provided at some other location (s)within the same Administrative Ward of the Municipal Corporation."

"Provided further that the equivalent Affordable Housing tenements can also be provided at some other location(s) within the same Administrative ward of the Municipal Corporation and such construction shall be free of' FSI up to the limit of 50% of the admissible FSI of' such alternative plot." **(27052015)**

(c) The completion of the Affordable Housing tenements under the said Scheme, along with necessary particulars, including a copy of the Occupation Certificate granted by the Planning Authority in respect thereof, shall be immediately intimated by the Landowner/ Developer to MHADA. Upon such intimation, MHADA , within a period of six months from the date of receipt of such intimation, shall either purchase such affordable housing tenements or allot such tenements to the allottees selected by MHADA through a system of lottery, drawn after such Affordable Housing tenements have been granted Occupation Certificate and thereafter, the Land Owner/ Developer shall dispose of such tenements to MIIADA or such allottees, as the case may be, ~~at the construction rates in the ASR applicable~~ *"at rates equal to 125% of the construction rates in the ASR applicable* **(27052015)** to the land under the Scheme, on the date of grant of Occupation Certificate to such Affordable Housing tenements .

" Provided that there shall be no obligation to construct affordable Housing tenements in the redevelopment project of any Co-operative Housing Society in which the carpet area of all existing individual residential tenements does not exceed 80 Sq.mtr.
Provided further that in case of individual bungalow Housing Scheme, these provisions shall not apply in case of redevelopment of individual bungalow. However. if redevelopment for total plot under layout is proposed, these provisions shall be applicable." **(27052015)**

(d) The Landowner / Developer may also be permitted to utilize l/4th of the total 20% F.S.I. earmarked for Affordable Housing towards construction of Affordable Housing Tenements in the form of service quarters on the same plot but in a separate block which shall have to be sold as service quarters only to the purchasers of free sale flats under the said Scheme.

~~(e)There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any Housing Scheme or residential development project wherein owing to the relevant provisions of the Development Control~~

~~Regutations, more than 20% of the basic zonal FSI is required to be utilized towards construction of residential tenements for EWS, LIG or MIG.~~

"e) There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any redevelopment project under Regulation 33(5),33(7),33(9),33(10),33(14), 56(3)(c), 57(4)(c) and also in development of land earmarked to the land owner/ developer as per Column No. 5 of the Table, specified under Regulation 58(1)(b) as well as any Housing scheme or residential development project wherein owing to the relevant provisions of the Development control Regulations, more than 20% of the basic zonal FSI is required to be utilized towards construction of residential tenements for the EWS/ LIG and also for the development / redevelopment of any land owned by the Govt. or any Semi-Govt. Organization, provided such development / redevelopment is undertaken by the Govt. or such Semi-Govt. Organization by itself or through any other agency under BOT or PPP model.
Provided that in case of development of reservation for Public Housing, Housing the Dishoused, Public Housing/High Density Housing and the EWS/LIG tenements constructed under the provisions of any other Act, these provisions shall not be applicable. **(27052015)**

(3) Amalgamation of affordable plots / affordable tenements shall not be allowed.

(4) These provisions shall be applicable prospectively and shall not be applicable to any Housing Scheme or residential development project wherein Commencement Certificate had been issued prior to the date of coming into force of these provisions and was valid on such date.]**(08112013)**

[ ] **(08112013)** New Regulation of Inclusive Housing was incorporated in the D C Regulations vide modification sanctioned under no. TPB 4312/CR/45/2012/ (2)/UD-11 Dated 8thNovember, 2013, as per provisions contained in37(1AA)(c) of M.R.&T.P. act, 1966.

[ ] **(27052015)** **The modification to regulation of inclusive housing was incorporated vide** Notification No. TPB *43121CR-45/ 2012/(2) / UD- 11*Dated 27 May, 2015, as per provisions contained in37(1AA)(c) of M.R.&T.P. act, 1966.

Final sanction under section 37(1AA)(C) of MRTP Act 1966, under number TPS/1810/1975/CR NEW 65/12/DP/UD-13 dated 04/03/2014.

"Setting up of Telecommunication Cell Site / Base Station and Installation of the Equipments for Telecommunication Network shall be governed by the Regulation specifically described in **Schedule-A** appended to Notification No.TPS-1810/1975/CR NEW 65/12/DP/UD-13, dated the 04/03/2014."

SCHEDULE "A"

Regulation No. :- Regulation for setting up of Telecommunication Cell Site(s)/Base Station(s) and installation of the equipments for Telecommunication Network in the State of Maharashtra.

1. Applicability :-

This Regulation shall apply to all existing and / or proposed Telecommunication Cell Sites/Base Stations installed or to be installed in any area in the State of Maharashtra to which the provisions of the Maharashtra Regional and Town Planning Act, 1966, apply and shall be implemented by the concerned Competent Authority within whose area, the land is situate.

2. Definitions :-

(a) "Competent Authority" means the Planning Authority as defined in the Maharashtra Regional and Town Planning Act, 1966, over its area of jurisdiction and elsewhere, the Collector of the concerned District .

(b) "Telecommunication Cell Site/Base Station" (TCS/BS) for any Telecom Operator shall mean and include tower of requisite height and dimensions, delta, single pole antennae, microwave antenna, cabin of requisite dimensions for housing equipment, telecom transceiver machinery, related civil work, requisite wires and cables, power supply equipment, Diesel Generator (DG) Set/ Alternate power supply mechanism, cabin /cupboard for housing any or all of the aforesaid items as necessary.

3. **Control Over Development:-**

No Telecommunication Cell Site / Base Station shall be setup or installed without the previous permission in writing of the Competent Authority. The permission shall be granted in the same manner as prescribed under Sections 44 to 47 of the Maharashtra Regional and Town Planning Act, 1966, in case of areas for which draft Development Plan has been prepared or final Development Plan has been sanctioned and under Section 18 of the said Act in respect of areas for which draft Regional Plan has been prepared or final Regional Plan has been sanctioned.

If the Competent Authority does not dispose of the application within a period of 60 days from the date of submission, the said application by the Telecom Service Provider/Infrastructure Provider (TSP/IP) shall be deemed to have been approved as per the provisions under Section 45 of the Maharashtra Regional and Town Planning Act, 1966.

4. Procedure for Obtaining Development Permission:-

(A) All the applications for setting up or installation of any Telecommunication Cell Site/ Base Station (TCS/BS) or erection of a part thereof, shall be made to the Competent Authority by the concerned Telecom Service Provider (TSP) or the concerned Infrastructure Provider (IP), in such form and containing such particulars as may be prescribed by the Competent Authority or the Government.

(B) The application to the Competent Authority for obtaining the aforesaid development permission shall be accompanied by the following documents-

a) All the documents as otherwise required to be attached for any development permission under the sanctioned Development Control Regulations for the area in which the site under application is located.

b) Plans showing Location Map, Key Plan, Site Plan, Block Plan and Plans of the proposed work. In case of roof-top tower, the copy of Occupation Certificate or copy of sanctioned building plans or copy of Commencement Certificate issued by the Competent Authority or any other valid proof, in respect of the building on which the erection of roof-top tower is proposed, showing that such building is authorised.

c) Notarised consent of the Owner of premises, which shall mean and include consent of the owner of property or no-objection certificate of the concerned registered Co-op Housing Society or notarised consent of 70% of the total number legal occupants in case of Apartments or Condominium or no objection certificate of the lessor in case of a lease -hold property.

d) Copy of agreement between the TSP/IP and the Owner of premises.

e) Copy of Access Service License / Infrastructure Provider (IP) Registration Certificate, granted to the TSP/IP by the Department of Telecommunications (DoT), Government of
India (GoI).

f) "Copy of clearance from the Standing Advisory Committee for Frequency Allocations (SACFA) or copy of application made to SACFA for the said location submitted to Wireless Planning Commission (WPC) wing of the Department of Telecommunications (DoT), with registration number as WPC Acknowledgement, alongwith an undertaking that in case of any objection / rejection, TSPs / IPs will take corrective actions or remove the TCS / BS."

g) "Acknowledgement receipt issued by Telecom Enforcement Resource and Monitoring (TERM) Cells in respect of the self-certificate submitted by TSP / IP regarding mobile towers / Base Transceiver Station (BTS) [Ground-based or Roof-Top or Pole / wall-mounted] in the format as prescribed by Telecom Engineering Centre (TEC), DoT, establishing / certifying that all General Public areas around the TCS / BS will be within
safe Electro-Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennae starts radiating."

h) "Copy of Structural Stability Certificate for any ground-based Base Transceiver Station (BTS).
OR
In case of any roof-top BTS tower, Structural Stability Certificate for the building, based on written approval of any authorized Structural Engineer of the State / Local Body / Central Building Research Institute (CBRT), Roorkee/ IIT/ NIT or any other Agency authorized by the Competent Authority. Provided that such NOC shall not be required for the single pole antennae or cellular signal boosters.

i) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.

(j) Notarised undertaking from the Applicant / owner of premises:-

(i) That the cabin will not be utilized for any purpose other than the Telecommunication Cell Site/Base Station.

(ii) That if the said activity is discontinued by the Applicant, the said cabin will be demolished forthwith by the Applicant /Owner of premises.

k) No-objection certificate from the Authority concerned under the Civil Aviation Ministry (hereinafter referred to as the said Authority) in case of any building falling in any area where such no-objection certificate of the said Authority is required under the relevant rules or law.

l) No objection certificate of the Maharashtra Pollution Control Board regarding compliance with the norms prescribed for noise levels and smoke levels for the power generating sets having capacity above 100 kw, to be provided for Base Transceiver Stations.

m) No objection certificate of the Chief Fire Officer of the concerned Urban Local Body, and elsewhere, of the Director of Fire Services, only in case of High Rise buildings having height of 15 mtr. or more measured from ground level.

n) Copy of clearance from the State Environment Department as well as the Forest Department, in case of forest, protected areas, if applicable.

o) Data Sheet containing the information regarding –

a) Name of Telecom Service Provider/ Infrastructure Provider:-
b) Location:-
c) Tower Reference--
i) Height & Weight of Tower ---
ii) Ground Based Tower / Roof Top Tower—
iii) Number of Antennae planned on Tower ---
iv) Permissible maximum EMF Radiation Level ---
v) Proposed maximum EMF Radiation Level. ---
p) Requisite fees, charges, as applicable.

(C) In case of area under Coastal Regulation Zone and / or in case of a listed Heritage building/Heritage precinct and / or in case of cessed buildings and / or in case of area under Environmentally Sensitive Zone (ESZ), notified by the Ministry of Environment and Forest (MoEF) Government of India (GoI), all the applications for installation of any TCS/BS or erection of a part thereof, shall be made to the concerned Competent Authority, which will forward it to the Maharashtra Costal Zone Management Authority (MCZMA) or National Costal Zone Management Authority (NCZMA), as the case may be, and / or Heritage Conservation Committee concerned and / or MHADA and / or High Level Monitoring Committee (HLMC) appointed / constituted by MoEF, respectively.

(D) The erection of the Base Station including tower, shall be commenced within ninety days from the date of receipt of permission from the Competent Authority and report of erection shall be made to the Competent Authority.

5. **Leviable charges:-**
The Competent Authority, while granting permission under subregulation (3) hereinabove, shall levy and collect the following charges:

a) Development Charge:- Development charge shall be levied and collected by the Competent Authority as per the provisions under Section 124-B of the Maharashtra Regional and Town Planning Act, 1966. For the purpose of assessing the development charge, the setting up of Base Station on land and on roof-tops shall be classified under
commercial category. In an area where the Collector is the Competent Authority, the Development Charge shall be collected by the concerned Branch Office of the Town Planning Department on behalf of the Collector, at the rate of 1% of the rate of developed land mentioned in the Annual Statement of Rates for the relevant year, prepared by the Inspector General of Registration, Government of Maharashtra, calculated over the foot print area occupied by the Telecommunication Cell Site / Base Station.

b) Administrative Fee:-
Over and above the development charge as stipulated in Clause 5 (a) above, TSP/IP shall pay to the Competent Authority, a one time non-refundable Administrative fee, in accordance with the location of the installation as shown in the Table hereinbelow:-

Table

Sr No.	Competent Authority	Administrative Fee (Rs.)
1	Municipal Corporation of Greater Mumbai (MCGM)	50,000
2	Municipal Corporation (Other than the M C G M)	30,000
3	Class A Municipal Council	25,000
	Class B Municipal Council	20,000
	Class C Municipal Council and Nagar Panchayats	15,000
4	Special Planning Authority	30,000
5	Competent Authority in Other Areas	10,000

Provided that the State Government may revise these rates from time to time by publishing a Notification to that effect in the Official Gazette.

Provided further that in an area where the Collector is the Competent Authority, the Administrative fee shall be collected by the concerned Branch Office of the Town Planning Department.

6 . **Planning Norms For Erection of TCS/BS :-**

a) Notwithstanding the land use provisions under the relevant Development Control Regulations (DCR) pertaining to any Development Plan (DP) or Regional Plan (RP), subject to the compliance of other provisions of these Regulations, it shall be
permissible to install TCS/BS, on;-

(i) all land uses as earmarked in any DP or RP,

(ii) all lands which are designated for non-buildable reservations in any DP or RP, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of the area of the reserved site or 100 sqm, whichever is less, and shall be located in one corner of the reserved site.

(iii) all lands which are designated as open spaces / recreational open spaces / recreational grounds in a sanctioned layout, where such installation shall be permissible only with the no-objection certificate of the concerned registered co-operative housing society or consent of 70% of the total number of legal occupants / plot holders of such layout, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of such area or 100 sqm, whichever is less, and the same shall be located in one corner of such area.

(iv) all buildable reservations in any DP or RP, except for buildings of uses mentioned in Clause No. 6(f), where such installation shall be permissible on the roof top, but only after development of the said reservation.

(v) all open lands in slum areas belonging to the Government / Public Authority / Planning Authority, where only ground-based TCS / BS shall be permissible and no Roof-Top Tower shall be permissible, save as provided in Clause 6(a) (vi) hereinbelow.

(vi) public buildings in slum areas, like public toilets, community centres etc., constructed by any Public Authority or to be constructed by the TSP / IP, where construction of Roof Top Towers shall be permissible, subject to maintenance and
compliance of other terms and conditions specified by the concerned Authority.

b) No permission for installation of TCS/BS shall be granted in wildlife areas and / or ecologically important areas, without ecological impact assessment and review of installation site. The Forest Department should be consulted before installation of TCS/BS in and around protected areas (PAs) and Zoos.

c) The TCS/BS must have clear access by means of an existing road having minimum width of 6 mtr. for locations falling in congested area as earmarked on any DP or RP and 9 mtr., for locations falling outside such congested area. However in exceptional circumstances, the Competent Authority may relax such road width suitably, but in no case, shall it be less than 5 mtr.

d) In case of both ground-based towers and roof-top towers, there shall be no nearby buildings right in front of the antenna(e) of equivalent height, taking into account the tilt of the lowest antenna on tower, as per the details in the Table below:-

Table

Sr. No.	Number of Antenna(e) Pointed in the Same Direction	Building /Structure Safe Distance from the Antenna(e) at the Same Height (in mtrs)
1	1	20
2	2	35
3	4	45
4	6	55

Provided that the antennae at the same height only are to be counted, as the beam width of the mobile antennae, in the vertical direction, is very narrow.

(*Explanation:- The distance figures in the above Table are based on empirical estimation considering that all the antennae are emitting at their maximum RF power of 20 Watts and exactly in the same direction with the same height.*)

Provided further that above norms shall automatically stand revised as per the latest guidelines issued by the DoT from time to time.

e) In case of Wall Mounted /Pole Mounted Antenna(e) :-
i) Wherever the antennae are mounted on the wall of a building or pole or along the road, their height should be atleast 5 mtr. above ground level / road level.
Provided that such installations shall have to comply with the prescribed radiation limits.

ii) As far as safe distance of buildings from antenna(e) is concerned, guidelines as in Clause 6 (d) above shall apply.

f) Installation of Base Station antenna(e) shall not be permissible within the premises of schools, colleges, and hospitals as well as on the adjoining land /building within 3 mtr. from the boundary of premises of schools, colleges and hospitals. Also antenna(e) shall not be directed / positioned towards any school / college/ hospital building.

g) The existing Base Station antenna(e) approved earlier on any school/ college/ hospital building shall not be renewed further after the expiry of period of approval and the same shall be removed immediately thereafter, subject to the provisions of Clause 8 (d).

h) Access to Base Station Antenna site shall be prohibited for the general public, by putting in place suitable measures such as wire-fencing, locking of the door to the roof, etc.

i) The roof-top TCS/BS towers shall be put only on buildings which are declared structurally strong enough to bear the load of such installation. The base connection to the building should be got designed from a qualified structural engineer. Structural safety certificate of the composite structure [Building + Tower(s)] shall have to be obtained from any of the recognized Government Institutes.

j) While according permission for installation of TCS/BS, permissible for erection of a cabin at ground level may be granted. However, the same shall not be allowed in the prescribed marginal open spaces. The area of such cabin shall not be more than 20 sq. mt. for each TSP/ IP, subject to the certificate of structural safety. Built-up area of such
cabin(s) shall not be counted towards built-up area or FSI.

k) No permission for installation of TCS/BS shall be granted on buildings which are unauthorized and structurally unsafe. If permission for installation of such structures is granted on a building, which is declared as unauthorized at a later point of time, the Competent Authority shall first take recourse to the provisions of sections 52, 53, 54 and 55 of the Maharashtra Regional and Town Planning Act, 1966 or other relevant laws, as the case may be, against such unauthorised building and in case the Competent Authority, after completing the due process of law, decides to undertake any action of demolition against such unauthorised building then such decision shall also be conveyed to the concerned TSP/IP with a direction to relocate the TCS/BS within a period of 90 days, after which the Competent Authority shall not be under any obligation to send any further intimation to the TSP/IP concerned before demolishing such unauthorised building, and it shall not be liable to pay compensation for the loss of the Base Station as a consequence of the demolition of the unauthorized building. The TSP/IP shall indemnify the Competent Authority to this effect, while seeking permission for installation of TCS/BS,

l) Permission for installation of TCS/BS, once granted shall remain valid for next 5 years. The TSP/IP shall apply for renewal of permission to the Competent Authority. The Competent Authority, while considering renewal, shall insist upon submission of fresh structural stability certificate for buildings more than 30 years of age. Administrative fee shall be levied and collected as prescribed in Clause 5 (b) hereinabove, for every such renewal. If TSP/IP fails to apply for renewal alongwith all necessary documents before the expiry of earlier permission, then such TSP / IP shall be liable for action under the provisions of the Maharashtra Regional and Town Planning Act, 1966.

m) In case of any existing TCS / BS on a slum structure, every effort shall be made to relocate such TCS / BS on a nearby suitable public building or any other authorised structure or open land in the slum. If such relocation is not possible, then such TCS / BS may be allowed to be continued on such slum structure subject to its structural suitability, till the TCS / BS is shifted to any other authorised structure or till the
redevelopment of the slum, whichever is earlier.
n) While granting permission for TCS / BS, the Competent Authority shall stipulate that TSP / IP shall conduct regular audit in accordance with the directions / guidelines issued by TERM Cell or DoT from time to time.

7. **Electro-Magnetic Field (EMF) Radiation Norms :-**

(a) Prior to installation of TCS / BS, the TSP/IP shall have to obtain Site clearance from the Standing Advisory Committee on Frequency Allocation (SACFA) of the Department of Telecommunication (DoT) for every site from the point of view of interference with other wireless users, aviation hazards and obstruction to any other existing microwave links.

(b) The Electro-Magnetic Field (EMF) radiation from BTS towers shall be subject to the regulations framed by the DoT from time to time. The TSP / IP shall periodically conduct audit and monitor EMF radiation in Urban localities, hospitals and educational/industrial
/residential /recreational premises, especially around the Protected Areas (PAs) and ecologically sensitive areas, in accordance with the guidelines issued by DoT in this regard. It shall be binding on TSP / IP to follow the mechanism prescribed by the DoT / TERM Cell at local level for ensuring control on the EMF radiation and for notifying on continual basis the radiation level at critical location. For all the existing as well as new BTSs / Towers, TSPs are required to submit self-certificates periodically in the format prescribed by TEC, DoT, in order to ensure that normally all general public areas around the TCS / BS site are within the safe EMR exposure limits. Audit of the self-certification furnished by the TSPs shall be done by the TERM Cell periodically. TERM Cell shall carry out test audit of the BTS sites on random basis as per the guidelins received from DoT and also in respect of all cases where there is a public complaint. The TERM Cell shall have due regard to the instructions issued by DoT regarding technical audit of TCS / BS, including radiation of towers within safe limits. These shall include Roof Top / Ground Based / Pole Mounted / Wall Mounted Towers. The TERM Cell shall also verify antenna orientation, safe distance from the Tower (exclusion zone) etc. For non-compliance of EMF standards, Telecom Service Provider shall be liable for penal action by the TERM Cell and / or Department of Telecommunication (DoT). Any violation noticed may attract heavy penalties on TSPs and may also lead to shut down of TCS / BS, in case the violation persists.

8. **Miscellaneous Provisions:-**

(a) Any complaint concerning illegal installation of TCS / BS on any building or any query of any nature regarding the installation of telecommunication equipment, shall be addressed to the Competent Authority which shall intimate the concerned TSP/IP about the same with a direction to resolve the issue under intimation to the Competent Authority, within such period as may be prescribed by the Competent Authority.

(b) The TSP/IP, who has erected TCS / BS without due permission, shall apply to the concerned Competent Authority for regularization within 180 days from the date of coming into force of this Regulation. In case such application is made within the prescribed period, then the offence, if any, registered against the TSP/IP may be compounded by the Competent Authority under Section 143 of the Maharashtra Regional & Town Planning Act, 1966, subject to the provisions of these regulations.

(c)The TSPs/IPs who have earlier erected TCS/BS with due permission, shall apply afresh, for validation of the previous permission, to the Competent Authority within a period of 90 days from the date of commencement of this Regulation, in order to ensure due compliance of this Regulation. However Administrative fee in such cases shall not be leviable if appropriate fee/ Development charge, not less than the amount prescribed under Clause 5 (b) above, has already been paid. In case the amount paid is less than what is prescribed hereinabove, the difference in amount shall be recovered from the TSP/IP.

(d) Any existing TCS/BS not conforming to any of the above provisions shall have to be removed within one year from the date of commencement of this Regulation, unless the same is specifically regularized by the Competent Authority following due compliance by TSP/IP. However, operation of such nonconforming Telecommunication Cell Site/Base station shall be discontinued within a period of 30 days from the date of receipt of notice from the Competent Authority to that effect, which shall however be issued only after obtaining the consent of the TERM Cell of DoT.

(e) The Licensees shall try to share the tower for fixing their respective antennae provided the prescribed conditions are duly fulfilled, so as to ensure curtailing of multiple towers and optimizing the use of the existing ones.

(f) Sign boards and Warning signs (“Danger”, “RF Radiation”, “Restricted Area”, “Don’t Enter” etc.) shall be provided at TCS/BS antenna sites which are clearly visible and identifiable.

(g) The TSP/IP shall display the details of the following on a board (minimum size 24" x 48") separately or prominently on the cabin, for the perusal of general public in such a way that the same shall be clearly visible and identifiable.
i. Name of TSP/IP:-
ii. Location:-
iii. Tower Reference:-
a) Height,
b) Weight
c) Number of antennae planned on tower
d) Permissible EMF radiation level
e) Proposed EMF radiation level
iv. Due date for next renewal.
v. Contact Person's name, address and Telephone Number
vi. Address of Complaint Redressing Authority with TelephoneNumbers
vii. Police Control Room- 100
viii. Fire Control Room – 101
ix. Ambulance – 102
x. Other important information, if any.

Provided that in case of Telecommunication Cell Site/Base station on roof-top, the aforesaid information shall be displayed on the ground floor of the building.

(h) The Competent Authority shall display the list of authorized TCS/BS on their official web-site, alongwith the date of permission and due date for renewal of permission.

(i) TCS/BS Tower shall be inspected for distortion of members, torques of nuts and bolts at least once in five years. However, in case of areas affected by any natural calamity, such as cyclone, earthquake, flood, etc., such inspection shall be carried out immediately after such incident suo motu or on being directed by the Competent Authority. Such inspection shall be carried out only by a qualified structural engineer and a certificate to that effect shall be submitted to the Competent Authority.

(j) TCS/BS Towers located in highly corrosive environment shall be painted every year. Other towers shall be painted at least once in five years to give additional protection.

(k) The Competent Authority shall make efforts to provide Single Window clearance to TSP / IP for disposal of their applications in a time bound manner.

(l) In order to effectively address Public Grievances relating to
installation of TCS / BS and issues related to telecom
infrastructure, the State Government may set up -

i) State Level Telecom Committee (STC) consisting of officers from TERM Cells, State Administration, representative(s) of concerned TSP(s) and eminent public persons etc.

ii) District Level Telecom Committee (DTC) consisting of officers from District Administration, representative(s) of concerned TSP(s) and eminent public persons etc.

9. Notwithstanding anything contained hereinabove, all the Regulations / Bye-Laws /Memorandum /Directions /Guidelines in this regard, issued or to be issued from time to time, by the Department of Telecommunications, Government of India, shall prevail and be binding on TSP/IP and also on all the Competent Authorities concerned, in which case, this Regulation shall stand modified to that extent.

10. **Powers of Interpretation and Removal of Doubt :-**
If there is any overlapping provision or any conflict between the existing Development Control Regulations and the provisions of this Regulation and if any interpretation is required regarding the clauses of this Regulation, then the matter shall be referred to the Urban Development Department, Government of Maharashtra, whose decision shall be final.

(Accompaniment to Notification No. TPB 4316/ CR-167/ 2016 /(3)/ UD-11, Dated 15th July 2016.)

Buildings of Information Technology Establishments(15072016)

1) The Commissioner may permit additional FSI upto 200 % over and above the basic permissible F.S.I. to all registered Public and Private IT/ITES Parks/AVGC Parks/IT SEZs or IT Parks in SEZs / Stand-alone IT/ITES units in public IT Park (including IT/ITES units located in Residential/ Industrial/No Development/ Green/Agriculture Zone or any other land-use zone in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present / previous IT/ITES policies, (hereinafter referred to as the "said unit") by charging premium of 30% of the land rate for the said land as prescribed in Annual Statement of Rates for the relevant year of granting such additional F.S.I. for Pune, Pimpri-Chinchwad, Navi Mumbai Notified Area. Municipal Corporations in Mumbai Metropolitan Region and 10% of the land rate for the said land as prescribed in Annual Statement of Rates for the relevant year of granting such additional F.S.I .for other Municipal Corporations.

In case of the Navi Mumbai Notified Area, the CIDCO as land owner may recover lease premium for additional F.S.I., if applicable under land disposal policy of CIDCO.

Provided that additional FSI above 100% and upto 200% shall be permissible only on plots having an access road of minimun 18 meters width.

Provided further that, the premium so collected shall be shared between the Planning Authority and the Government in the proportion of 50 : 50. The share of the Government shall be paid to the concerned Branch office of the Town Planning Department.

(Explanation: - Premium charges shall be calculated on the value of lands under such zones, determined by considering the land rates of the said land as prescribed in Annual Statement of Rates (ASR). These charges shall be paid at the time of permitting additional F.S.I. by considering the ASR for the relevant year without applying the guide lines)

2) No premium shall be chargeable in Municipal Corporation areas, if they are covered under No Industry Districts and Naxalism affected areas of the State (as defined in the " Package Scheme of Incentives-2013" of the Industries, Energy & Labour Department of the State).

3) The total maximum permissible F.S.I. shall not exceed limit of 3.00.

4) Maximum 20% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may he permitted for support services as defined in IT/ITES Policy 2015, in IT Parks in Pune, Pimpri-Chinchwad, Navi Mumbai Notified Area, Municipal Corporations in Mumbai Metropolitan Region and remaining built-up area shall be utilized for IT/ITES ..

5) Maximum 40% of total proposed Built-up area (excluding parking area) inclusive of such additional F.S.I. may he permitted for support services in IT Parks in Municipal Corporations which are not covered under Serial No. 4 above and remaining built-up area shall be utilized for IT/ITES.

6) New said unit shall allocate at least 2% of the total proposed built-up area, for providing incubation facilities for new units. This area would be treated as a part of the Park to be used for IT activities and eligible for additional FSI benefits accordingly.

7) Premium to be received by the Planning Authority as per provisions in this regulation shall be deposited in a separate fund viz. "Critical Infrastructure Fund for IT/ITES Industries" and this fund shall be utilized only for creation of Critical Infrastructure for IT/ITES Industries:

Provided that in the event, the developer come forward for providing such off site infrastructure at his own cost, instead of paying premium as prescribed above, then the Planning Authority may determine the estimated cost of the work by using rates prescribed in District Schedule of Rates (DSR) of the relevant year, in which order for commencement of such work is issued. The Planning Authority shall also prescribe the standards for the work. After completion of the works, the Planning Authority shall verify and satisfy itself that the same is developed as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered from such developer before issuing Occupancy Certificate.

Provided that, in case the cost of work is more than the premium to be recovered, such additional cost to be borned by such developer.

8) Permission for erecting towers and antenna upto height permitted by the Civil Aviation Department shall be granted by the Commissioner as per the procedure followed for development permission or otherwise as may he decided by the Government.

9) While developing site for IT/ITES with additional FSI, support services as defined in the IT Policy 2015, shall be allowed.

10) The sanctioned existing regulations in respect of I.T. Establishments, are proposed to replaced suitably and for the Planning Authorities, which have no provisions in respect of I.T. Establishments, these regulations shall be proposed to be inserted as new regulations.

11) Notwithstanding anything contained in the Development Control Regulations of Planning Authorities, no amenity space is required to be left for development of plot/land upto 2.00 Hect. for IT/ITES.

12) Notwithstanding anything mentioned in these Regulations, special provisions mentioned in the existing Regulations of respective Planning Authority, which

areas are not covered under these regulations shall continue to prevail unless otherwise specified.

13) The Directorate of industries will develop a web portal on which the developer of every IT park will be bound to provide/update detailed information about names of the units in the park, utilization of built-up area and activities being carried out, manpower employed in the It Park for IT/ITES and support services on yearly basis.

If a private IT park has availed additional FSI as per the provisions of IT/ITES policy and subsequently it is found that the built-up space in the park is being used for non IT/ITES / commercial activities/ any other activity not permitted as per the IT/ITES policy under which the said park was approved, a penal action as below will be taken, the payment shall be shared between the concerned Planning Authority and the Government in the ratio of 3: 1.

a) The misuse shall be ascertained by physical site verification of the said private IT park by a team of officers from the Directorate of industries and the Planning Authority which has approved the building plans of the said private IT park.

b) A per day penalty equal to 0.3% of the prevailing ready reckoner value of the built-up area that has been found to be used for non- IT/ITES activities.

c) The penalty will be recovered from the date of commencement of unauthorized use till the day non IT use continues.

After payment of the penalty to the concerned Planning Authority which has sanctioned the building plans of the concerned private IT park, the said private IT Park will restore the use of premises to the original purpose for which LOI/Registration was granted. If the private IT Park fails to pay penalty and / or restore the use to its original intended use, the concerned Planning Authority will take suitable action under the Maharashtra Regional and Town Planning Act 1966, against the erring private IT Park under intimation to the Directorate of Industries. This provision will also be applicable to existing IT Parks.

These provisions will be over and above the penal provisions of the MRTP Act. 1966.][15072016]

[.][15072016] **This clause was added vide final modification sanctioned under 37(1)(AA)(c) of mrtp act 1966 vide order under no. TPB 4316/ CR-167/ 2016 /(3)/ UD-11, Dated 15th Julv 2016.**

APPENDIX I

[Regulations 33(5)]

Regulations for Low Cost Housing Schemes of the Maharashtra Housing and Area Development Authority for Economically Weaker Section (EWS) and Low Income Groups (LIG)

1. Density :- (a) Density shall be upto 450 tenements per net hectare having at least 60 per cent tenements for EWS/LIG housing.

(b) Extra density of 20 per cent over and above the normally permissible density will apply for such housing schemes, with 60 percent tenements under the E.W.S. and L.I.G. categories.

2. Minimum Plot Size :- (a) In the case of a growing house on a plot of 25 sq. m., a room of minimum size of 5.57 sq.m. (60 sq.ft) with toilet arrangement in the first phase shall be permitted. In the second phase, one room of 9.30 sq.m. (100 sq.ft.) may be allowed to be added. However, commencement and occupation certificates shall be granted initially to the first phase only and subsequent certificate for second phase issued as required.

(b) Multi-purpose rooms:- A multi-purpose room shall be allowed with size upto 12.5 sq.m.with a minimum width of 2.4 m.

(c) Cooking space (alcove) :- Provision of separate kitchen shall not be necessary, However, cooking space shall be allowed with a minimum size of 2.4 sq.m. with minimum width of 1.2 m.

(d) Combined toilet :- A combined toilet shall be permitted for more than one tenement with a minimum area of 1.85 sq.m. with minimum width of one meter.

(e) Height :- The average height for a habitable room with sloping roof shall be minimum 2.6 m. with minimum height of 2 m. at the eaves. In the case of a flat roof, minimum clear height shall be 2.6 m. for a habitable room. Kitchen areas shall have minimum clear height/average height of 2.4 m. and bath and water closet (without loft) shall have a clear minimum height of 2.2 m.

(f) Plinth :- The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.

3 External walls :- 115 mm, thick external brick wall without plaster shall be permitted.

4 Staircases :- Single flight staircases without landing between the two floors shall be permitted.

5 Front open space :- The front open space from roads having width of 9.14 m. and below shall be a minimum of 1.5 m for buildings with heights of upto 10 mt.

6 Open space (side and rear) :- The distance between two ground floor structures shall be of a minimum of 4.5 m for purpose of light and ventilation of habitable rooms.In case of toilets deriving light and ventilation from open space , the distance between the two ground floor structures shall be a minimum of 1.5 m.

7 Pathways :- The widths of pathways shall be as follows :-

(i) 1.5 m. width of pathways upto 20 m. in length;
(ii) 2.0 m. width for pathways upto 30 m. in length;
(iii) 2.5 m. width for pathways upto 40 m. in length;
(iv) 3.0 m. width for pathways upto 50 m. in length;

8. Flushing cistern :- In water closets, flushing cistern shall not be essential and toilets without this provision may be permitted.

9. Water closet pan size :- The water closet seat shall be of a minimum of 0.46 m. (18 inches) in length.
10. Septic tank and leaching pits (soak pits).-A septic tank shall be provided with capacity of 141.6 litres (five cubic feet) per capita. Where the municipal services are likely to be available within four to five years or so, pour flush water seal latrines (NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high.

11. Convenience shopping :- Convenience Shopping as defined in these Regulations shall be permitted along layout roads with width of 12.2 m. to 18.49 m. provided that a minimum set-back of 1.5m and a minimum plot area of 25.2 sq.m is available and is provided.

12. Recreation Ground :- In the layouts, provision for recreation ground shall be on the lines prescribed in these Regulations.

13. Ancillary structures :- Ancillary structures such as underground tank, overhead tank, substations etc. shall be permissible in the compulsory recreation open space subject to the condition that not more than 10 per cent of such space shall be utilised for such purposes.

APPENDIX II
(Regulations 33 (6)

Regulations for reconstruction of buildings, destroyed by fire, collapsed, demolished building etc.,

1. The F.S.I. area of the new building shall be as given in sub-regulation (6) of Regulation 33
2. Reconstruction of the new building on the plot should conform to the provisions of the development plan and these Regulations. Reconstruction on the said plot not so affected by the development plan is permissible.

3. The new building may be permitted to be reconstructed in pursuance of an agreement to be executed on stamp paper by at least 70 per cent of the landlord/occupants (if any) in the original building, within the meaning of the Mumbai Rents, Hotel and Lodging House Rates Control Act, 1947, and such agreement shall make a provision for accommodation for the said landlord/all occupants in the new building on agreed terms and a copy of such agreement shall be deposited with the Corporation before commencement or undertaking reconstruction of the new building.

4. The Carpet area of part or parts of the new building intended to be used as office premises shall not exceed the carpet area of part or parts of the original building so used as office premises or for commercial use.

5. The new building shall be reconstructed in accordance with these Regulations and all other Regulations and orders as applicable from time to time. The Commissioner may exercise his powers under Regulations 64 for condonation of minor variations in respect of such reconstruction.

6. The maximum area of a residential tenement in the reconstructed building shall not exceed 70 sq.m. or such larger area as may be decided by the State Government in deserving cases.

7. The landlord/occupants of the original buildings shall furnish a duly stamped under-taking that he/they shall allot to all the occupants in the original building accommodation in the new building in accordance with Regulations 3 in this Appendix.

8. No construction or reconstruction shall be permitted on set-back areas or areas required for road-widening and such areas shall be handed over to the Corporation.

9. Reconstruction of collapsed/gutted/demolished portions of buildings (provided such collapsed/gutted/demolished portion is not more than 25 per cent of the whole building, excluding sanitary portions and common facilities, passages and usages such as lift portion and lift wells, staircases, etc.) will be permitted subject to these Regulations with the use of conventional materials only, except for repairs to the aforesaid sanitary portions and common facilities which will be permitted in R.C.C. with existing FSI, irrespective of permissible F.S.I.

APPENDIX III

[Regulations 33(7)]

Regulation for reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies

1. (a) The new building may be permitted to be reconstructed in pursuance of an agreement by at least 70 per cent of the landlords/occupiers of the old building

(b) All the occupants of the old building shall be re-accommodated in the redeveloped building.

2. Each occupant shall be rehabilitated and given the carpet area occupied by him in the old building subject to the minimum area as prescribed in the building bye-laws of the Corporation or these Regulations and/or maximum area upto 70 sq.m. as provided in the Maharashtra housing and Area Development Act ,1976.

3. The list of occupants and area occupied by each of them in the old cessed building shall be certified by the Mumbai Housing and Area Development Board.

4. The tenements in the reconstructed buildings shall be allotted by the landlords/occupants' co-operative housing society as per the list certified by the Mumbai Housing and Area Development Board. The prescribed percentage of the surplus built-up area as provided in the Table in the Third Schedule of the Maharashtra Housing and Area Development Act, 1976, shall be made available to the Mumbai Housing and Area Development Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount not exceeding Rs. 1,450 per sq. m. (Rs. 135 per sq. ft.) or as may be prescribed by Government from time to time.

5. Construction or reconstruction of an old building shall conform to the provisions of the final development plan and these Regulations. Reconstruction on part of the plot not so affected by the development plan is permissible.

6. Marginal open spaces on all sides shall be at least 1.5 m. provided that the distance between two buildings on the same plot shall not be less than 3 m.

7. It will not be obligatory to provide a lift for the reconstructed building with not more than five floors. However, all precautions or steps shall be taken for avoidance of fire, providing for safety and fire safety measures and for tackling accidents or emergencies.

8. In the new buildings, commercial/office area/shopping area shall not be more than that existing prior to demolition or reconstruction of the old building. No additional commercial office shopping area shall be allowed in any case. The extent of commercial area will be in accordance with Maharashtra Housing and Area Development Act, 1976, as amended from time to time.

9. No premium shall be charged on account of concessions granted under Regulations 64 by the Commissioner in the matter of open spaces around the developed property and provisions relating to lifts.

10. The scheme of redevelopment of the property by a co-operative society of the occupiers of a cessed building, the owner the property etc. will be accepted only if the co-operative housing society of such persons has not

~~*already been formed and the requisite formalities for conferring ownership rights on the co-operative housing society of occupiers and the payment to the property owner by the proposed society has not been completed.*~~

11. ~~*The F.S.I. as in sub-Regulations (7) of Regulations 33 may be allowed by the Commissioner only after he is satisfied that the said society fulfills all conditions to be eligible for the benefits under these Regulations.]*~~[(1)]

APPENDIX III

[Regulation for the reconstruction or redevelopment of cessed buildings in the Island City by the Landlord and/or Co-operative Housing Societies. (D.C. Regulations No. 33(7)

1. (a) The new building may be permitted to be constructed in pursuance of an irrevocable written consent by not less than 70 per cent of the occupiers of the old building.

(b) All the occupants of the old building shall be re-accommodated in the redeveloped building.

2. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of ~~20.90 sqmt. (225 sqft.)~~ 27.88 sq.mtrs.(300 sq.ft.) ~~(fixed)~~ [(5)] and/or maximum carpet area upto 70 sqmt. (753 sqft.) as provided in the MHAD Act, 1976. In case of non-residential occupier the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. [Provided that if carpet area for residential purpose exceeds 70.00 sq. mt. (753 sq. ft.) the cost of construction shall be paid by tenant /occupant to the developer. The cost of construction shall be as per ready reckoner rate of that year. However , the carpet area exceeding 70.00 sq. mt. (753 sq. ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI.][(21052011)]

3. The list of occupants and area occupied by each of them in the old cessed building shall be certified by the Mumbai Repairs and Reconstruction Board and the irrevocable written consent as specified in 1 (a) above shall be certified by the Board.

[ ][(1)] – Old Appendix III of DCR 33(7) is deleted vide Government Notification u/s. 37(2) of MR&TP Act 1976 under No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99 and replaced by new clause.

4. The tenements in the reconstructed building shall be allotted by the landlord/occupants' co-operative housing society to the occupiers as per the list certified by the Mumbai Repairs and Reconstruction Board. The prescribed percentage of the surplus built up area as provided in the Table in the Third Schedule of the Maharashtra Housing and Area Development Act, 1976, shall be made available to the Mumbai Repairs

and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount as may be prescribed under MHAD Act, 1976.
[Provided that the area equivalent to the market value (The market value shall be as per the ready – Reckoner rate of that year) of area admissible as per the prescribed percentage of built up area can be made available within the same municipal ward of MCGM.] (21052011)

~~5. The FSI for rehabilitation of existing tenants / occupiers in a reconstructed building and incentive FSI that will be available shall be as under:~~

~~(a) In case of redevelopment of 'A' category cessed building undertaken by landlord and/ or Co-operative Housing Societies of landlord and / or occupiers, the total FSI shall be 2.5 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI, whichver is more.~~

5. The FSI for rehabilitation of existing tenants/occupiers in a reconstructed building and incentive FSI that will be available shall be as under :-

(a) In the case of redevelopment of ~~'A' Category~~ cessed building existing prior to 30/9/1969 undertaken by landlord and / or Co- operative Housing Societies of landlord and / or occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more. (14082013)

~~(b) In case of redevelopment scheme of 'B' category cessed building undertaken by landlord and/or Co-operative Housing Societies of landlord and / or occupiers, the total FSI shall be the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI.~~ (14082013)

~~(c) In cases of composite redevelopment of 'A', 'B' and 'C' category cessed buildings declared as dangerous by the Board before Mansoon of 1997, FSI available for redevelopment undertaken by the landlord and/or co-operative Societies of landlord and / or occupiers will be as available for A category cessed buildings vide sub-clause (a) above.~~ (14082013)

~~(d) In case of composite redevelopment undertaken by the different landlords and / or Co-operative Housing Societies of landlords and / or occupiers jointly of 2 or more plots but not (less) [more] (3) than 5 plots with 'A' 'B' and 'C' category cessed buildings the FSI permissible will be 2.5 or FSI required for rehabilitation of existing occupiers plus 60% incentive FSI, whichever is more :~~

~~Provided, however, that if the number of plots jointly undertaken for redevelopment is six or more the incentive FSI available will be 2.5 or FSI required for rehabilitation for occupiers plus 70% incentive FSI whichever is more.~~

d) In case of composite redevelopment undertaken by the different landlords and / or Co-op. Housing Societies of landlords and / or occupiers jointly of 2 or more plots but not more than 5 plots with ~~'A', 'B', and 'C' category~~

cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI required for rehabilitation to exiting occupiers plus 60% incentive FSI, Whichever is more;

Provided, however, that if the number of plots jointly undertaken for redevelopment is six or more, the incentive FSI available will be 3.00 or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more.] (21052011) (14082013)

(e) [In case redevelopment undertaken by Co-operative Housing Society of occupiers of building, which was earlier "A" category cessed building but thereafter due to purchase / acquisition by Co-operative Housing Society of Occupiers, it exempt from payment of cess and which have been declared unsafe by BHAD Board / BMC, the total FSI shall be 2.5 of the gross plot area or the the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more.] (31102011)

6. The entire FSI available under clause 5 shall be allowed to be utilised on plot / plots under redevelopment scheme. However, if the owner/society so desire can avail the incentive FSI in the same plot or can avail the benefit of Transferable Development Rights to be used in suburbs or extended suburbs in accordance with the Regulations as given in appendix VII.

7. Construction or reconstruction of old building falling under reservation / zones contemplated in the Development Plan shall be permitted in accordance with the provision of notification No. TPB 4392/4080A/RDP/UD-11, dated 3rd June 1992 issued under Section 31 of the MR & TP Act.

(a) Redevelopment/reconstruction in any zone shall be allowed to be taken in site without going through the process of change of zone. For the Industrial user the existing segregating distance shall be maintained from the existing industrial unit.

(b) Any plot under non-buildable reservations admeasuring only upto 500 sqmts may be cleared by shifting the existing tenants from that site.

(c) The stipulation of 33 per cent of area under non-buildable reservation may be reduced by the Government/Commissioner to the extent necessary where there are height and such other restrictions.

(d) For other buildable reservations on lands where guidelines approved by Government under Section 31 of the Maharashtra Regional and Town planning Act are not available, built-up area equal to not more than 15 per cent area of the entire plot or 25 per cent of the area under reservation in that plot, whichever is less, shall be made available free of cost for the Municipal Corporation or for any other appropriate Authority.

(e) Where a Development Plan Road passes through redevelopment scheme area, the entire FSI admissible under this Regulations for the area of the road may be given in the same site, on the remainder of the plot,

(f) Contravening structures in Town Planning Scheme Regulations shall also be included in the redevelopment scheme. FSI for the same will be as under Development Control Regulations 33(15) or as provided in this Regulations whichever is more.

8. Relaxation in building and other requirements for rehabilitation - Notwithstanding anything contained in these Regulations, the relaxations incorporated in Regulations No 33 (10) of these Regulations shall apply. [No further relaxations shall be applicable.](18012012)

9. 20% of the incentive FSI can be used for non-residential purposes otherwise permissible in the Development Control Regulations.

~~10. (a) In case of redevelopment scheme already in progress, if full occupation permission has not been granted, then Co-operative Society of the landlords and / or the occupiers or of the Corporation building may convert the proposal in accordance with these Regulations subject to submitting structural stability certificate from the licensed Structural Engineer,~~

~~10(a) In case of redevelopment schemes already in progress and building is not completed upto plinth level then proposal may be converted in accordance with the above modified regulations. However, such conversion is optional and not binding]~~(3)

~~10(a) In the case of redevelopment scheme in progress and such schemes where LOI has been issued and if the construction of rehab building is not completed up to plinth level , then owner/Developers /co-operative housing societies with the prior approval of Govt. may convert the proposal in accordance with modified regulations only regarding size of tenements and loading of FSI, insitu. However, such conversion is optional and shall not be binding.~~(21052011)

~~10(a) In the case of redevelopment scheme in progress and such schemes where LOI has been issued, the owner/Developer /Co-op. Housing Societiy with the prior approval of Govt. may convert the proposal in accordance with modified regulations, only regarding size of tenements and loading of FSI, insitu. However, such conversion is optional and shall not be binding.~~(07102013)

~~10(a) In the case of redevelopment scheme in progress and such schemes where LOI has been issued, the owner/Developer /Co-op. Housing Societiy may convert with the approval of Vice President and Chief Executive Officer, Maharashtra Housing Development Authority, in accordance with modified regulations, only regarding size of tenements and loading of FSI, insitu. However, such conversion is optional and shall not be binding and further subject to ascertaining and due verification of redevelopment scheme in progress by Vice President and Chief Executive Officer, Maharashtra Housing Development Authority.~~(19052015)

10(a) In the case of redevelopment scheme in progress and such schemes where LOI has been issued, the owner/Developer /Co-op. Housing Societiy may convert with the approval of Vice President and Chief Executive Officer, Maharashtra Housing Development Authority, in accordance with modified regulations, only regarding size of tenements and loading of FSI, insitu. However, such conversion is optional and shall not be binding and further subject to ascertaining and due verification of redevelopment scheme in progress by Vice President and Chief

Executive Officer, Maharashtra Housing Development Authority. Provided that in case of buildings of Corporation, the conversion is allowed with the approval of Municipal Commissioner, subject to ascertaining and due verification of redevelopment scheme by him. *(19072016)*

(b) In case of redevelopment of buildings undertaken by MHADA, where construction is in progress, whether the area of new tenement should be 20.90 sqmt or otherwise the question shall be decided by MHADA in each case. However, if area of tenements is not increased to 20.90 sqmt. then development will have to be carried out as per approved plan and FSI.

11. The FSI as in sub-regulations (7) of Regulations 33, should be allowed by the Commissioner only after Mumbai Repairs and Reconstruction Board is satisfied that the said redevelopment proposal fulfills all conditions to be eligible for the benefits under these regulations.

12. In case of the redevelopment of cessed buildings, the concessions regarding exclusion of areas from computation of FSI for general buildings stipulated in Regulation 35(2) of DCR for Greater Mumbai 1991 shall apply.

13. Since the permissible FSI in clause 5 of this Appendix is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13.6.1996 shall be considered. Further unauthorized constructions made in the cessed buildings shall not be considered while computation of existing FSI. However the occupier may be allowed to declare whether the tenement is residential or non-residential.

14. For smooth implementation of the redevelopment scheme undertaken by owners and/or Co-operative Housing Society of the occupiers, the temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same owner/developer with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

(15) - An amount of Rs.5000/- per sq. mt. shall be paid by the owner / developer/ society as additional development cess for the builtup area over and above the normally permissible FSI, for the rehabilitation and free sale components. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. The above development cess shall be enhanced @ 10.00% every three years. (3)

(16) - As per the provision of clause 2, each residential/non residential occupant shall be rehabilitated only for carpet area mentioned in the said clause No.2 and such areas shall be clearly shown on the building plan submitted to the Corporation/ MHADA. (3)

(17) A corpus fund is to be created by the developer which will take care of the maintenance of the building for a period of 10 years. (21052011)

(18) Restriction on transfer of tenements shall be governed by provision of rent control Act till Co.Op. Society is formed and after that the same shall be governed by the provision of Maharashtra co-op. Society's Act. (21052011)

(19) Non Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose. In case of mix of the structure i.e. cessed & non cessed Structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out upto a limit of 25% of plot area, then FSI Shall be considered on total plot area. If this area exceeds 25% of the total area,then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per regulation 32 and the remaining plot area shall be as per 33(7) (21052011)

Note : - All Regulations / modifications mentioned above shall not be applicable to the areas which are affected by Coastal Regulations Zone Notification issued by Ministry of Environment and Forest, Government of India vide Notification dated 19 February 1991 and orders issued from time to time.] (2)

[ ](2) – Old Appendix III of DCR 33(7) replaced by new one vide Government Notification u/s. 37(2) of MR&TP Act 1976 under No. TPB 4391/1681/CR-188/91/UD-11 Dt. 25.01.99.

[ ](3) These words were added vide Notification No. TPB 4308/3224/CR-268/08/UD11.Dated 2nd March, 2009.

[ ] (5) --- The words were replaced by Corrigendum under no. TPB/432001/2202/CR-3/2002/UD 11 dated 9 th January 2002.

[ ](21052011) These words were added/replaced/substituted vide Notification No. TPB.4308/3224/CR-268/08/UD-11dtd. 21th may 2011

[ ] (31102011) These words were added by Govt Notification under No. No. TPB 4303/533/CR 63/2003/UD-11 dated 31st October, 2011, under 37(2) of MRTP Act, 1966.

[.](18012012) These words were added by Govt Notification under No. No. TPB 4308/3224/CR 268/08(B)/UD-11 dated 18th January, 2012, under 37(1)(AA)(C) of MRTP Act, 1966.

[.](07102013) Specific words in the Clause 10(a) were struck down by Hon High Court in WP No. 2457 of 2011 vide order dated 20.3.2013. In viw of the same the wording of clause was changed by the State Govt by issuing Directives under section 154 of MRTP Act 1966, read with 37(1), vide Notification under no. TPB/4313/CR-84/2013/UD-11 dated 7th October 2013.

[ ] (14082013) These words were added/deleted by Govt Notification under No. No. TPB 4312/CR 5/2012/UD-11 dated 14th August, 2013, under 37(1)(AA)(C) of MRTP Act, 1966.

[.](19052015) The wording of clause was changed by the State Govt by issuing Directives under section 154 of MRTP Act 1966, read with 37(1), vide Notification under no. TPB/4313/CR-84/2013/UD-11 dated 19th may 2015.

[ ](19072016) The words were incorporated in the clause 10(a), superceding the earlier directives under section 154 with final sanction under 37(1)(AA)(C) of MRTP Act, 1966 **, vide Notification no. TPB/4313/CR 84/2013/UD-11 dated 19.07.2016.**

[Appendix-III-A

Regulations for reconstruction or redevelopment of cessed buildings / Urban Renewal Schemes.

1.1. "Urban Renewal Scheme" means any scheme in the Island City of the Mumbai having a minimum area of 4000 sq.mtrs. bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. and which consists of a mix of structures of different characteristics such as -

i) Cessed buildings of 'A', `B' &`C' categories in Island City, which attracts the provisions of MHAD Act, 1976.

ii) Buildings erected before 30/9/1969 and acquired by MHADA under MHAD Act, 1976.

iii) All buildings belonging to the Government, semi Government and MCGM including institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are constructed prior to 30.09.1969 and having built up area upto 2000 sq.mt. However, prior permission of concerned department shall be obtained before granting development permission.

iv) Other buildings erected before 30/9/1969 which are, by reason of dis-repair or have structural / sanitary defects, unfit for human habitation or are by reasons of their bad configuration or the narrowness of streets, dangerous or injurious to the health of the inhabitant of the area as may be certified by the officer designated by MHADA / MCGM.

v) Provided that building erected after 30/9/69 which fulfills the above conditions shall be considered with prior approval of State Govt.

vi) Slum areas declared as slums under section 4 of Maharashtra Slum Areas Act, 1971 or slums on Public lands prior to 1.1.1995 or such other reference date notified by the government, provided that in the mix of structures of different characteristics, the percentage of slum area and area under the buildings constructed after 30.09.1969 if any included in the Urban Renewal Scheme shall not exceed 25% (i.e. 1/4) of the total plot area.

vii) Any land belonging to the Government, semi Government, MCGM and MHADA (either vacant or built upon) which have been given on lease or have the tenure of Occupant Class II which falls within the proposed Urban Renewal Scheme shall be made available for the project subject to payment of premium at the rate of 25% of the Ready Reckoner rate of that year.

Explanation: If some areas are previously developed/ are in the process of development, under the different provisions of the DCR, such areas can be included in cluster for the purpose of calculation of area of cluster. However, such area along with slum area and area under buildings constructed after 30/9/1969, as per Regulation 1.1 (vi) above, shall not exceed 25% of total plot area. FSI admissible for such areas shall be admissible as per the relevant provisions of DCR under which the areas are developed/under development. However, it shall be necessary to obtain consent of owner/owners of such areas to become part of the cluster.

2. Eligibility for Urban Renewal Scheme :

a. Buildings:

i. No new tenancy created after 13/6/96 shall be considered. Further unauthorized construction made in buildings shall not be considered while computation of existing FSI. A certified inspection extract of the Corporation for the year 1995-96 or Courts' order proving the existence of tenements prior to 13/6/96 shall be considered adequate evidence to establish number of tenements. However, the Govt. may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

ii. The list of occupants and area occupied by each of them in municipal buildings shall be certified by MCGM. The list of occupants and area occupied by each of them in other buildings, excluding slums and irrevocable written consent as specified in 3(a) shall be certified by Mumbai Building Repair & Reconstruction Board.

iii. Mezzanine floors constructed prior to 13.06.1996 and regularized subsequently will be eligible for rehab and incentive FSI.

b. For slum Areas:

i. All the inhabitants of existing structures whose names and structures are included in the Assembly Election roll of 1/1/1995 or such other reference date notified by the government or a date prior thereto and who are staying there at.

ii. A structure shall mean all the dwelling areas of all persons who are enumerated as living in one numbered house in the electoral roll of the latest date, upto 1st January 1995 and regardless of the number of persons, or location of rooms or access.

iii. The eligibility of the participants will be certified by the Competent Authorities as notified under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

3. a) Redevelopment or Reconstruction under Urban Renewal Scheme may be permitted in pursuance of an irrevocable written consent by not less than 70 per cent of the eligible tenants/occupiers of each plot involved in the Urban Renewal Scheme or as provided in MHAD Act, 1976. If MHADA / MCGM undertakes development directly then consent of 70% tenants/occupiers for reconstruction or redevelopment is not required.

b) All the eligible occupants / tenants of the building shall be rehabilitated in the redeveloped building.

4. Each occupant/ tenant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq.mt. (300 sq.ft.) and maximum area equivalent to the area occupied in the old building. In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building.

~~Provided that, for the carpet area for the residential purpose exceeding 70 sq.mt. the Cost of construction shall be paid by the tenant/occupant to the developer. The cost of construction shall be fixed by Govt. from time to time. However, the carpet area exceeding 70 sq.mt. shall be considered for rehab FSI but shall not be considered for incentive FSI.~~

~~The slum dwellers shall be eligible for the area admissible as per DCR 33(10)~~

~~5. The FSI for rehabilitation of the existing tenants / occupiers in a redevelopment / reconstructed building, owners share, Corporation / MHADA's share and incentive FSI shall be as under –~~

~~a) The total permissible FSI shall be on gross plot area excluding reservations / designations, but including the built up area under reservation / designation.~~

~~Provided that in all the projects undertaken jointly with the land owners and / or Co-op. Housing Societies of tenants/occupiers of the buildings or Developer or Co-op. Housing Society of hutment dwellers therein where the rehab FSI exceeds 2.50, MHADA/MCGM shall get 5% of built up area for FSI 4.00 free of cost. This additional area shall be included in rehabilitation area and incentive to the extent of 50% shall be available for this area.~~

~~b) The FSI for Urban Renewal Schemes in CRZ area, shall be governed by the MOEF notifications issued from time to time.~~

~~c) The incentive FSI admissible against the FSI required for rehab shall be as under :-~~

~~i) Where the total area of amalgamated plots is between 4000 - 8000 Sq.mt. then the incentive FSI admissible will be 55%.~~
~~ii) Where the total area of amalgamated plots is between 8001 - 12000 Sq.mt. then the incentive FSI admissible will be 65%.~~
~~iii) Where the total area of amalgamated plot is above 12001 - 16000 Sq.mt., then the incentive FSI admissible will be 70%.~~
~~iv) Where the total area of amalgamated plot is above 16001 - 20000 Sq.mt., then the incentive FSI admissible will be75%.~~
~~v) Where the total area of amalgamated plot is more than 20000 Sq.mt., then the incentive FSI admissible will be 80%.~~

~~If any new area is added and if there is change in the slab prescribed above, the incentive FSI for the additional area in the changed slab shall be determined as per the area falling the next slab. However augmentation of area of cluster is not allowed after completion of scheme.~~

~~Provided that amalgamation of the plots from Revenue Department shall be insisted before the issue of commencement certificate.~~

~~d) In the proposal of maximum 4.00 FSI the permissible maximum FSI over and above "rehab + incentive" as per (c)~~

above shall be shared in terms of built up area between M.C.G.M./MHADA (in proportionate to their plot areas) and private developer in Joint Venture in the ratio of 1:0.5.

Provided that the area equivalent to the market value of area admissible as per the prescribed percentage of built up area and the share of built up area admissible under 5(a) and 5(d) respectively can be made available within the same municipal ward of MCGM.

e) In the urban renewal scheme for those structures containing other than as mentioned in 1.1 above, for the land component area beneath such structure, the FSI shall be admissible as per rule No.32 and for remaining plot of land area the FSI shall be admissible as per 5(a) to (c) above.

With the prior approval of the High Power Committee, occupant of tolerated structures encroaching over roads in nearby vicinity should be allowed to be included in the scheme and its built up area shall be included in rehab area, provided the structure is permanently removed.

6. From the entire FSI available under clause 5, entire rehab and MHADA's share shall be allowed to be utilized on plot / plots under redevelopment scheme. In case of part of incentive FSI, is not proposed to be utilized on the same plot, the benefit of transferable development rights to be used in suburbs or extended suburbs as per D.C. Regulation No 34 appendix VII, shall be given.

Even if the scheme partly includes slum, the TDR generated it will be considered at par with reservation TDR.

7. Construction or reconstruction of slums / buildings falling under Reservations contemplated in development shall be permitted as under –

a. Redevelopment / reconstruction in any zone shall be allowed to be taken in site without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.
b. Any land under non-buildable reservations, admeasuring only upto 500 sq.mt. may be cleared by shifting the existing tenants from that site.
c. If the area under non buildable reservation in the such area is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for same purpose and handed over to MCGM, subject to minimum of 500 sq.mt. and remaining land shall be allowed for development. The said provision is subject to Hon'ble High Court's order in Writ Petition No. 1152/2002 (City Space V/s. Govt. of Maharashtra)
d. All the reservations in the Development shall be rearranged if necessary with same area and same width of access road or as required under DCR, whichever is more.
e. For the reservation of parking lot on land, built up area equivalent to zonal permissible FSI for area under reservation in that plot shall be made available free of cost for the Corporation or for any other Appropriate Authority. Built up area to be handed over shall be free of FSI.
f. For other buildable reservations on land, builtup area equal to 60% of zonal permissible FSI under reservation or existing built up area of the amenity whichever is more in that plot shall be made available free of cost for the

Corporation or for any other Appropriate Authority. Built up area to be handed over shall be free of FSI.

8. 30% of the incentive FSI can be used for non-residential purposes otherwise permissible in the DCR.

9. An amount of Rs. 5000/- per sq. mt. shall be paid by the owner / developer/ society as additional development cess for the builtup area over and above the normally permissible FSI, for the rehabilitation and free sale components. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided that the payment of installments shall not go beyond the completion of construction. This amount should be kept in separate account and shall be used for Scheme to be prepared for the improvement of off-site infrastructure around the cluster. The above development cess shall be enhanced @ 10.00% every three years.

10. For smooth implementation of the redevelopment scheme undertaken by owners and/or Co-operative Housing Society of the tenants / occupiers, the temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same owner/ developer with the concessions permissible under SRA project under Regulation 33(10) of these regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed/rehabilitation building.

11. Non conforming activities – All activities which are existing shall be allowed to be reaccommodated regardless of the non conforming nature of the activities except those which are hazardous and highly polluting and except in cases where the alternative accommodation have already been provided elsewhere by the Municipal Corporation.

12. Relaxation in Building and other requirements.

In case of tenement of 27.88 sq. mt. area for rehabilitation / additional tenement to be given to Repairs Board / Mumbai Board/M.C.G.M. following components are included.

12.1 The calculation of FSI for all purposes shall be on gross area i.e. without deducting any percentage for recreation open space. This shall not affect the requirement of physical open space keeping aside the said recreational open space on site as per the prevailing D.C. Regulations.

12.2 The provisions in DCR 38(22) relating to balcony will apply to the scheme with the following modifications. There shall be no restriction on zone and balcony shall not reduce marginal open space to less than 3.00 metres. However, at ground level minimum 4.5 mt. clear margin shall be maintained. For

calculation of area of 27.88 sq.mt. the area of the enclosed balcony shall be included.

12.3 Areas of common passages not exceeding 2.00 mt. in width, provided in rehabilitation component and Repairs Board/M.C.G.M. component to give access shall not be counted towards FSI.

12.4 Front and marginal open spaces, for a building having height upto 24.0 mt. in the rehab component or composite building, shall be 4.5 mt. for these buildings.

12.5 Notwithstanding the provisions in DC Regulation 29 (Table 10) where the location of the plot abuts DP Road having width of 18.3 mt. and above, the front marginal open space shall not be insisted upon beyond 4.5 mt. provided, it is not an express highway of road wider than 52 mt.

12.6 Where the location of the plot abuts a trained nallah, the marginal open space along the nallah shall not be insisted upon beyond 4.5 mt. from the edge of the trained nallah. Or as per requirement of SWD department of MCGM. whichever is greater.

12.7 The distance between any two rehabilitated buildings shall not be less than 6.00 mt.

12.8 If the height of building is more than 24 mt., 6 mt. wide marginal open space or as per the requirement of CFO whichever is greater shall be considered.

12.9 A composite building shall contain at least 50 percent of the built up
area as rehabilitation component.

12.10 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered as part of the amenity open space in the project comprising both rehabilitation and free sale components, and without charging any premium, in relaxation of the stipulations in D.C. Regulation No.23, wherever necessary.

12.11 Pathways and means of access – The ratio between the length of the pathway and the width thereof shall be as follows.

Length	Width
Upto 20 meters	1.5 meters
21 to 30 meters	2.0 meters
31 to 40 meters	2.5 meters
41 to 50 meters	3.0 meters.

~~12.12 Between the dimensions prescribed for the pathway and marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.~~

~~12.13 The means of access shall be normally governed by provisions of DC Regulation No.22. However, in the project, wherever the design of the buildings up to 24 mtr height in the same land requires relaxation, it may be given. High rise building shall be permitted only on access having width of 9 mtrs.~~

~~12.14 Even if the recreational open space is reduced to make the project viable, a minimum of at least 10 percent of plot area shall be provided as recreational open space. In addition to this 10 percent of plot area shall be earmarked for amenity space which can be adjusted against the DP reservation if any.~~

~~12.15 Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of DC Regulation 35(2)(c).~~

~~12.16 In order to make the urban renewal scheme viable, the Municipal Commissioner shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirement wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general and fire safety requirements.~~

~~12.17 All relaxation outlined hereinabove shall be given in the rehabilitation component and also to the composite buildings in the Project Premium shall not be charged for all or any of the relaxation's given hereinabove or for any other mentioned in DC Regulation 35(2)(c)~~

~~12.18 The parking in the scheme shall be provided as per modified DCR 36 or one car park per tenement of sale component, whichever is higher.~~

~~13. The approving /sanctioning authority for the building plans under the scheme will be the Municipal commissioner as per the MMC Act &MRTP Act even if the scheme partly consists of declared slums/slums on Municipal lands prior to 1.1.1995 or such other reference date notified by the government.~~

~~14. Religious structures existing prior to redevelopment if allowed in accordance with the guidelines issued by government from time to time as part of redevelopment, shall not exceed the area that existed prior to redevelopment.~~

~~15. Restriction on transfer of tenements shall be governed by provision of Rent Control Act till Coop. Society is formed and~~

~~after that the same shall be governed by the provision of Maharashtra Co-op. Society's Act. However, tenements constructed for slum rehabilitation shall not be transferred for the period of 10 years.~~

~~16. A Corpus fund is to be created by the Developer which will take care of the maintenance of the building for a period of 10 years, to be decided by the High Power Committee under clause 18.~~

~~17. Those schemes for which approval has been given under DCR 33(7) and for which work has not yet started, can be considered for approval under DCR 33(9) provided they satisfy all the conditions for approval under DCR 33(9).~~

~~18. A High Power Committee (HPC) will be constituted which will approve the schemes with the previous sanction of the Govt. under DCR 33(9). On approval by this High Power Committee, the proposal will be submitted to MCGM for approval of plans. The Govt. will have the powers for any relaxations/modifications in the rules. Separate guidelines will be issued for the HPC.]~~[3]

[ ] [3] This new appendix was added by Government Notification No. TPB 4307/2346/CR-106/2008/UD-11 Dated 2nd March, 2009.

Appendix-III-A

Regulation for Reconstruction or Redevelopment of Cluster(s) of buildings by implementing Urban Renewal Scheme(s).

1.1 Urban Renewal Scheme" (URS) means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. mt. in the Island City of
Mumbai, bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18 mt. wide--whether existing or proposed in the D.P. or URP or a road for which Regular line of street has been notified by the Municipal Corporation under Mumbai Municipal Corporation Act, 1888. Such cluster of buildings (hereinafter referred to as "Urban Renewal Cluster or URC ") shall be a cluster or a group of clusters identified for urban renewal :--

1) Under the Development Plan (DP) , where the DP contains such well defined Clusters; or

2) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Commissioner, who may revise the same as and when required; or

3) By the Promoter of the Urban Renewal Scheme, where such clusters are not shown on the DP and the URP is yet to be prepared.

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Municipal Commissioner without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation-

1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose FSI and computation of marginal distances.

. In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the Cluster may be decided by the Municipal Commissioner.

1.2 The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as –

(i) Cessed buildings in Island City, which attract the provisions of MHAD Act,
1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.

(b) Authorised buildings at least 30 years of age

Explanation.-- Age of a building shall be as on the 1 st of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Commissioner and shall be calculated from the date of occupation certificate or where such occupation certificate is not available ,from the first date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation.

(iii) (a) Buildings belonging to the Central Government, the State Government, Semi- Government Organisations and the Municipal Corporation of
Greater Mumbai (MCGM), as well as institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are at least 30 years of age.

(b) Any land belonging to the State Government, any semi-Government
Organisation, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt., the State Government, Semi-Government Organisations and MCGM or MHADA, prior consent of the concerned Department hall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural / sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by MHADA / MCGM or Mumbai Repair & Reconstruction Board.

(v) Slum areas declared as slums under section 4 of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or

slums on Public lands existing prior to 1.1.2000 or such other reference date notified by the Government, provided such slum areas do not constitute more than **50%** of the area of Urban Renewal Cluster.

Explanation: If some areas are previously developed/ or are in the process of development under different provisions of the DCR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed. However, it shall be necessary to obtain consent of owner/owners of such areas for becoming part of the Urban Renewal Cluster.

2.Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)

(A) For Buildings –

i. No new tenancy created after 13/6/96 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-96 or Court Order proving the existence of tenements prior to 13/6/96 shall be considered adequate evidence to establish the number of tenements. However, the Govt. may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

ii. The list of occupants and the area occupied by each of them in municipal buildings and their irrevocable written consents shall be certified by the MCGM. The list of , occupants in other buildings excluding slums and the area occupied by each of them and their irrevocable written consents as specified in clause 4(a) shall be certified by the Mumbai Building Repair & Reconstruction Board.

iii. Mezzanine floors constructed prior to 13/06/1996 and regularized subsequently shall be eligible for rehabilitation and incentive FSI.

(B) For Slum Areas:

i. All the protected Occupiers as defined in Chapter IE of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971 and orders issued thereunder.

ii. A structure shall mean all the dwelling areas of all persons who are enumerated as living in one numbered house in the electoral roll of the latest date, upto 1st January 2000 or such other reference date Notified by the Govt. and regardless of the number of persons, or location of rooms or access.

iii. The eligibility of the participants will be certified by the Competent Authorities as notified under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

3.Land Pooling for the URS :--

The Promoter of URS shall try to pool lands belonging to various categories of landholders including Public lands by obtaining their consent for including their lands in the proposed URS, by resorting to any of the following methods of land pooling ----

1) Purchase of lands, including buildings, if any, standing thereupon,

Provided that if the Promoter wishes to purchase any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt.(hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee headed by the Chief Secretary. This Empowered Committee shall consist of the following members-

Chief Secretary - Chairman
Principal Secretary / Additional Chief Secretary (Revenue) - Member.
Principal Secretary (Urban Development Department-l) -Member Secretary
Principal Secretary (Housing Department) - Member
Principal Secretary of the concerned Department - Member

Principal Secretary (Finance) - Member
Principal Secretary (Law & Judiciary Dept.) - Member
Vice President and Chief Executive Officer (MHADA) - Member
Municipal Commissioner, MCGM - Member

The aforesaid Empowered Committee shall examine the request made by the Promoter in terms of the need and desirability of making the land belonging to a Public Authority available for URS and would decide the terms of transfer of such land to the Promoter for the purpose of implementing URS. In case the land sought by the Promoter belongs to an authority created by or under a statute, the decision of the Empowered Committee shall be subject to ratification / approval by such Authority.

2) Exchange of such land with a suitable land of at least equivalent value as per the land rates given in the A.S.R.;

3) Procurement of development rights over such land, by way of registered document by the Promoter, provided that the area over which the Promoter holds development rights shall be regarded as one plot for all the purposes of the DCR; or

4) Transfer of all lands included in the Urban Renewal Cluster to a legal entity (e,g. Registered Society or Company, Co-operative Housing Society, Charitable Trust, etc.) to be created by the Promoter for implementing the Urban Renewal Scheme where different landholders have stakes proportionate to their share in the total land under URS; or

5) Acquisition of lands, provided the Promoter has purchased or procured development rights over at least 70% land comprised in the Urban Renewal Cluster and there are dangerous buildings, declared as such by the Competent Authority, on the balance lands contained in the URC. In such a situation the Promoter may approach the HPC for recommending the proposal to the Govt. for acquisition of such balance lands. Upon receipt of such request, the HPC may, after due examination, recommend to the Govt. as to which lands are required to be acquired for the purposes of URS. The Govt., thereafter, shall take necessary steps to acquire such balance lands under the provisions of the relevant law. viz MRTP Act,1966 or Land

Acquisition Act and transfer the same to the Promoter only for the purpose of implementing URS after executing an agreement with him in this regard, subject to the Promoter depositing with the Govt. necessary amount of money for the land acquisition. For the purpose of land acquisition, URS shall be regarded as public purpose.

4. a) Redevelopment or Reconstruction under Urban Renewal Scheme may be permitted in pursuance of an irrevocable registered written consent by not less than 70 percent of the eligible tenants/occupiers of all the authorised buildings on each plot involved in the Urban Renewal Scheme or as provided in MHAD Act, 1976. Consent as aforesaid of such 70% tenants /occupiers for reconstruction or redevelopment shall be required, even if MHADA / MCGM undertakes redevelopment, on its own land, directly without any developer.

The Developer shall be required to submit along with the URS proposal, proof of ownership or procurement of development rights in respect of at least 70% of the land under the proposed URS and it shall be mandatory for him to submit such proof of ownership or procurement of development rights in respect of the balance area within one year from the date of issue of the Letter of Intent.

b) All the eligible occupants / tenants of the building(s) undergoing redevelopment shall be rehabilitated in the redeveloped building(s).

5. Rehabilitation Entitlements:-

(i) Each occupant/ tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant / tenant in the old building. However in case of residential occupants such carpet area shall not be less than 27.88 sq.mt. This shall be called the "basic entitlement" of an eligible occupant.

This shall be called the "basic entitlement" of an eligible occupant.

Over and above the basic entitlement, there shall be additional entitlement for the rehabilitation of Residential Occupants governed by the size of the Urban Renewal Cluster in accordance with the Table-A below:-

Table-A

Area of the Urban Renewal Cluster	Additional Entitlement (As % of the Basic entitlement)
Above 1 Hectare up to 2 Hectare	15%
Above 2 Hectare up to 5 Hectare	20%
Above 5 Hectare up to 10 Hectare	25%
Above 10 Hectare	30%

Over and above the additional entitlement prescribed above, 10% bonus entitlement for the rehabilitation of Residential Occupants shall be allowed if the proposal, complete in all respect, is submitted within 3 years from the date of coming into force of this modified Regulation and proposal, complete in all respect, is submitted to the Competent Authority within 1 year from the date of approval by the High Power committee (HPC) set up under Clause-21 of this Appendix.

Provided that if the carpet area of any occupant /tenement in the old building is 100 sq.mt. or more then he shall be entitled to additional entitlement and bonus entitlement only on the basis of carpet area of 100 sqmt.

Provided further that the above provision of "Additional Entitlement" and "Bonus Entitlement" shall be applicable only in case of URS having maximum FSI of 4.00.

Provided further that the rehabilitation entitlement of any occupant of a commercial establishment, who is allowed by the HPC to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these regulations.

(ii) Each eligible slum dweller shall be entitled to a tenement of carpet area of 25.00 sq.mtrs. (269 sq. ft.) only.

6. Total Permissible FSI for URS :-

a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 on gross plot area, but excluding the reservations/designations, Road set back, area under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCR 35 (4).

b) The FSI for Urban Renewal Schemes in CRZ area, shall be governed by the MoEF Notifications issued from time to time.

c) The incentive FSI admissible against the FSI required for rehabilitation, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/Sqm., of the lands included in the Urban Renewal Cluster; as per the Annual Statement of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm., applicable to the area as per the ASR and shall be given as per the Table-B below:-

Table-B

Basic Ratio (LRIRC)*	**Incentiye (As % of Admissible Rehabilitation Area)**			
	For 0.4ha to 1.0ha.#	**For 1.0ha to 5.0ha**	**For 5.0ha to 10.0ha.**	**For 10.0 ha & above**
Above 6.00	55%	60%	65%	70%
Above 4.00 and upto 6.00	65%	70%	75%	80%
Above 2.00 and upto 4.00	75%	80%	85%	90%
Upto 2.00	85%	90%	95%	100%

Explanation :-

(i) *RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Statement of Rates.
Provided further that in case there are more than one land rates applicable to different parts of the plot under the Urban Renewal Scheme, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if

such Scheme undergoes any revision or modification subsequently during its course of completion.

Provided further that if any new area is allowed to be added to or deleted from the Urban Renewal Scheme after such Scheme has been approved and if there is change in the slab prescribed above, the incentive PSI for the total area of the revised Scheme shall be determined as per the new slab. Provided further that any new area is to be added to a URS shall not be less than 75% of the minimum area required for URS.

Provided further that augmentation of area of Urban Renewal Cluster shall not be allowed after further C.C. has been issued in respect of more than **75%** of the total permissible built-up area sanctioned under the original Scheme and there shall be no revision of individual entitlements as a result of such amalgamation of area. However, deletion of area from a sanctioned scheme will be permissible provided the construction of rehabilitation component has not commenced and such deletion does not break the contiguity of the area under Urban Renewal Scheme.

d) If the total of rehabilitation FSI + incentive FSI is less than 4.00, then the Balance
FSI over and above total of "rehabilitation FSI + incentive FSI" as per (c) above upto the limit of 4.00 shall be shared in terms of built up area between MHADA and the Promoter/ Developer in accordance with Table-C below :-

Table-C

Basic Ratio (LRIRC)*	**Sharing of Balance FSI**	
	Promoter/Developer Share	**MHADA Share**
Above 6.00	30%	70%
Above 4.00 and upto 6.00	35%	65%
Above 2.00 and upto 4.00	40%	60%
Upto 2.00	45%	55%

Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer elsewhere within the same Municipal Ward as per the following formula :-

Area of tenements coming to MHADA's share at location 'B' in Urban Renewal Scheme = Area of tenements coming to MHADA's share at location 'A' in Urban Renewal Scheme X land rate as per ASR value of location 'A'/ land rate as per ASR value of location 'B'

Where, location 'A' refers to the location where tenements coming to MHADA's share under the Scheme are required to be given.
Location 'B' is the new location where such tenements are allowed to be given.

Provided further that the tenements so received by the MHADA under its share shall be first offered free of cost to the MCGM and MMRDA for use as PAP tenements or as transit accommodation. If the MCGM and MMRDA do not require such tenements for PAP's or as transit accommodation then the tenements received under its share shall be used by MHADA for PAP's or Transit Accommodation or shall be sold as affordable housing with prior permission of the Government.

e))"tolerated structures" encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation: - The term "tolerated structure" means the structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively.

f) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases provided the area of Urban Renewal Cluster is more than 8000 sq.mt.(2 acres) the development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban Renewal Scheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with pro rata utilization of the total admissible FSI.

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given.

The minimum area for each phase shall be 4000sq.mtr.

Provided further that, while giving permission for phased implementation of Urban
Renewal Scheme, the incentive FSI as per Table-B shall be first released as per the area of the plot under a given phase and the balance incentive FSI shall be released while giving approval to the last phase.

7. From the total FSI available under Clause 6, entire FSI towards rehabilitation component and MHADA's share shall have to be utilized on plot/ plots under the Scheme. In case a part of incentive FSI is not proposed to be utilized on the same plot, the benefit of transferable development rights to be used in suburbs or extended suburbs as per Appendix VII-A of D.C. Regulation No 34 shall be given. However the quantum of TDR shall be governed by the following formula.---

Incentive FSI at location 'B' in Urban Renewal Scheme
= Incentive FSI at location 'A' in Urban Renewal Scheme X ASR value of Land at location 'A'/ASR value of Land at location 'B'

Where, location 'A' refers to the location where incentive FSI in Urban Renewal Scheme is generated.
Location 'B' is the new location where such incentive FSI is to be utilized.

Even if the scheme partly includes slum, the TDR generated will be considered at par with reservation TDR.

8. Development of DP Reservations :--

Construction or reconstruction of slums/ buildings falling under Reservations contemplated in the Development Plan shall be permissible as under-

a. Redevelopment/reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.

b. Any land under non-buildable reservations, admeasuring only upto 500 sq.mt. may be cleared by shifting the existing tenants from that site.

c. If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to MCGM, subject to a minimum of 500 sq.mt. and the remaining land shall be allowed for development. The said provision

is subject to the Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Govt. of Maharashtra)

d. All the reservations in the Development Plan shall be rearranged, if necessary, with the same area and the same width of access road or as required under DCR, whichever is more.

e. For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Municipal Corporation or to any other Appropriate Authority. Such built up area to be handed over shall be free of FSI.

f. For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Municipal Corporation or the Appropriate Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks, depending on the area and nature of such reservations and Municipal Commissioner may permit composite development of reservations in case of such reservations. However, if the HPC/Planning Authority requires built-up area under any designation/reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation F.S.I, and incentive FSI as admissible under this Regulation shall be permissible.

Provided that in case of development of reservations of PH, PH/HDH & HD under the Urban Renewal Scheme, built-up area equal to 30% of the zonal permissible FSI shall be handed over to the Municipal Corporation free of FSI and free of cost, in addition to the rehabilitation of the existing tenements or users if any.

g. Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.

h. No premium shall be charged for the fungible FSI admissible as per Regulation 35 (4) for rehabilitation component of an Urban Renewal Scheme as sanctioned by HPC and for the tenements to be handed over to MHADA and for the areas of reservation to be handed over to MCGM/Appropriate Authority. This fungible FSI admissible to the rehabilitation tenements shall be utilized for rehabilitation component only.

Its utilization for Sale Component under the Urban Renewal Scheme shall not be permissible.

9. 30% of the incentive FSI can be used for non-residential purposes as otherwise
permissible under the DCR.

10. A Surcharge on Development at the rate of 100% of Development charge, subject to a minimum of Rs 5000 per Sqm. for the builtup area over and above the zonal permissible FSI, for the rehabilitation and free sale component, shall be leviable in respect of any URS by the MCGM. in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster.

This surcharge shall not be applicable to the built up area to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the High Power Committee.

11. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Promoter / Developer up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these Developmont Control Regulations. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Corporation for the reconstructed building. Till the transit camps are fully demolished, the Commissioner shall not release FSI for the free sale area under the URS In excess of 75% of the total admissible Incentive FSI.

12. Non conforming Activities - All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Promoter / Developer / Municipal Corporation.

13. **Relaxation in Building and other requirements:-**

In case of tenements of 27.88 sq.mt. Carpet area for rehabilitation or tenements to be given to MHADA, towards its share and the built-up area to be handed over to the Planning Authority / Appropriate Authority, the following shall be applicable.

13.1 Calculation of FSI for all purposes shall be on gross area of the URS i.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical Recreational open space, to be kept on the site as per prevailing
D.C. Regulations
13.2 The provision in Regulation 38(22) relating to balcony shall apply to the URS with the following specifications :-
Balcony shall not reduced marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m clear margin shall be maintained.

13.3 Notwithstanding anything contained in Regulation 35(4) of the DCR, areas of common passages not exceeding 2.00 mt. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA component shall not be counted towards FSI.

1 3.4 Front and marginal open spaces, for a building having height up to 24.0 m. in the rehabilitation component or a composite building, shall be 4.5 m.
Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

13.5 Notwithstanding the provisions in Regulation 29 (Table 10) where the location of the URC plot abuts a DP Road having width of 18.3 mt. and above. The front marginal open space shall not be insisted upon beyond 4.5 mt. provided, such road is not an Express Highway or a road wider than 52 mt.

13.6 Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 4.5 mt. from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever is greater.

13.7 The distance between any two rehabilitation buildings shall not be less than 6.00
mt.

13.8 If the height of any building constructed under URS is more than 24 mt., marginal open space of 6 mt. or as required by CFO whichever is greater shall be maintained.

13.9 A composite building under URS shall have at least 50 percent of the built-up area as rehabilitation component.

13.10 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and free sale components, without charging any premium, in relaxation of the stipulation in
Regulation No. 23.

13.11 Pathways and Means of Access. - The ratio between the length of the pathway and the width thereof shall be as follows :-

Length	Width
Upto 20 Mtrs.	1.5 Meters.
21 to 30 Mtrs.	2.0 Meters.
31 to 40 Mtrs.	2.5 Meters.
41 to 59 Mtrs.	3.0 Meters.

13.12 Between the dimensions prescribed for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.

13.13 The means of access shall be normally governed by the provisions of Regulation No. 22. However, in the URS, wherever the design of the buildings up to 24 m. height requires relaxation in the width of access, the same may be given. However, high rise building shall be permissible only on access having width of 9 m. and above.

13.14 Even if the recreational open space is reduced to make the project URS viable, at least 10 percent of URC plot area shall be provided as recreational open space . In addition to this, 10 percent of URC plot area shall be earmarked for amenity space which can be adjusted against the DP reservation, if any, existing on such plot.

13.15 Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation 35(2)(iv)
13.16 In order to make the Urban Renewal Scheme viable, the Municipal Commissioner shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements.

However the Govt. shall have the power to relax any of the provisions in these Regulations.

13.17 All relaxations outlined hereinabove shall be admissible only in respect of the rehabilitation component and the composite buildings under the URS. Premium shall not be charged for all or any of the relaxations given hereinabove or for any other relaxations mentioned in Regulation 35(2)(iv).

13.18 The parking in the scheme shall be provided as per Regulation 36 or at the rate of one car park per tenement of sale component, whichever is higher.

14. The approving / sanctioning authority for the building plans under the URS shall be the Municipal Commissioner as per the MMC Act and MRTP Act, 1966 even if the URS partly consists/ of declared slums / slums on Municipal / Govt. lands existing prior to 1st January 2000 or such// other reference date notified by the Government.

15. Religious structures existing on the site of URS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Government from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

16. Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years.

17. CORPUS FUND.-A Corpus fund shall be created by the Promoter / Developer as directed by the High Power Committee, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

18. Any ongoing scheme under Regulation 33(7) which fulfils the criteria under this modified Regulation 33(9) can be included in the proposal under Regulation 33 (9) for approval or converted into a URS under Regulation 33(9). However all dilutions of reservations under Regulation 33(7) shall have to be restored as per this Regulation.

19, Heritage buildings of Grade-I and II as well as authorized and structurally sound retainable buildings may be included in the Urban Renewal Cluster, but have to be kept as they are, alongwith land

appartenant, and this area shall be counted towards the Slab of Incentive FSI, but shall not be considered for FSI under this Regulation. As regards such Heritage Structures, the Promoter / Developer shall have to contribute Heritage Cess at 5% of ASR on the basis of built-up area of the Heritage structure. Existing provisions under the DCR shall apply to Heritage Buildings of Grade-III and heritage precincts. However, before granting approval for such buildings, the HPC shall consult the Heritage. Conservation Committee appointed for that purpose.

20. If HPC approves areas for amenities such as Fire Stations / Hospitals / Police Stations/ Schools, etc. other than the reservations / designations under the
Development Plan, such amenities shall be handed over to the concerned Authority free of cost and the built up area of such amenity shall be considered towards rehabilitation F.S.I, and incentive FSI as admissible under this Regulation shall be permissible.

21. A High Power Committee (HPC) shall be constituted which shall be competent to approve the Urban Renewal Schemes with the previous sanction of the Government under this Regulation. On approval by this High Power Committee, the proposal shall be submitted to the Municipal Commissioner, MCGM for approval of plans.

The decision of HPC shall be appealable as if it is an appeal under section 47 of the MRTP Act,1966.

Provided that no Urban Renewal Scheme shall be sanctioned by the Government without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix.

22. Regardless of its area, any Cluster Redevelopment Scheme for which LOI has been issued under Regulation 33(9) prior to the date of coming into force of this modified Regulation can be allowed to be converted to be developed as per this Regulation at the request of the Promoter / Developer, with the approval of the State Govt.

Provided that:-

a) In respect of such Cluster Redevelopment Scheme, the additional entitlement and bonus entitlement as provided in Clause 5 of this Appendix, shall not be mandatory but shall be permissible at the option of the Owner / Developer, but all other provisions of this modified regulation shall be applicable.

b) For the purpose of calculation of Basic Ratio, as specified in Clause 6(c) of this Appendix , the land rate (LC) and the Rate of construction (RC) shall be taken for
the year in which such Cluster Redevelopment Scheme was approved and LOI was issued by the competent authority.

c) The surcharge on development charge, leviable on such Cluster Redevelopment Scheme after its conversion under this modified regulation, shall be calculated in accordance with the date on which the development cess had been paid and shall be recovered before issuing CC after the conversion of the Scheme. Any excess amount paid towards Development Cess shall be adjusted against any other charges due, but shall not be refunded.
d) Conversion of such Cluster Redevelopment Scheme, as had been sanctioned by the Govt. earlier, shall not require Govt. approval and it shall be within the competence of the High Power Committee to permit conversion of such Cluster Redevelopment Schemes.

Provided further that after the coming into force of this modified Regulation, land
pooling and the development of buildable reservations and construction of Transit Camps in the Cluster Redevelopment Scheme approved prior to the coming into force of this modified Regulation may be done as per the provisions o f this modified Regulation, if the same has not been completed so far, even where such Cluster Redevelopment Scheme has not been converted to be developed as per this Regulation. **(992014)**

[ ] (992014) This clause was substituted by the new regulation vide final sanction under 37(1AA)(c) of MRTP act 1966, vide order no. **TPB 4313/CR- 185/2013/UD·11 dated 9/9/2014)**

APPENDIX IV

[Regulations 33 (10)]

[Regulations for re-development/construction of accommodation for censussed slum dwellers through owners/developers/Co-operative housing societies of slum dwellers.

1) *The Corporation/Mumbai Housing and Area Development Board/the Collector of Mumbai/the Collector, Mumbai Suburban District shall be "designated authorities" for notified slums located on lands owned by the Corporation, the said Mumbai Housing and Area Development Board or the Government respectively.*
2) *The F.S.I. as in sub-Regulation (10) of Regulation 33 shall be restricted to a maximum of 2.5*
3) *The names of the eligible slum dwellers on private and Government lands shall be duly certified by the respective Collector. The list of the names of eligible slum dwellers on municipal lands and lands in possession of the Mumbai Housing and Area Development Board should be duly certified by the respective authorities.*
4) *All eligible slum dwellers residing on the plot to be developed shall have to be accommodated on the same plot as far as possible.*
5) *The designated authorities for slums located in their respective lands shall formulate schemes for each plot according to the guidelines in this Appendix, and before inviting tenders/bids, shall obtain the approval of the Commissioner to such schemes subject to Regulation 18 in this Appendix.*
6) *Development of slums on privately owned lands shall be regulated in accordance with the Regulation 15 in this Appendix.*

7) *In case of developments under taken by the Mumbai Housing and Area Development Board/Collector, surplus tenements which come into their possession shall be used for accommodating project affected persons and footpath dwellers in consultation with the Commissioner.*
8) *After formulation of the scheme and its approval by the Commissioner, the designated authorities shall invite quotations/bids from the developers/owners in terms of the surplus tenements which would be made available to the said designated authority.*

9) *The respective designated authority shall be competent to decide on acceptance of bids on merits and make use of the surplus tenements thus available.*

10) *The area required for provision of civic/social amenities in the redevelopment scheme shall be cleared and made available by the developers/owners/co-operative housing societies of such slum dwellers to the designated authorities for provision of the said amenities. Depending on the size of the plot/area taken up for redevelopment the scheme may also provide that developers/owners/co-operative housing societies of such slum dwellers may develop and provide civic facilities on the land designated for the same as approved in the scheme.*

11) *The scheme shall provide that each slum dweller/project affected person shall be given a tenement of a carpet area of 180 sq.ft. (16.75 sq.m.) (including toilet, but excluding common areas).*

12) *The maximum density should not exceed 500 tenements per net hectare on the basis of FSI 1.00. The number of tenements per net hectare shall be increased or decreased in proportion to the permitted FSI.*

13) In any scheme of redevelopment, commercial /office area, shop area for the project affected/slum dwellers shall not exceed the areas which existed prior to the redevelopment of the property.

14) Convenience shopping as defined in clause (20) of sub-regulation (3) of Regulation 2 shall be permitted along the layout roads within the scheme area with width of 12.2 m. and above, provided a set back of 3 m. is provided. This shopping provision would be in addition to the provision for shop area allowed according to the previous Regulations.

15) In the case of notified slums on private lands, the Commissioner with the consent of the owner, may invite quotations for redevelopment in terms of surplus tenements as provided in these Regulations from developers/owners. In such cases the owner would expect a return based on the existing balance land potential. This potential would be the permitted F.S.I in that scheme minus the actual FSI consumed in the slum. In the quotations given by the owner ,developer, it would be presumed that he would have taken into account this aspect. Therefore, while evaluating and comparing the quotations from the owner and other developers, necessary loading should be done for proper evaluation of the bids. In case, however, the consent of the owner is not forthcoming within the stipulated time in accordance with the above conditions, such land can be developed according to the scheme after following acquisition proceedings under the respective Act.

16) The scheme would also provide that 5 per cent of the net plot area (excluding the area for civic amenities from the gross plot) may be used for commercial purposes. This would be in addition to the provisions in Regulations 13 and 14 in this Appendix,

17) The construction of the building for the rehabilitation of slum dwellers and the tenements to be made available to the appropriate authority shall be as per the designs and specification approved by the Commissioner.

18) Approval to the schemes in this Appendix shall be given by a Committee comprising of the Commissioner, the Vice-President and the Chief Executive Officer, Maharashtra Housing and Area Development Authority and the Additional Collector (Encroachments), Mumbai,

19) Co-operative housing societies of slum dwellers would also be entitled to submit bids in accordance with these Regulations.

20) Multi-purpose room :- A multi-purpose room shall be allowed with size upto 12.5 sq.m. with a minimum width of 2.4 m.

21) Cooking space (alcove) :- Provision of a separate kitchen shall not be necessary However, cooking space shall be allowed with a minimum size of 2.4 sq.m. with the minimum width of 1.2 m.

22) Combined toilet :- A combined toilet shall be permitted for more than one tenement with a minimum area of 1.85 sq.m. with the minimum width of one meter.

23) Height :- The average height for a habitable room with sloping roof shall be minimum 2.6 m with minimum height of two meters at eaves. In the case of flat roof, minimum clear height shall be 2.6 m. for habitable rooms. Kitchen area shall have minimum clear height/average height of 2.4 m. and bath and water closet (without loft) shall have a clear minimum height of 2.2 m.

~~24) Plinth :- The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.~~

~~25) External walls :- 115 mm, thick external brick wall without plaster shall be permitted.~~

~~26) Staircase :- Single flight staircases without landing between the two floors shall be permitted.~~

~~27) Front open space :- The front open space from roads having width of 9.14 m. and below shall be a minimum of 1.5 m. for buildings with heights of upto 10 m.~~

~~28) Pathways :- The width of pathways shall be as follows :-~~
~~(i) 1.5 m. width for pathways upto 20 m. in length.~~
~~(ii) 2.0 m. width for pathways upto 30 m. in length.~~
~~(iii). 2.5 m. width for pathways upto 40 m. in length.~~
~~(iv).3.0 m. width for pathways upto 50 m. in length.~~

~~29) Flushing Cistern :- In water closets, flushing cistern shall not be essential and toilets without this provision may be permitted.~~

~~30) Water Closet Pan Size :- The water closet seat shall be of a minimum of 0.46 m. (18 inches) in length.~~

~~31) Septic Tank and Leaching Pits (Soak Pits) :- A septic tank shall be provided with a capacity of 141.6 liters (five cubic feet) per capita. Where the municipal services are likely to be available within four to five years or so, pour flush water seal latrines (NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high.~~

32) ~~In the case of multistoreyed structures constructed for rehabilitation of the slum dwellers and for the tenements to be made available to the appropriate authorities as mentioned in Regulations 2 in this Appendix, the provisions of Regulations 23 to 29 in this Appendix shall not apply to that portion of the construction not intended for rehabilitation and such constructions shall be governed according to the normal provisions of these Development Control Regulations, relaxable only in the case of reconstruction of old and dilapidated cessed buildings in accordance with the provisions in Appendix III of the Regulations.]~~ [1]

[ ] [1] **This clause was deleted and substituted by new clause by Govt. notification vide number DCR/1095/1209/CR 273/95/UD 11 dated 15 th October 1997.**

[APPENDIX IV] (2)

I. Applicability of the provisions of this Appendix : The following provisions will apply for redevelopment/construction of accommodation for hutment/pavement-dwellers through owners/ developers/co-operative housing societies of hutment/pavement-dwellers/public authorities such as MHADA, MIDC, MMRDA etc./ Non-Governmental Organisations anywhere within the limits of Brihan Mumbai. However, NGO should be registered under the Maharashtra Public--Charitable Trusts Act, 1961 and the Societies Registration Act, 1960 at least for the last five years or be certified by Nirmala Niketan College of Social Work. Notwithstanding anything contained above, the said NGO's name should also be got approved by SRA.

RIGHT OF THE HUTMENT DWELLERS:

1-1 Hutment-dwellers, in the slum or on the pavement, eligible in accordance with the provisions of Development Control Regulation 33(10) shall in exchange for their structure, be given free of cost a residential tenement having a carpet area of ~~20.90 sq. m. (225 sq.ft.)~~ (25 sq. mt.)(28062012) including balcony, bath and water closet, but excluding common areas.

1.2 Even those structures having residential areas more than 20.90 sq.m will be eligible only for ~~20.90 sq.m~~ (25 sq. mt.)(28062012) of carpet area. Carpet area shall mean exclusive of all areas under walls including partition walls if any in the tenement. Only 20.90sq.mt. carpet area shall be given and if proposal contains more area, it shall not be taken up for consideration.

1.3 All eligible hutment dwellers taking part in the slum rehabilitation scheme shall have to be rehabilitated according to the provisions in this Appendix. It may be in-situ and in the same plot as far as possible.

1.4 Pavement-dwellers and hutment dwellers in the slum on lands required for vital urgent public utility/purpose or on the hazardous location shall not be rehabilitated in-situ but in other available plots and in accordance with these Regulations.

~~1.5 A certified extract of the relevant electoral roll shall be considered adequate evidence to establish the eligibility of a person provided he is found residing in the structure. This is to avoid the possibility of persons who have left the structure coming back lo claim free tenement under the scheme even though they have in the normal course left the slum and gone away into a proper non-slum area or out of Brihan Mumbai. If hutment dwellers are found resident in the structure, but the names are on the electoral roll on or prior to 1st January, 1995 at another slum/pavement site in Brihan Mumbai, they shall be considered eligible but only at the place of present residence. In case of doubt or dispute, the decision of the Competent Authority to be appointed by the Government in Housing and Special Assistance Department shall be final and binding on all the parties concerned.~~

1.5 The eligibility of a person including a transferee, under a scheme of Slum redevelopment shall be established in accordance with Chapter IB of Maharashtra

Slums Areas (Improvement, Clearance and Redevelopment)Act, 1971and orders issued thereunder. (03032014)

1.6 An individual agreement shall be entered into by the owner/developer/co-operative housing society/NGO with the eligible hutment-dwellers of each structure in the slum/pavement.

1.7 The individual agreement entered into between hutment-dweller and the owner/developer/ co-operative housing society/NGO shall be in the joint names of pramukh hutment-dweller and spouse for every structure.

1.8 Hutments having a physically handicapped person, or female headed households shall be given first preference in allotment of tenements. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the other hutment-dwellers. The details about the specific tenement allotted should be given to the hutment-dwellers preferably before shifting them to the transit tenement.

~~**1.9 Transfer of Photopasses - Since only the actual occupant at present will be eligible for redevelopment, there shall be no need to regularize the transfers of photopasses that have occurred so far. A photopass will be given after the new tenement has been occupied.**~~ (03032014)

~~**1.10. Any person whose name is enrolled in a non-slum area in Brihan Mumbai but has purchased a hutment and therefore got his name also included in electoral roll for the slum area, i.e. he has his name in the electoral roll at two places, he shall not be held eligible for the scheme.**~~ (03032014)

1.11 ~~Ownership and Terms of Lease~~ Premium for ownership and terms of lease-.)(28062012) The part of Government/ MCGM / MHADA land on which the rehabilitation component of the Slum Rehabilitation Scheme will be constructed shall be leased to the Co-operative Housing Society of the slum-dwellers on 30 years lease at the lease rent of Rs.1001 for 4000 sq.m. of land or part thereof and renewable for a further period of 30 years. The same conditions shall prevail for the land under the free sale component and the land shall be leased directly to the Society/Association of the purchasers in the free sale component and not through the society of hutment dwellers, and pending the formation of the Society/Association of the purchasers in the free sale component, it shall be leased to the Developer. The said lease deed shall be executed within 60 days from the date of building permission being issued. In addition to above, the Developer/ Co-op. Housing Society shall pay premium at the rate of Twenty Five percent in terms of Ready Reckoner in respect of slum Rehabilitation Scheme proposed to be undertaken on lands owned by Government, Semi-Government undertakings and Local Bodies. (28062012)

1.12 Automatic cancellation of Vacant Land Tenure - If any land or part of any land on which slum is located is under vacant land tenure the said tenure/lease created by Brihan Mumbai Municipal Corporation or Municipal Commissioner shall stand automatically terminated as soon as slum rehabilitation scheme, which is a public purpose, on such land is prepared and submitted for approval to the Slum Rehabilitation Authority. Any arrears of dues to be collected by Brihan Mumbai Municipal Corporation shall not be linked lo the issue of any certificate or NOC relating to the Slum Rehabilitation Project.

1.13 Recovery of pending dues such as assessment, compensation, occupational charges, non-agricultural tax/dues etc. pending with public authorities such as State Government, MHADA, and /or Municipal Corporation shall be dealt with separately and not be linked lo grant of approval or building permission to the slum rehabilitation projects.

1.14 A Slum Rehabilitation Project shall be considered preferably when submitted through a proposed or registered co-operative housing society of hutment dwellers on site. The said society shall include all the eligible hutment dwellers on site when applied therefore, and/ or other eligible and allotted by Slum Rehabilitation Authority, as members of the society.

1.15 Where 70 percent or more of the eligible hutment-dwellers in a slum or pavement in a viable stretch at one place agree to join a rehabilitation scheme, it may be considered for approval.[Provided that nothing contained herein shall apply to Slum Rehabilitation Projects undertaken by the State Government or Public authority or as the case may be a Govt. company as defined in Sec. 617 of the Companies Act 1956 and being owned and controlled by the State Government.] (4)

1.16 In respect of those [eligible] (5) hutment-dwellers on site who do not join the Project willingly the following steps shall be taken :-

- **(i) Provision for all of them shall be made in the rehabilitation component of the scheme.**
- **(ii) The details of the actual tenement that would be given to them by way of allotment by drawing lots for them on the same basis as for those who have joined the Project will be communicated to them in writing by the Managing Committee of the Co-operative Housing Society [if it is registered or the developer, and in case of dispute, decision of the CEO / SRA shall be final and binding on all the parties concerned.] (6)**
- **(iii) The transit tenement that would be allotted to them would also be indicated alongwilh those who have joined the Project.**
- **(iv) If they do not join the scheme within 15 days after the approval has been given to the Slum Rehabilitation Project on that site, then action under the relevant provision including sections 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 as amended from time to time, shall be taken and their hutments will be removed, and it shall be ensured that no obstruction is caused to the scheme of the majority of persons who have joined the scheme willingly.**
- **(v) After this action under the foregoing clause is initiated, they will not be eligible for transit tenement along with the others, and they will not be eligible for the reconstructed tenement by lots, but they will still be entitled only to what is available after**

others have chosen which may be on the same or some other site.

(vi) If they do not join till the building permission to the Project is given, they will completely lose the right to any built-up tenement, and their tenement shall be taken over by the Slum Rehabilitation Authority, and used for the purpose of accommodating pavement-dwellers and other slum dwellers who cannot be accommodated in-situ etc.

(vii) A pitch of about 3m x 3.5m will be given elsewhere if and when available, and construction therein will have to be done on their own.

1.17 The Managing Committee of the proposed as well as registered Co-operative housing society of hutment dwellers shall have women to the extent of one-third of the total strength and actual members on the committee at any time.

1.18 Restriction on Transfer of Tenements; The tenement obtained under this scheme cannot be sold/leased/assigned or transferred in any manner for a period of ten years from the date of allotment/possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by Slum Rehabilitation Authority.

2. BUILDING PERMISSION FOR SLUM REHABILITATION PROJECT ---

2.1 The proposal for each Slum Rehabilitation Project shall be submitted to the Slum Rehabilitation Authority with all the necessary documents, no-objection certificates, and the plans as may be decided by the Slum Rehabilitation Authority from time to time.

2.2 The approval to the Project shall be given by the Slum Rehabilitation Authority within a period of 30 days from the date of submission of all relevant documents. In the event of a failure by Slum Rehabilitation Authority to do so, the said approval shall be deemed to have been given, provided the Project is in accordance with the provisions in this Appendix.

2.3 The Slum Rehabilitation Authority while giving the approval may lay down terms and conditions as may be necessary.

2.4 The Slum Rehabilitation Authority shall adopt the procedure laid down in the Maharashtra Regional and Town Planning Act, 1966 for giving building permission to any Slum Rehabilitation Project under this Scheme.

2.5 On compliance with the terms and conditions, the building permission shall be given, in accordance with the provisions under section 45 of the Maharashtra Regional and Town Planning Act, 1966 to the Project under the Slum Rehabilitation Scheme, first to the Rehabilitation component and thereafter to the Freesale component subject to the provisions in clause below.

2.6 Correlation between Rehabilitation and freesale components : Building permission, for 10 percent of built up areas of both the rehab and freesale components may be given simultaneously and thereafter proportionately or as may be decided by the Chief Executive Officer, Slum Rehabilitation Authority.

2.7 Where there is no builder-developer but the Project is implemented directly by an NGO of established reputation, Chief Executive Officer, Slum Rehabilitation Authority may sanction 20 percent of the freesale component right in the beginning without waiting for any expenditure on the rehabilitation component, but the approval for remaining part of freesale component will be given only after at least 30 percent of rehabilitation component is completed on site.

2.8 As soon as the approval is given to the Project, the no objection certificate, for building permission, of the landowning authority shall be given in respect of that slum located on lands belonging to any department, undertaking, agency of the State Government including MHADA, or any local self-Government such as the Municipal Corporation within 30 days after the intimation of such approval lo the Project is communicated. In the event of its not being given within the period, it shall be deemed to have been given.

2.9 Occupation certificate shall not be held up only for want of lease documents to be executed, in all slum rehabilitation projects taken up on lands belonging to any department, undertaking, agency of the State Government, including MHADA, and any local self-Government such as the Municipal Corporation.

3. REHABILITATION AND FREESALE COMPONENT -

3.1 FSI for rehabilitation of eligible slum/pavement-dwellers includes the FSI for the rehab component and for the freesale component. The ratio between the two components shall be as laid down hereinbelow.

3.2 Built-up area for rehabilitation component shall mean total construction area of rehabilitation component, excluding what is set down in 35 (2) of D. C. Regulations, 1991 but including areas under passages, balwadis, welfare centres, society office, religious structures,[other social infrastructure like School, Dispensary, Gymnasium rub by Public authority or Charitable trust] [(7)], 5 percent incentive commercial areas for the Co-operative society, and the further 5 percent incentive commercial area for the NGO ,[GOVT. / Public Authority / Govt. Company][(8)] wherever eligible.

3.3 In Island City, if rehab component is 10 sq. metres of built-up area, then an additional 7.5 sq. metres built-up area will be permitted so that this additional 7.5 sq. metres can be utilised for disposal in the open market and the rehab component subsidized.

3.4 In suburbs and extended suburbs, if rehab component is 10 sq. metres of built-up area, then an additional 10 sq. metre of built-up area will be

permitted so that this additional 10 sq. metres can be utilised for disposal in the open market and the rehab component subsidized.

3.5 In difficult areas which shall comprise of Dharavi now and such other areas as may be notified by the Slum Rehabilitation Authority hereafter, if the rehab component is 10 sq. metres of built-up area, then an additional 13.33 sq. metres of built-up area will be permitted and this area of additional 13.33 sq. metres can be utilised for disposal in the open market and the rehab component subsidised.

3.6 Provision in 3.3 to 3.5 hereinabove shall also apply to the sites where the Slum Rehabilitation Project of eligible pavement dwellers will be implemented.

3.7 FSI to be sanctioned on a Slum Rehabilitation Project on a site may exceed ~~2.5~~. (3.00)(28062012)

3.8 Maximum FSI Permissible for Consumption on the Plot : Even though the sanctioned FSI may be more than ~~2.5~~ (3.00)(28062012) FSI, the maximum FSI that can be utilised on any slum-site for the project shall not exceed ~~2.5~~ (3.00)(28062012) and the difference between sanctioned higher FSI and ~~2.5~~ (3.00)(28062012) if any, will be made available in the form of Transferable Development Right (TDR) in accordance with the provisions of Appendix VII-B. The computation of FSI shall be done for both rehab and freesale components in the normal manner, that is giving the benefit of what is set down in DC Regulations No. 35(2). While the areas referred in sub-regulations No. 6.10 and 8.2 of this Appendix shall not be included for computation of the rehab component of 10 sq- mt in sub-Regulations 3.3 to 3.5 hereinabove. [Provided that if the existing tenement density is more than 650 per hectare, ~~Govt. in Urban Development Department~~ (the Chief Executive Officer, Slum Rehabilitation Authority, after ascertaining and due verufication of proposal)[19052015] may allow FSI consumption in situ to be exceeded upto the sanctioned FSI but not exceeding ~~3.00~~ (4.00)(28062012)FSI. In such cases the difference between sanctioned higher FSI and ~~3.00~~ (4.00)(28062012) if any, will be made available in the form of Transferable Development Rights (TDR) in accordance with the provisions of Appendix – VII – B.](9)

3.9 Notwithstanding the provisions in 3.8 above, on account of constraints such as height restrictions, uneconomical site conditions, etc; if the full 2.5 FSI cannot be used on the same site, TDR may be allowed as may be necessary even without consuming FSI upto 2.5 on the same site. However, TDR may be allowed only when the frame work for one complete building in rehab component is constructed or when 10% of the rehab component has been constructed on site and the said TDR will not exceed 50 percent of the construction of rehab component at any point of time till the total rehab component has been completed. On completion of the total rehab component balance TDR will be allowed.

3.10 The rehabilitation component shall mean all residential tenements as well as non-residential built-up premises given free of cost in accordance with the provisions of the Slum Rehabilitation scheme outlined in this Appendix excluding what is set down in D.C. Regulation 35(2) and excluding built-up area given for buildable Development Plan reservations.

3.11 If rehabilitation project of a slum located on land belonging to public authority and needed for a vital public purpose, is taken up on an unencumbered plot in addition to the rehabilitation and freesale components as laid down hereinabove, TDR for the area of the land spared for this purpose shall also be sanctioned for the owner of the said unencumbered plot.[Provided that the State Govt. or Public authority or a Govt. Company as defined in Sec. 617 of the Companies Act 1956 and owned and controlled by the State Govt. (herein after referred as the Agency) may undertake Slum Rehabilitation Project on its own land and be eligible for the benefits under this Regulation subject to following conditions :

1) **The Rehabilitation Project is approved by the Slum Rehabilitation Authority.**
2) **The tenements so constructed in execution of the Project are offered to slum dwellers located on land belonging to Govt. or Public Authority and needed for vital public purpose and within 270 days from the date of issue of LOI the Agency shall identify the slum dwellers.**
3) **If the Agency fails to identify the slum dwellers needed to be shifted for a vital public purpose, as above, then the tenements so constructed shall be offered.**

a) **to the slum dwellers located on land belonging to Government or Public Authority within a distance of 2 km. from the land on which the Project is undertaken, or**
b) **to the slum dwellers located anywhere in Greater Mumbai on lands belonging to Govt. or Public Authority, or**
c) **to the slum dwellers located on private lands if the land owner pays the entire cost of tenements as determined by the Agency.**

Provided further that in all the three categories of (a), (b) & (c) referred above slum TDR of land component shall not be given and the construction TDR shall be released only after identification of eligible slum dwellers.

4) **Further provided that in all above cases the relocation of slum dwellers in any case will be undertaken not with reference to individuals but reference to assembly of slum dwellers for the purpose of releasing the plot of land wholly from slums and not only the patches of land.]** (10)

[Provided that notwithstanding anything mentioned above, project affected persons under Mumbai Urban Transport Project (MUTP) being resettled as per the provisions contained in Government Resolution, Housing and Special Assistance Department, by order no. 700/CR 31/ slum-2 dated 12/12/2000 and certified by the Project Director, MUTP will also be eligible for redevelopment scheme under 33(10) of the Development Control Regulations for Greater Mumbai, as amended from time to time.] (21042011)

~~**3.12 Minimum Density On The Plot Including Non-Residential Units : The minimum density of rehabilitation component on plot shall be 500 tenements per net hectare, that is, after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational/amenity open space on the remaining area. If the**~~

~~number of tenements to be provided to the hutment dwellers is less than the minimum, the balance shall be handed over free of cost to the Slum Rehabilitation Authority. The Authority shall use them for the purpose of transit or Project-affected persons or pavement-dwellers or slum dwellers from other slums.~~

~~[Provided if slum rehabilitation scheme is undertaken by a Federation, Co-Op. Housing society consisting of members who are serving or retired State Govt. Employees/Employees of the State Govt. Undertakings/Employees of local bodies of State Government for providing housing to its members , such tenements which are generated over and above the tenements to be provided to the existing eligible hutment dwellers, shall be handed over back to the said Federation/Co.-operative Housing Society for providing housing to its above mentioned members and subject to further additional terms and conditions as would be imposed by the Chief Executive Officer , Slum Rehabilitation Authority to ensure adequate membership of class III and class IV employees.]~~ (3)

The Clause - 3.12 of Regulation 33(10), Appendix IV, will be read as follows :-

3.12 (A) Minimum Density on the Plot Including Non-Residential Units: The minimum density of rehabilitation component on plot shall be 500 tenements per net hectare, that is, after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational/amenity open space on the remaining area. If the number of tenements to be provided to the hutment dwellers is less than the minimum, the balance shall be handed over free of cost to the Slum Rehabilitation Authority. The Authority shall use them for the purpose of transit or Project-affected persons or affordable housing, rental housing, Staff quarters etc. **(20052016)**

(B) If there is balance FSI available in a slum scheme, after in situ development of rehab as well as sale component, development of additional PAPs, affordable housing, rental housing, staff quarters etc. as decided by Chief Executive Officer (SRA) may be allowed in the Scheme up to an extent such that this development and corresponding sale component development remains within the limit of maximum permissible FSI in the said Scheme. **(20052016)**

(C) The published provision of clause 'C' dated 21.09.2015 is rejected vide Government order under section 37(2) of MRTP Act, under No. TPB-4316/46/CR-106/2016/UD-11, dated 1st October,2016.**(01102016)**

(D) Notwithstanding anything contained in clause 3.8, whenever total No. of slum dwellers in a Scheme are less than 650 per hectare, Scheme will be sanctioned with taking all the slum dwellers in account and if final eligibility is less than constructed tenements then remaining tenements then remaining tenements shall be treated as PAPs /Affordable housing, rental housing, staff quarters etc. In case of tenements density between 650 to 850, all slum dwellers shall be counted for construction of

tenements but in situ FSI sanctioned will be 3.00. Only after finalization of eligibility if eligible tenements density comes out to be more than 650 per hectare; FSI of 4.00 as per rules shall be sanctioned. If total No. of slum dwellers is more than 800 per hectare. Scheme rules shall be sanctioned. If total No. of slum dweller is more than 800 per hectare, Scheme shall be sanctioned with taking all slum dwellers with corresponding FSI of 4.00 and in case of tenements remaining after allotment to eligible slum dwellers, these would be converted into PAPs/Affordable Housing /Rental housing/Staff quarters etc.
However, in case of ongoing schemes where the tenement density is more than 650, considering the total number of slum dwellers listed in certified Ann.-II and appeals for eligibility are pending such schemes will be considered for grant of FSI of 4.00, the remaining tenements after finalization of appeals will be treated as PAPs/Affordable Housing/ Rental Housing/Staff quarters etc. **(01102016)**

(E) If slum rehabilitation scheme is undertaken by a Federation, Co Op. Housing society consisting of members who are serving or retired State Govt. Employees/Employees of the State Govt. Undertakings/Employees of local public bodies for providing housing to its members, such tenements which are generated over and above the tenements to be provided to the existing eligible hutment dwellers, shall be handed over back to the said Federation/Co. operative Housing Society for providing housing to its abovementioned members and subject to further additional terms and conditions as would be imposed by the Chief Executive Officer, Slum Rehabilitation Authority to ensure adequate membership of class III and class IV employees. **(20052016)**

3.13 All non-residential built-up areas shall be included in the computation of minimum density but on the scale of 20.90 sq. mt. of carpet area being one tenement. In slums where the existing tenement density is already more than 500 per hectare, the calculation of FSI for all purposes shall be on gross area, that is, without deducting any percentage for recreational/amenity open space. This shall not affect the requirement of physical keeping aside the said recreational/ amenity open space on site, subject to the provisions in this Appendix in that regard.

3.14 Amalgamation/Subdivision Of Plots and Balancing Of FSI Thereon : Any land declared as slum rehabilitation area or on which slum rehabilitation project has been sanctioned , if it is spread on part or parts of C.S. Nos. or CTS Nos. or S. Nos shall be treated as natural amalgamation/ subdivision/s of that C.S. or CTS or S. No. or F.P. No. for which no separate approval for amalgamation/subdivision of land would be necessary.

3.15 Boundaries and the measurement of plot areas of the Slum Rehabilitation Area shall be declared by the competent authority after actual measurement of plot area on site and the same shall be adopted for planning purpose for calculation of density and floor space index.

3.16 The Chief Executive Officer, Slum Rehabilitation Authority may if required, adjust the boundary of the plot declared as slum rehabilitation area so as to suit the building design and provide proper access to the Project.

3.17 After approval is given to the Slum Rehabilitation Project, the area may be further subdivided if necessary to earmark separate plots for the rehab component and the freesale component. The Plot area and the built-up area in terms of square metres on the said plot shall be separately mentioned in the lease agreements and Record of Rights.

3.18 The Settlement Commissioner, Maharashtra State on payment of such fees as may be decided by the Government ensure that the City Survey sheet and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property and TDR given that is, the FSI used on that plot.

3.19 Declaration of Additional Areas as Difficult Category : The Slum Rehabilitation Authority may consider declaring additional areas as difficult and publish it in the Maharashtra Government Gazette, provided the following criterion/criteria are fulfilled :-

(i) Overcrowding, High density, and Unhygienic conditions, or

(ii) To vacate land required for implementation of reservations for essential public purposes, or

(iii) Required for rehabilitation to avoid loss of human life :

Provided for difficult areas to be declared on account of overcrowding, high density and unhygienic conditions, the area required shall not be less than 40 hectares in one contiguous area fulfilling the conditions mentioned in (i) above.

4 TEMPORARY TRANSIT CAMPS

4.1 The temporary transit camp shall be provided on or close to the site itself, and if need be on the area of statutory open space to be left in accordance with D.C Regulation No. 23 on the plot.

4.2 On the slum site itself approved for rehabilitation, multi-storied temporary transit tenement may be allowed to be constructed.

4.3 The area of temporary transit tenements shall be excluded from the computation of FSI, but the safety of the structure shall be ensured.

4.4 Such building permission shall be given within 15 days from the date of application and after approval to the project by Slum Rehabilitation Authority, failing which it shall be deemed to be given.

4.5 If a site reserved in Development Plan for any buildable public purpose is vacant or partly encumbered, or it happens to be the unused portion of cemetery or other such public purpose for which it is reserved, or is occupied by a public building such as market or library etc. at ground

level, temporary construction of transit tenements in such sites and on top of such existing public buildings may be allowed wherever possible.

4.6 On any nearby vacant site without any reservation in the Development Plan construction of temporary transit tenements with the consent of the land-owners, made of light material shall be allowed upto an FSI of 2.5 and this shall be applicable in Island City as well as in suburbs and extended suburbs. Temporary shall mean made of detachable material such as tubular/ prefabricated light structurals.

4.7 In all such cases where the temporary transit camp is erected, the condition shall be that the structures shall be demolished by the Developer/Society/NGO within 30 days of granting Occupation Certificate to the rehab buildings and the site should be brought back to the original state.

5. COMMERCIAL / OFFICE / SHOP / ECONOMIC ACTIVITY FREE OF COST:

5.1 The eligible existing area under commercial/office/economic activity shall be computed on actual measurement/inspection, and/or on the basis of official documents such as License under the Shops and Establishment Act, Electricity bills, Photopass etc.

5.2 In the rehabilitation component, the built-up area for commercial /office/ shop/ economic activity that existed prior to 1st January, 1995 subject to the provisions in the sub-regulation below, shall be given. Where a person has both residential and commercial premises without common wall between residential and commercial premises, for commercial/office/shop/ economic activity in the slum/ pavement, he shall be held eligible for a residential unit and also for built-up area for commercial/office/shop/economic activity, both free of cost.

5.3 Built up area for commercial/office/shop/economic activity upto 20.90 sq. m. (225 sq. ft.) carpet area or actual area whichever is less, shall be provided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of 20.90 sq.mt. to the extent of existing area may, if required, be sold on preferential basis at the rate for commercial area in the free-sale component.

5.4 Such area may be allowed on any side of the plot abutting 3.0 metre-wide pathway and deriving access from 3.0 metre-wide pathway/open space. Back-to-back shopping on ground floor shall also be allowed for the purpose of rehabilitation. After exhausting these provisions it may be allowed on the first floor to the extent necessary.

5.5 Non-Conforming Activities : All activities which were previously existing shall be allowed to be relocated regardless of the non-conforming nature of the activities, except those which are hazardous and highly polluting, and except in cases where the alternative accommodation has already been allotted elsewhere by the Municipal Corporation.

5.6 Convenience Shopping in Free-Sale Component : Convenience shopping in the free-sale component vide DCR 2(3) (20) shall be permitted along the layout roads. The Chief Executive Officer. Slum Rehabilitation Authority may add to alter or amend the said list for convenience shopping.

5.7 Incentive Commercial Areas For Society and NGO

(a) The scheme, when undertaken by a Co-operative Housing Society of slum dwellers, may provide an additional 5 per cent built-up area on the rehabilitation area free of cost for commercial purpose, even where the site is in C-1 or C-2 zone. This area will be at the disposal of the Co-operative Housing Society of the hutment-dwellers. The corpus amount shall not be spent, but the income from the property/corpus alone shall be used by the Society for maintenance of the building and premises, and such other purposes as may be laid down by the Slum Rehabilitation Authority.

(b) Where the scheme is undertaken by a Non-Government Organisation [Govt. or Public Authority or Govt. Company] (11)another additional 5 per cent built-up area on the rehabilitation area may be given free of cost for commercial purpose, even where the site is in C-1 or C-2 zone. This area shall be at the disposal of the Non-Governmental Organisation [Govt. or Public Authority or Govt. Company] (11) in consultation with the co-operative housing society.

6. RELAXATION IN BUILDING AND OTHER REQUIREMENTS

	Existing provision as per the notification of even no. dated 15/10/1997	Modified provision sanctioned by Government.
6.1	~~A multi purpose room shall be allowed with size upto 12.5 sq.mt. with a minimum width of 2.4 mt.~~	**6.1** A multi purpose room shall be allowed with size upto 12.5 sq.mt. with a minimum width of 2.4 mt.
6.2	~~Separate kitchen shall not be necessary. Cooking space (alcove) shall be allowed without any minimum size restrictions. Where a kitchen is provided, the minimum area shall be 5 sq.mt. provided the width shall be at least 1.5 mt.~~	**6.2** Separate kitchen shall not be necessary. Cooking space (alcove) shall be allowed without any minimum size restrictions. Where a kitchen is provided, the minimum area shall be 5 sq.mt. provided the width shall be at least 1.5 mt.
6.3	~~There shall be no size restriction for bath or water closet unit. Moreover for bathroom, water closet or kitchen, there shall be no stipulation of one wall abutting open space, etc. as long as artificial light and Ventilation through any means are provided.~~	**6.3** There shall be no size restriction for bath or water closet unit. Moreover for bathroom, water closet or kitchen, there shall be no stipulation of one wall abutting open space, etc. as long as artificial light and ventilation through any means are provided.

6.4	~~In water closet, flushing cisterns shall not be essential and toilets without this provision may be permitted. Water closet seat shall be of a minimum length of 0.46 mt. (18 inches).~~	**6.4** In water closet, flushing cisterns shall not be essential and toilets without this provision may be permitted. Water closet seat shall be of a minimum length of 0.46 mt. (18 inches).
6.5	~~A septic tank filter bed shall be permitted with a capacity of 150 litres per capita, where the municipal services are likely to be available within 4-5 years.~~	**6.5** A septic tank filter bed shall be permitted with a capacity of 150 litres per capita, where the municipal services are likely to be available within 4-5 years.
6.6	~~The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.~~	**6.6** The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.
6.7	~~Single flight staircase, having a width of not less than 1.2 mt. without landing between floors shall be permitted.~~	**6.7** The staircase/s shall be of dog legged type. If a single flight staircase is accepted, the flight width shall not be less than 1.50 mt. However, if two or more staircases are provided the flight width may be reduced to 1.2 mt. in such case, provided that both the staircases shall be interconnected by means of common passage/corridors, so as to serve as alternate means of access/escape in the event of emergency.
6.8	~~In the rehabilitation component, lift shall not be insisted upon, upto ground plus five floors.~~	**6.8** In the rehabilitation component, lift shall not be insisted upon, upto ground plus five floors.
6.9	~~The provisions in DCR 38(22) relating to balcony will apply to the scheme with the following modifications. There shall be no restriction on zone and balcony shall not reduce marginal open space to less than 1.5 mt. For calculating of area of 20.90 sq.mt. the area of the balcony shall be included.~~	**6.9** The provisions in DCR 38(22) relating to balcony will apply to the scheme with the following modifications. There shall be no restriction on zone and balcony shall not reduce marginal open space to less than 1.5 mt. For calculating of area of 20.90 sq.mt. the area of the balcony shall be included.
6.10	~~Areas of common passages not exceeding 2.0 mt. in width provided in rehabilitation component to give access shall not be counted towards FSI even while computing 2.5 FSI on site.~~	**6.10** Areas of common passages not exceeding 2.0 mt. in width provided in rehabilitation component to give access shall not be counted towards FSI even while computing 2.5 FSI on site.
6.11	~~Front and marginal open spaces: irrespective of the height of the building in the rehab component or composite building, the front and marginal open space shall be 1.5 mt. for these buildings.~~	**6.11** Front and marginal open spaces: For building having height upto 24 mt. in the rehab component or composite building, the front and marginal open space shall be 1.5 mt. for these buildings. Provided however, that in case of bldgs. having height more than 24 mt. the minimum marginal open space shall be 6.0 mt. or as may be prescribed by CFO.
6.12	~~Notwithstanding the provisions in DCR 29 Table 10 where the location of the plot abuts DP Road, having width of 18.3 m. and above, the front marginal open space shall not be insisted upon beyond 3.0 mt. provided it is not an express highway or road wider than 52 mt.~~	**6.12** Notwithstanding the provisions in DCR 29 Table 10 where the location of the plot abuts DP Road, having width of 18.30 m and above, the front marginal open space shall not be insisted upon beyond 3.0 mt. provided it is not an express highway or road wider than 52 mt.

6.13	~~Where the location of the plot abuts a nallah, the marginal open space along the nallah shall not be insisted upon beyond 3 mt. from the edge of the trained nallah.~~	**6.13** Where the location of the plot abuts a nallah, the marginal open space along the nallah shall not be insisted upon beyond 3 mt. from the edge of the trained nallah.
6.14	~~The distance between any two buildings shall not be less than 3 mt.~~	**6.14** The distance between any two rehab/composite buildings shall not be less than 3 mt.
6.15	~~If the building is more than ground plus 7 floors, the marginal open space shall be increased at the rate of 1 mt. per floor.~~	Deleted.
6.16	~~A composite building shall contain at least 50 percent of the built-up area as rehabilitation components provided it shall be reduced to 40 percent for the projects in difficult areas.~~	**6.15** A composite bldg. shall contain at least 50 percent of the builtup area as rehabilitation components provided it shall be reduced to 40 percent for the projects in difficult areas.
6.17	~~Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered as part of the amenity open space in the project comprising both rehabilitation and free sale components, and without charging any premium, in relaxation of the stipulations in D.C.Regulation No. 23, wherever necessary.~~	**6.16** Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered as part of the amenity open space in the project comprising both rehabilitation and free sale components, and without charging any premium, in relaxation of the stipulations in DCR No. 23, wherever necessary.
6.18	~~Pathways and means of access – The ratio between the length of the pathway and the width thereof shall be as follows:-~~ ~~**Length Width**~~ ~~Upto 20 mt. 1.5 mt.~~ ~~Upto 30 mt. 2.0 mt.~~ ~~Upto 40 mt. 2.5 mt.~~ ~~Upto 50 mt. 3.0 mt.~~	**6.17** Pathways and means of access – The ratio between the length of the pathway and the width thereof shall be as follows:- **Length Width** Upto 20 mt. 1.5 mt. Upto 30 mt. 2.0 mt. Upto 40 mt. 2.5 mt. Upto 50 mt. 3.0 mt.
6.19	~~Between the dimensions prescribed for the pathway and marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.~~	**6.18** Between the dimensions prescribed for the pathway and marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.
6.20	~~The means of access shall be normally governed by the provisions of D.C.Regulation No. 22. However, in the project, wherever the design of the buildings in the same land requires relaxation, it may be given. Access through existing pathways including the roads maintained under section 63K of the Mumbai Municipal Corporation Act, 1888 but not~~	**6.19** The means of access shall be normally governed by the provisions of DCR No. 22. However, in the project, wherever the design of the buildings in the same land requires relaxation, it may be given. Access through existing pathways including the roads maintained under section 63K of the Mumbai Municipal Corporation Act, 1888 but not less than 3.6 mt. in width, shall be considered adequate for any slum rehabilitation project, containing buildings having height less than 24 mt. including stilts.

	~~less than 3.6 mt. in width, shall be considered adequate for any slum rehabilitation project, containing buildings having height upto 25 mt., including stilts. High rise building shall be permitted even with an access of 6.0 mt. width, which is adequate for passage of a fire tender.~~	
6.21	~~Only because of use of stilt in the rehabilitation building, if the height increased beyond 24 mt., it shall not be considered high rise building for the purpose of Fire Prevention regulations.~~	Deleted
6.22	~~Even if the amenity space is reduced to make the Project viable, a minimum of at least 8% of amenity open space shall be maintained.~~	**6.20** Even if the amenity space is reduced to make the Project viable, a minimum of at least 8% of amenity open space shall be maintained.
6.23	~~Premium shall not be charged for exclusion of staircase and lift-well etc. as covered under provisions of DCR 35(2)(c).~~	**6.21** Premium shall not be charged for exclusion of staircase and lift-well etc. as covered under the provisions of DCR 35(2)(c).
6.24	~~All relaxations outlined hereinabove shall be given to the rehabilitation component, and also to the composite buildings in the Project. Premium shall not be charged for all or any of the relaxations given hereinabove, or for any other mentioned in D.C.Regulation 35(2)(c).~~	**6.22** All relaxations outlined hereinabove shall be given to the rehabilitation component, and also to the composite buildings in the project. Premium shall not be charged for all or any of the relaxations given hereinabove, or for any other mentioned in DCR 35(2)(c).
6.25	~~Relaxations for the free sale component Relaxation contained in sub-regulation No. 6.12, 6.13, 6.19, 6.20, 6.21, 6.22 above, as well as other necessary relaxation shall be given to the free sale components, on payment of 10% of the normal premium, both in the Island City, and also in the suburbs and extended suburbs.~~	**6.23** Relaxations for the free sale component – Relaxation contained in sub-regulation No. 6.12, 6.13, 6.18, 6.19, 6.20 above, as well as other necessary relaxation shall be given to the free sale components, on payment of 10% of the normal premium, both in the Island City, and also in the suburbs and extended suburbs.
6.26	~~In order to make the Slum Rehabilitation scheme viable, the Chief Executive Officer of Slum Rehabilitation Authority shall be competent to make any relaxation wherever necessary for reasons to be recorded in writing.~~	**6.24** In order to make the Slum Rehabilitation Scheme viable, the Chief Executive Officer of Slum Rehabilitation Authority shall be competent to make any relaxation wherever necessary for reasons to be recorded in writing.

Note **- Provisions contained in Clause 6.1 to 6.26 of" the notice published by Urban Development Department under its No. DCR-1095/1209/CR-273/95/UD-11, sanctioned vide even no. dated 15 th October 2003.**

7. SLUMS AND DEVELOPMENT PLAN RESERVATIONS:

7.1 Slums situated in lands falling under various reservations/zones in the Development Plan shall be developed in accordance with the provisions of the notification, dated 3rd June 1992 issued under Section 31 of the Maharashtra Regional and Town Planning Act and as modified by the provisions in the present Appendix.

7.2 Slums in any zone shall be allowed to be redeveloped in-situ without going through the process of change of zone. In the free-sale component in any zone, in addition to residential user, all the users permitted for the original zone shall be permitted. For industrial user, the segregating distance shall be maintained from the existing industrial unit.

7.3 Any plot under non-buildable reservations admeasuring only upto 500 sq. metres may be cleared by shifting the slum-dwellers from that site.

7.4 The stipulation of 33 percent of area under non-buildable reservation may be reduced to the extent necessary where there are height and such other restrictions.

7.5 For other buildable reservations on lands under slum where guidelines approved by Government under section 31 of the Maharashtra Regional and Town Planning Act are not available, built-up area equal to not more than 15 per cent area of the entire plot or 25 percent of the area under that reservation in that plot, whichever is less, shall be demanded free of cost by the Slum Rehabilitation Authority for the Municipal Corporation or for any other appropriate Authority.

7.6 Where DP road passes through slum rehabilitation area, the entire 100 per cent FSI of the road may be given in the same site, on the remainder of the plot.

~~**7.7 Wherever slum and municipal / MHADA property are found together or adjoining, it would be eligible for redevelopment using provisions of both DCR - 33(7) and of DCR 33(10). Development of slum and contiguous non-slum area under any other provisions may be allowed together in order to promote flexibility of design as well as to raise more resources, provided the FSI on non-slum quantum of area shall be restricted to that permissible in the surrounding zone. Such a project shall be deemed to be a Slum Rehabilitation Project. The power under D.C. Regulations 11(4) for shifting and/or interchanging the purpose of designations/reservations shall be exercised by the Chief Executive Officer, Slum Rehabilitation Authority in respect of slum rehabilitation areas / projects.**~~

7.7 [Wherever slum and municipal/ MHADA property are found together or adjoining,it would be eligible for redevelopment using provisions of both DCR- 33(7) and of DCR – 33(10) Development of slum and contiguous non-slum area under any other provisions of regulations may be allowed together in order to promote flexibility of design as well as to raise more resources, provided that the FSI of non-slum quantum of area shall be restricted to that permissible in the surrounding zone, inclusive of admissible TDR on non-slum area. Such a project shall be deemed to be a Slum Rehabilitation Project and plans for non slum area including the plans for admissible TDR shall be approved by CEO, SRA. The power under D.C. Regulation 11(4) for shifting and/or interchanging the purpose of designations/reservations shall be exercised by the Chief Executive Officer, Slum Rehabilitation Authority in respect of slum rehabilitation areas/projects.] **(21)**

7.8 In case of two or more number of slums taken up for development by same owner/developer/ NGO/Co-operative Society of the Slum dwellers, both Rehab and Free Sale Components of the said slums can be combined and located in any proportion in those plots provided in any plot, the FSI does not exceed 2.5 subject to

the condition that the said slums have the same ratio of Rehab component to Free Sale Component as laid down in the Clause 3.3 to 3.5 of this Appendix.

7.9 Slum Rehabilitation Permissible on Town Planning Scheme Plots : Slum Rehabilitation Project can be taken up on Town Planning Scheme plots also, after they are declared as slums/ slum rehabilitation areas. Wherever Town Planning Scheme Regulations so provide, there shall be no insistence on 15 per cent recreational/amenity open space for FSI deduction.

7.10 Contravening structures in the adjoining final plots, if declared as a slum rehabilitation area by the competent authority, may be included in the Slum Rehabilitation Scheme in the relevant Final Plot of the Town Planning Scheme.

7.11 In case of a slum rehabilitation project adjoining railway tracks, a boundary wall of minimum 2.4 metres in height shall be constructed.

8. WELFARE HALL, BALWADI, SOCIETY OFFICE AND RELIGIOUS STRUCTURE:

8.1 There shall be a welfare hall in each Project as part of the rehabilitation component. It shall be at the rate of 20.90 sq.m. for every multiple or part of 100 hutment dwellers families, but located so as to serve all the floors and buildings equitably. In case of misuse, it shall be taken over by the Slum Rehabilitation Authority which will be competent to allot the same to some other organization /institution for public use. Balwadi shall also be provided for in a similar scale. An office for the Co-operative housing society shall be also constructed in accordance will D.C. Regulations No. 38(11).[However, if the number of rehab tenements exceeds 100 then for every 100 rehab tenements such additional society office shall be constructed] (12) Religious structures existing prior to redevelopment, if allowed in accordance with the guidelines issued by Government from time to time as part of redevelopment shall not exceed the area that existed prior to redevelopment. [Other social infrastructure like School, Dispensary, Gymnasium run by Public Authority or Charitable Trust that existed prior to the redevelopment shall be allowed without increase in existing area.] (13)

8.2 All the areas underlying welfare hall/s, society office, balwadi/s, religious structure/s, [social infrastructure like School, Dispensary, Gymnasium run by Public Authority or Charitable Trust] (14),the commercial areas given by way of incentives to the co-operative society and the nongovernmental organisation shall be free of cost and shall form part of rehabilitation component and it is on this basis the freesale component will be computed. These provisions shall apply to construction of transit camps under DC Regulations 33(14) also.

8.3 Welfare halls, society office, balwadis and religious structure/s [social infrastructure like School, Dispensary, Gymnasium rub by Public Authority or Charitable Trust] (15).in the rehab component shall not be counted towards the FSI even while computing 2.5 FSI on site.

9. PAYMENTS TO BE MADE TO SRA AND INSTALMENTS :

9.1 An amount of Rs.~~20,000~~ 40,000 (21042016)or such an amount as may be decided by the Government from time to time per tenement including the welfare hall and balwadi in the rehab component as well as in the case of permanent transit camp tenements will have to be deposited by the owner/ developer/society with the Slum Rehabilitation Authority, in accordance with the time-schedule for such payment as may be laid down by the Chief Executive Officer, Slum Rehabilitation Authority. However, by the time of completion of construction for occupation of tenements by the hutment dwellers, the

total amount at the rate of Rs. 20,000 per tenement completed should have been deposited in full. The building permission for the last 25 percent of the freesale component would be given only after all the required amount is deposited in full with Slum Rehabilitation Authority.

9.2. An amount of Rs. 840 per sq. mt. [or Rs 560 per sq. mt. for the localities mentioned in sub regulations 3.4 hereinabove] (16) shall be paid by the Owner/Developer/Society/NGO for the built-up area over and above the normally permissible FSI, for the rehabilitation and freesale components. Similarly, it shall be paid for the built-up area over and above the normally permissible FSI for construction of transit camps in accordance with the provisions under DCR 33(14). This amount shall be paid to the Slum Rehabilitation Authority in accordance with the time-schedule for such payment as may be laid down by the Chief Executive Officer, Slum Rehabilitation Authority, provided the installments shall not exceed beyond the completion of construction. This amount shall be used for Schemes to be prepared for the improvement of infrastructure in slum or slum rehabilitation areas.

[Provided that out of Rs. 560/- per Sq. mt. Infrastructural charges, 90% amount will go to BMC & 10% amount will remain with SRA.] (17)

10. CONVERSION OF OLD PROJECT INTO NEW PROJECT

10.1 Wherever there is an application for conversion of the old project of slum redevelopment into the new, it shall be considered only if the full occupation certificate has not been given and provided the conditions relating to~~[the payment of Rs. 20,000 per tenement and Rs. 840 per sq.mt. for the required built-up area]~~ (18) [[the payment as specified in clause 9](19) are complied with, and subject to such other conditions as may be imposed by the Chief Executive Officer.

10.1(A) In the case of any Slum Redevelopment Scheme in progress and any Slum Redevelopment Scheme where LOI has been issued, envisaging construction of rehabilitation tenements having individual carpet area of 20.90 sq, mtrs., if full occupation permission has not been granted and if it is structurally feasible, to provide rehabilitation tenements having individual carpet area of 25 sq mtrs, without having to completely pull down and reconstruct the ongoing rehabilitation building(s), the Owner/Developer/ Co.Op. Housing Society of Hutment or Pavement dwellers/Non-Govt.Organization/Public Authority executing such scheme may, at its option and with the approval of the Govt.,convert such scheme in accordance with the provisions of Regulation 33(10), as modified vide Notification No. TPB.4312/CR-3/2012/(Camp)/UD-11 dated 28th June, 2012, only with regard to the size of tenement and loading of FSI in-situ. (21062014)

{*10.2 ~~Not withstanding anything contained in 10.1 above, for a period of one year from the date of coming into force of these Regulations, there shall be an option to the Owners/Developers/ Co-op. Societies of hutment dwellers/NGOs to seek modification in their Slum Redevelopment Schemes, already approved by the Committee appointed under Clause 18 of Appendix IV to the DCR 1991, for Greater Mumbai, within a total sanction of 2.5 FSI which CEO, SRA may approve subject to the condition that an amount of Rs. 840 per sq.mt. shall be paid by the Owner/ Developer/ NGO/ Society for the built up area additionally granted while enhancing the FSI and further subject to any other additional terms and conditions as may be imposed by the CEO, SRA.~~* } (20)
] (2)

[ ] (2) This new Appendix was added by Govt. notification vide number DCR/1095/1209/CR 273/95/UD 11 dated 15 th October 1997.

[ ](3) This clause was added vide govt. notification no. TPB/4396/1209/CR 273/95/part III/UD 11 dated 4 th October 1999.

[ ] (4) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (5) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (6) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (7) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (8) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (9) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (10) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (11) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (12) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (13) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (14) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (15) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (16) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (17) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (18) This clause was deleted Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (19) This clause was added Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (20) This clause was deleted Vide govt. notification no. DCR/1095/1209/CR 273/95/UD 11 dated 30 th November 2002.

[ ] (21) This clause was added Vide govt. notification no. TPB/4309/1242/CR-7/09/UD-11 dated 2nd September 2009.

[ ](21042011) These words were added by Government

Notification under number DCR/1095/1209/CR-5/2011/UD-11 dated 21/4/2011.

[ ] (28062012) These words are replaced vide Govt Notification and final sanction under section 37(2) of MRTP, act, under no. TPB/4312/CR3/2012/(Camp)/UD-11 dated 28th June, 2012.

( ) (03032014)This regulation (clause nos 1.5,1.9 and 1.10) was amended vide Govt Final sanction under section 37(1)(AA)(C) of MRTP act, 1966 vide order no. DCR/1095/CR-38/2012/UD-11 dated 3.3.2014. Clause no. 1.5 was modified and clause nos 1.9 and 1.10 were deleted.

( ) **(21062014)** This regulation vide clause 10.1(A) was added vide Govt Final sanction under section 37(2) of MRTP act, 1966 vide order no. TPB.4312/868/CR-30/2014/UD-11 dated 21.6.2014

( ) **(19052015)** These words in clause 3.8 of Appendix-IV were modified vide notice under section 37(1)(AA) of MRTP act, 1966 read with directions under section 154(1) of MRTP act, 1966 , vide order no. TPB/4315/CR-22/2015/UD-11 dated 19th May 2015.

[ ] (21042016) This figure was replaced by modification sanctioned under 37(2) of MRTP act, 1966, vide notification number TPB/4316/CR-87/2016/UD-11 dated 21st April 2016.

[ ]**(20052016)**Modification in respect of Clause - 3.12 of Regulation 33(10), Appendix IV, in respect of Sub Clause-A, B & E, is sanctioned under section 37(2) of the Maharashtra Regional and Town Planning Act, 1966, vide Government Notification No. *TPB-4316/46/CR-I06/2016IUD-II,* dated 20th May, 2016.

[ ]**(01102016)**Modification in respect of Clause - 3.12 of Regulation 33(10), Appendix IV, in respect of Sub Clause-D, is sanctioned under section 37(2) of the Maharashtra Regional and Town Planning Act, 1966, vide Government Notification No. TPB-4316/46/CR-I06/2016/UD-11, dated 1st October, 2016.

[**Appendix IV-(A)**

1. Applicability of the provisions of this appendix:

The following provisions will apply for redevelopment / construction of accommodation for hutment / pavement – dwellers which are part of DRP undertaken by DRP (SRA) through the developer to be appointed by DRP(SRA) with the prior approval of the committee formed by the Housing Deptt. Resolution no. Zopuyo 2003/CR-189/Zopsu-1 dt.4.2.2004 by following competitive bidding process for DRP or through Public Authority. This appendix is not applicable to the properties which are not part of DRP.

~~The properties which are not part of DRP as defined above shall be developed in accordance with DCR 32 only. The other provisions of DCR 1991 allowing higher FSI which are permitted under DCR 33 and provisions of this Appendix shall not be applicable to such properties which are not part of DRP~~.

The properties which are not part of DRP Area as defined above shall be developed/ redeveloped in accordance with the provisions of Regulation 32 of DCR, 1991 only. The provisions of this Appendix and the provisions of DCR 1991, allowing higher FSI, under Regulation 33, except for Regulations 33(1), 33(2) and 33(3), shall not be applicable to such properties as are not a part of DRP. **(11012016)**

RIGHT OF THE HUTMENT DWELLERS:

1.1 Hutment-dwellers having existing carpet areas upto 27.88 sq.mt. (300 sq.ft.), in the slum or on the pavement, eligible in accordance with the provisions of Development Control Regulation 33(10) (A) shall in exchange for their structure, be given free of cost a residential tenement having a carpet area of 25 sq.mt. (269 sq.ft.) plus 10% balcony totaling to 27.88 sq.mt. (300 sq.ft.) with a separate living room, kitchen, bedroom, bath and water closet, but excluding common areas. Carpet area shall mean exclusive of all areas under walls including partition walls if any in the tenement.

1.2 For those structures having residential areas more than 27.88 sq.mt. (300 sq.ft.) will be eligible for residential tenement having carpet area of 33.45 sq.mt. (360 sq.ft.) plus 10% balcony totaling to 37.16 sq.mt. (400 sq.ft.). Out of this total 37.16 sq.mt area, 27.88 sq.mt. (300 sq.ft.) area will be free of cost and area above 27.88 sq.mt. (300 sq.ft.) admeasuring 9.29 sq.mt. (100 sq.ft.) will be at construction cost to be determined by OSD, DRP(SRA) and the said cost to be paid by the hutment dweller to the developer. Carpet area shall mean exclusive of all

areas under walls including partition walls if any in the tenement. Only 37.16 sq.mt. (400 sq.ft.) carpet area shall be given and if proposal contains more area, it shall not be taken up for consideration.

1.3 All eligible hutment dwellers taking part in the Dharavi Redevelopment Project shall have to be rehabilitated according to the provisions in this Appendix. It may be in the same sector or other sectors within the jurisdiction of Dharavi Redevelopment Project.

1.4 Pavement dwellers and hutment dwellers in the slum on the land required for vital urgent public utility / purpose or on the hazardous location or affected by DP proposals shall not be rehabilitated in-situ but in other available plots within jurisdiction of Dharavi Redevelopment Project.

1.5 A certified extract of the relevant electoral roll shall be considered adequate evidence to establish the eligibility of a person provided he is found residing in the structure. This is to avoid the possibility of persons who have left the structure coming back to claim free tenement under the scheme even though they have in the normal course left the slum and gone away into a proper non-slum area or out of DRP Area. If the hutment dwellers are found resident in the structure, but the names are on the electoral roll on or prior to 1st Jan 2000, at another slum / pavement site in Brihan Mumbai, they shall be considered eligible but only at the place of present residence. In case of doubt or dispute, the decision of the Competent Authority to be appointed by the Government in Housing Department shall be final and binding on all the parties concerned.

1.6 An individual agreement shall be entered into by the developer so appointed under Dharavi Redevelopment Project by DRP (SRA) with the eligible hutment dwellers of each structure in the slum / pavement.

1.7 The individual agreement entered into between hutment dwellers and the land owning authority / SRA / developer shall be in the joint names of pramukh hutment dweller and spouse for every structure.

1.8 Hutments having a physically handicapped person or female-headed households shall be given first preference in allotment of tenements to the other hutment-dwellers. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the other hutment-dwellers.

1.9 Transfer of Photopasses – Since only the actual occupant at present will be eligible for redevelopment, there shall be no need to regularize the transfers of photo passes that have occurred so far.

1.10 Any person whose name is enrolled in a non-slum area in Brihan Mumbai but has purchased a hutment in DRP area and therefore got his name also included in electoral roll for the slum area, i.e. he has his name in the electoral roll at two places, he shall not be eligible for the scheme.

1.11 Ownership and Terms of lease – The part of Government / MCGM / MHADA / MMRDA / Any Undertaking land on which the rehabilitation component of DRP will be constructed shall be leased to the co-operative Housing Society of the slum dwellers on 30 years lease at the lease rent of Rs. 1001 for 4000 sq.mt. of land or part thereof and renewable for a further period of 30 years. The same conditions shall prevail for the land under the free sale component and the land shall be leased directly to the Society / Association of the purchasers in the free sale component and not through the society of hutment dwellers.

1.12 Automatic cancellation of Vacant Land Tenure – If any land or part of any land on which slum is located is under vacant land tenure the said tenure / lease created by Brihan Mumbai Municipal Corporation or Municipal Commissioner shall stand automatically terminated as soon as Dharavi Redevelopment Project, which is a public purpose, on such land is prepared and submitted for approval to the Dharavi Redevelopment Project cell of Slum Rehabilitation Authority. Any arrears of dues to be collected by Brihan Mumbai Municipal Corporations shall not be linked to the issue of any certificate or NOC relating to the Dharavi Redevelopment Project.

1.13 Recovery of pending dues such as assessment, compensation, occupational charges, non-agricultural tax / dues etc. pending with public authorities such as State Government, MHADA, and / or Municipal Corporation shall be dealt with separately and not

be linked to grant of approval or building permission to the Dharavi Redevelopment Project.

1.14 In respect of those eligible hutment dwellers on site who do not join the Project willingly the following steps shall be taken:

i) Provision for all of them shall be made in the renewal / rehabilitation component of the scheme.

ii) The transit tenement that would be allotted to them would also be indicated along with those who have joined the Project

iii) If they do not join the scheme within 15 days after the developer informs OSD, DRP(SRA) of the unwillingness of the said dweller,then action under the relevant provisions of the Maharashtra Slum Areas (Improvement Clearance and Redevelopment) Act, 1971 as amended from time to time, shall be taken and their structures will be removed, and it shall be ensured that no obstruction is caused to the scheme of the majority of persons who have joined the scheme willingly.

iv) After this action under the foregoing clause is initiated, they will not be eligible for transit tenement along with the others, and they will not be eligible for the reconstructed tenement by lots, but they will still be entitled only to what is available after others have chosen which may be on the same or some other site.

v) If they do not join till the building permission to the Project is given, they will completely lose the right to any built-up tenement, and their tenement shall be taken over by the Slum Rehabilitation Authority and used for the purpose of accommodating pavement dwellers and other slum dwellers who cannot be accommodated in situ etc.

vi) A pitch of about 3m x 3.5m will be given elsewhere if and when available, and construction therein will have to be done on their own.

1.15 The Managing Committee of the Co-operative Housing Society of hutment dwellers to be formed after allotment of reconstructed tenements shall have women to the extent of one-third of the total strength and actual members on the committee at any time.

1.16 Restriction on Transfer of Tenements: The tenement obtained under this scheme cannot be sold / leased / assigned or transferred in any manner for a period of ten years from the date of allotment / possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by Slum Rehabilitation Authority.

2. BUILDING PERMISSION UNDER DHARAVI REDEVELOPMENT PROJECT.

2.1 The proposal for each planning sector of Dharavi Redevelopment Project shall be submitted to the Dharavi Redevelopment Project cell of Slum Rehabilitation Authority with all the necessary documents, no-objection certificates and the plans as may be decided by the Slum Rehabilitation Authority from time to time.

2.2 The approval to the Project shall be given by the Dharavi Redevelopment Project cell of Slum Rehabilitation Authority within a period of 60 days from the date of submission of all relevant documents. In the event of a failure by Slum Rehabilitation Authority to do so, the said approval shall be deemed to have been given, provided the Project is in accordance with the provisions in this Appendix.

2.3 For Dharavi Redevelopment Project the Slum Rehabilitation Authority while giving the approval may lay down terms and conditions as may be necessary.

2.4 DRP (SRA) shall adopt the procedure laid down in the Maharashtra Regional and Town Planning Act, 1966 for giving building permission to any development in DRP under this Scheme.

2.5 On compliance with the terms and conditions, the building permission shall be given in accordance with the provisions under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 to the sectoral development under DRP, first to the Rehabilitation component and thereafter to the Freesale component subject to the provisions in clause below.

2.6 Correlation between Rehabilitation and freesale components: Building permission for 10 percent of built up areas of both the rehab and freesale components may be given simultaneously and thereafter proportionately or as may be decided by the Officer on Special Duty, Dharavi Redevelopment Project, Slum Rehabilitation Authority.

2.7 As soon as the approval (Letter of Intent) is given to the Project, the no objection certificate for building permission of the landowning authority shall be given in respect of that lands belonging to any department, undertaking, agency of the State Government including MHADA, or any local self – Government such as the Municipal Corporation within 30 days after the intimation of such approval to the Project is communicated. In the event of its not been given within the period, it shall be deemed to have been given.

2.8 Occupation certificate shall not be held up only for want of lease documents to be executed in all sectoral developments under DRP taken up on lands belonging to any department, undertaking, agency of the State Government, including MHADA and any local self-Government such as the Municipal Corporation.

3. REHABILITATION AND FREESALE COMPONENT

3.1 FSI for rehabilitation of eligible slum /pavement dwellers includes the FSI for the rehab component and for the freesale component. The ratio between the two components shall be as laid down herein below.

3.2 Built-up area for rehabilitation component shall mean total construction area of rehabilitation component, excluding what is set down in 35(2) of D.C. Regulations, 1991 except 10% balcony but including areas under passages, balwadis, welfare centers, society office, religious structures, 'other social infrastructure like school, dispensary, Gymnasium run by Public Authority or Charitable trust' and also including built up area of various buildable reservations / additional amenities to be proposed in buildable form in D.N.A.

3.3 If the rehab component is 10 sq.mt. of built-up area, then an additional 13.33 sq.mt. of built-up area will be permitted and this area of additional 13.33 sq. m. can be utilized for disposal in the open market and the rehab component subsidized.

3.4 (a) If the FSI required for rehabilitation of existing hutment dwellers plus free sale component exceeds FSI 4.00 of a particular plot, such excess quantum shall get absorbed while calculating overall FSI of 4.00 on entire DRP Area.
(b) The FSI in CRZ area within DNA, shall be governed by the MOEF notifications issued from time to time

3.5 The rehabilitation component shall mean all residential tenements as well as non-residential built up premises given free of cost in accordance with the provisions of the DRP outlined in this Appendix excluding what is set down in D.C. Regulation 35(2) except 10% balcony and including built up area given for buildable Development Plan reservations and additional amenities & facilities to be provided as per regulation no. 7.1 of this appendix.

3.6 Minimum Density on the Plot including Non-Residential Units: The minimum density of rehabilitation component on plot shall be 650 tenements per net hectare that is, after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational / amenity open space on the remaining area. If the number of tenements to be provided to the hutment dwellers is less than the minimum, the balance shall be handed over free of cost to the Slum Rehabilitation Authority. The Authority shall use them for the purpose of transit or Project affected persons or pavement dwellers or slum dwellers from other slums.

3.7 All non-residential built up areas shall be included in the computation of minimum density and on the scale of 27.88 sq.mt. of carpet area being one tenement. The calculation of FSI for all purposes shall be on gross area, that is, without deducting any percentage for recreational / amenity open space. This shall not affect the requirement of physical keeping aside the said recreational / amenity open space on site, subject to the provisions in this Appendix in that regard.

3.8 Amalgamation / Subdivision of Plots and Balancing of FSI thereon: Any land declared as DRP Area or on which DRP has been sanctioned, if it is spread on part or parts of C.S. Nos. or CTS Nos. or S. Nos. shall be treated as natural amalgamation / subdivision/s of that C.S or CTS or S. No. or F.P. No. for which no separate approval for amalgamation / subdivision of land would be necessary.

3.9 Boundaries and the measurement of plot areas of the Dharavi Redevelopment Project Area shall be declared by the competent authority after actual measurement of plot area on site and the

same shall be adopted for planning purpose for calculation of density and floor space index.

3.10 The OSD, DRP(SRA) may if required, adjust the boundary of the plot declared as DRP Area so as to suit the building design and provide proper access to the Project / any other plot/s located within Sector/s.

3.11 After approval is given to the DRP, the area may be further subdivided if necessary to earmark separate plots for the rehab component, amenity plot and the freesale component. The Plot area and the built up area in terms of square meters on the said plot shall be separately mentioned in the lease agreements and Record of Rights.

3.12 The Settlement Commissioner, Maharashtra State on payment of such fees as may be decided by the Government ensure that the City Survey sheet and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property and TDR given that is, the FSI used on that plot.

4. TEMPORARY TRANSIT CAMPS

4.1 The temporary transit camp/ transit accommodation shall be provided within Dharavi Notified Area or nearby lands with prior approval of DRP(SRA) and if need be on the area of statutory open space to be left in accordance with D.C. Regulation No. 23 on the plot.

4.2 On the slum site itself approved for rehabilitation, multi storied temporary transit tenement may be allowed to be constructed.

4.3 The area of temporary transit tenements shall be excluded from the computation of FSI, but the safety of the structure shall be ensured.

4.4 Such building permission shall be given within 15 days from the date of application of the appointed developer of a sector, by OSD, DRP(SRA) failing which it shall be deemed to be given.

4.5 If a site reserved in Development Plan for any buildable as well as non-buildable public purpose is vacant or partly encumbered, or it happens to be the unused portion of cemetery or other such public purpose for which it is reserved, or is occupied by a public building such as market or library etc. at

ground level, temporary construction of transit tenements in such sites and on top of such existing public buildings may be allowed wherever possible.

4.6 On any vacant site without any reservation in the Development Plan construction of temporary transit tenements with the consent of the land-owners or concerned government authority made of light material shall be allowed upto the FSI of 4.0 Temporary shall mean made of detachable material such as tubular / prefabricated light structurals or any other materials approved by OSD, DRP (SRA) but such structures erected temporarily.

4.7 In all such cases where the temporary transit camp is erected, the condition shall be that the structures shall be demolished by the Developer within 30 days after such intimation given by SRA and as per phase programme of development as approved by Dharavi Redevelopment Project Cell and the site should be brought back to the original state.

5. COMMERCIAL / OFFICE / SHOP / INDUSTRIAL STRUCTURES / STRUCTURES FOR POTTERS BUSINESS ACTIVITY FREE OF COST

5.1 The eligible existing area under commercial / office / shops / industrial establishments / structures for potters business activity shall be computed on actual measurement / inspection, and / or on the basis of official documents such as License under Shops and Establishment Act, Trade License, Factory License, Electricity bills, Photo pass etc.

5.2 In the rehabilitation component, the built up area for commercial / office / shop / Industrial establishments/ potters structures/ economic activity that existed prior to 1st January, 2000, subject to the provisions in the sub-regulation below, shall be given. Where a person has residential and commercial premises without common wall between residential and commercial premises, for commercial / office / shop / structures for potter's economic activity in the slum / pavement, he shall be held eligible for a residential unit and also for built up area for commercial / office / shop / Industrial establishments/ structures for potter's / economic activity, both free of cost.

5.3 (a)Commercial & Industrial Structures :- Built up area for Commercial and Industrial establishment upto 20.90 sq.mt. (225 sq.ft.) carpet area or actual area whichever is less, shall be provided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of 20.90 sq.mt.

may, if required, be sold to the extent of area in the following manner.

Existing Carpet Area in the range of ... (in Sq.ft.)	Carpet Area to be provided ...(in sq.ft.)			
	At free of cost, as a part of Rehab component	With Cost But not as part of incentive sale area		
		With 10% reduction	With 20% reduction	With 30% reduction
225 to 250	225	Nil	Nil	Nil
251 to 1000	225	251 to 1000	Nil	Nil
1001 to 1500	225	251 to 1000	1001 to 1500	Nil
1501 and above	225	251 to 1000	1001 to 1500	1501 and above

However, only non-polluting and non-hazardous industry can be allowed to be re-accommodated under this scheme. The rehab area in excess of 20.90 sq.mt. (225 sq.ft.) will be at construction cost to be determined by OSD, DRP(SRA) and the said cost to be paid by the hutment dweller to the developer.

(b) Structures of Potter's Business Activity:- Built up area Structures of Potter's Business Activity up to 20.90 sq.mt. (225 sq.ft.) carpet area or actual area whichever is less, shall be provided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of 20.90 sq.mt. may, if required, be sold to the extent of area in the following manner.

Existing Carpet Area in the range of ... (in Sq.ft.)	Carpet Area to be provided ...(in sq.ft.)			
	At free of cost, as a part of Rehab component	With Cost But not as part of incentive sale area		
		With 10% reduction	With 20% reduction	With 30% reduction
225 to 250	225	Nil	Nil	Nil
251 to 1000	225	251 to 1000	Nil	Nil
1001 to 1500	225	251 to 1000	1001 to 1500	Nil
1501 and above	225	251 to 1000	1001 to 1500	1501 and above

The rehab area in excess of 20.90 sq.mt. (225 sq.ft.) will be at construction cost to be determined by OSD, DRP/SRA and the said cost to be paid by the hutment dweller to the developer.

5.4 Such area may be allowed on any side of the plot abutting atleast 6.0 meter wide pathway and deriving access from atleast 6.0 meter wide pathway / open space. Back-to-back shopping on ground floor shall also be allowed for the purpose of rehabilitation. After exhausting these provisions, it may be allowed on the first floor to the extent necessary.

5.5 **Non-Conforming Activities:** All activities which previously existed shall be allowed to be relocated regardless of the non-conforming nature of the activities, except those which are hazardous and highly polluting and except in cases where the alternative accommodation has already been allotted elsewhere by the Municipal Corporation.

5.6 **Non Residential User in Freesale Component:** Non Residential User as permissible in R-2, C-1 and C-2 zones as per DCR-52, 53 & 54 shall be allowed in Free Sale Components.

6. RELAXATION IN BUILDING AND OTHER REQUIREMENTS

6.1 A Residential rehab / renewal tenement shall essentially have a separate living room, kitchen, bedroom, water closet unit, bathroom alongwith enclosed balcony merged in carpet area of the tenement

6.2 A living room shall be allowed with size of minimum 9.3 sq.mt. with a minimum width of 2.4 mt.

6.3 A kitchen shall be allowed with size of minimum 5.5 sq.mt. with a minimum width of 1.8 mt. with a loft as per DCR – 1991.

6.4 A bedroom shall be allowed with a minimum size of 5.6 sq.mt. with minimum width of 2.3 mt.

6.5 A bathroom shall be allowed with minimum size of 1.5 sq.mt. with one side of minimum 1.1 mt.

6.6 A water closet shall be allowed with minimum size of 1.1 sq.mt. with one side of minimum 0.90 mt.

6.7 The minimum plinth height shall be 0.45 meter And in areas subject to flooding the plinth shall be higher than the high flood level.

6.8 The staircases and lifts shall be provided as per provisions in DCR 1991.

6.9 The provisions in DCR 38(22) relating to balcony will apply to the scheme with the following modifications. There shall be no restriction on zone and balcony shall not reduce marginal open space to less than 2.0 mt. For calculating of area of 27.88 sq.mt. and 37.16 sq.mt. size of rehab tenements, the area of the balcony shall be included.

6.10 Common Passages to be provided in the Rehab Component to give accesses to Residential tenements and Commercial / Industrial units shall not be less than 2.0 mt. in width. If podium is proposed, the corridors formed under the podium upto 12.00 mt. in width to be used as passage for Rehab & Renewal Commercial / Industrial units & Amenities, shall not be counted towards FSI even while computing 4.00 FSI on site. The areas under such common passages not exceeding 2.00 mt. in width and upto 12.00 mt. width shall form part of Rehab Component and it is on this basis the free sale component will be calculated.

6.11 Corridors formed under the podium upto 12.00 mt in width giving access to the sale commercial component shall also be considered free of FSI.

6.12 Front and marginal open spaces for building having height upto 24 mt.in the rehab component or composite building– for the ground + 1 podium to be proposed to accommodate rehab commercial / industrial units as well as sale commercial areas in composite structures, the front and marginal open space shall be atleast 3.0 mt. for these buildings.

6.13 Notwithstanding the provisions of DCR 29 Table 10 where the location of the plot abuts DP Road, having width of 18.3 mt. and above, the front marginal open space shall be atleast 3.00 meter provided it is not an express highway or road wider than 52 mt.

6.14 Where the location of the plot abuts a nallah, the marginal open space along the nallah shall not be insisted upon beyond 3 mt. from the edge of the trained nallah.

6.15 The distance between any two rehab / composite buildings shall not be less than –12 mt.

6.16 A composite building shall contain at least 40 percent of the built up area as rehabilitation components.

6.17 Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered as part of the amenity open space in the project comprising both rehabilitation and free sale components, and without charging any premium in relaxation of the stipulations in DCR No. 23, wherever necessary.

6.18 The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways.

6.19 The means of access shall be normally governed by the provisions of DCR No. 22. However, in the project, wherever the design of the buildings in the same land requires relaxation, it may be given. Access through existing pathways including the roads maintained under Section 63K of the Brihan Mumbai Municipal Corporation Act, 1888 but not less than 3.6 mt. in width, shall be considered adequate for any slum rehabilitation project, containing buildings having height less than 24 mt. including stilts.

6.20 Even if the amenity open space is reduced to make the planning of the rehab sub-plot viable, a minimum of at least 15 percent of amenity open space shall be maintained.

6.21 Premium shall not be charged for exclusion of staircase and lift-well etc. as covered under the provisions of DCR 35(2)(c).

6.22 All relaxations outlined hereinabove shall be given to the rehabilitation component, and also to the composite buildings in the project. Premium shall not be charged for all or any of the relaxations given hereinabove, or for any other mentioned in DCR 35(2)(c).

6.23 Relaxations for the free sale component – Relaxation contained in sub-regulation No. 6.13, 6.14, 6.18, 6.19, 6.20 above, as well as other necessary relaxation shall be given to the free sale components, on payment of 20% of the normal premium, for Dharavi Redevelopment Project. .

6.24 In order to make the Slum Rehabilitation Scheme viable, the Officer on Special Duty, Dharavi Redevelopment Project shall be competent to make any relaxation wherever necessary for reasons to be recorded in writing.

7. SLUMS AND DEVELOPMENT PLAN RESERVATIONS:

7.1 Reservations in the development plan shall be developed to the fullest extent. Additional amenities and facilities shall be provided as per the quantum shown in Annexure – 'A' to this regulation. Relocation of reservations within sector if so required to overcome the sector planning constraint shall be permitted with the special permission of CEO/OSD(DRP) of SRA.

Area of amenities and facilities to be provided as per Annexure-A shall be inclusive of reservations in sanctioned Development Plan. Types of reservations and area of reservations shall in no case be reduced

7.2 Slums / Structures under renewal situated in lands falling under residential, commercial (C-1 & C-2), industrial (I-1, I-2 & I-3) zones which are not affected by any other allocations/ designations/ reservations in the final Development Plan, & C2 may be developed subject to the following:-

(i) (a) Lands in residential (R-1 & R-2) and commercial (C-1 & C-2) zones occupied by existing slums / structures under renewal be allowed to be developed in accordance with the provisions contained in this Appendix.

(b) Lands in industrial zones (I-2 & I-3) / Industrial estate may be allowed to be converted into residential users in accordance with clause (c) and onwards of sub-regulation (3) of regulation 56 & regulation 57 of the DCR 1991 amended from time to time as the case may be. Such lands occupied by existing slums / structures under renewal may further be allowed to be developed in accordance with the provisions contained in this Appendix.

(ii) Lands in industrial zone (I-1) occupied by existing slums / structures under renewal shall be allowed to be developed in

accordance with the provisions contain in this sub-regulation 33(10) (A) and 33 (9) (A) read with this appendix.

(iii) As a special case for Dharavi Redevelopment Project non residential activities to be developed as described under clause no.5.3 and 5.6 of this Appendix & clause no. 4 & 7 of Appendix XXIV to DCR 33 (9) (A) shall be allowed to be developed without going through the process of the change of zone.

7.3 Slums / structures under renewal situated on lands reserved/ designated/ allotted for existing or proposed non buildable reservations such as recreational ground, play ground, garden, park and any other open users in the Final Development Plan occupied by existing slums / structures under renewal shall be shifted within the same planning sector in which such plots belongs/ vests and sites occupied by them shall be cleared for the implementation of DRP in which such quantum of designated / allotted for existing or proposed non-buildable reservation shall be fully subsumed in the additional amenities & facilities to be provided under DRP as in clause no. 7.1 above as per the specifications of DRP (SRA) or the concerned Govt. authority and shall be handed over free of cost and charge to the DRP (SRA) or the concerned Govt. authority. The land area under such reservation shall be allowed to be included in the project plot area to be considered for FSI purpose.

7.4.(a) Slums / structures under renewal situated on lands reserved / designated / allotted for existing or proposed buildable Public reservations in the Final Development Plan such as Municipal / Private primary or secondary schools, Municipal dispensary, Municipal hospitals, Maternity Home, Municipal chowky, Fire brigade, Sewage Treatment plant, Pump House, Municipal Retail Market shall be shifted within the same planning sector in which such plots belong / vest and sites occupied by them shall be cleared for the implementation of DRP in which such quantum of designated / allotted for existing or proposed buildable reservation shall be fully subsumed in the additional amenities & facilities to be provided under DRP as in clause no. 7.1 above as per the specifications of DRP / SRA or the concerned Govt. authority to whom this developed amenity is to be handed over. This developed buildable amenity shall be handed over free of cost & charge to the DRP / SRA or the concerned Govt. authority. The built up area of such amenity shall be excluded for the purpose of FSI. Thereafter the full permissible FSI of the plot according to this appendix shall be allowed to be included in the project plot area to be considered for FSI purpose.

7.4 (b) For other buildable reservations on lands under slum which are not covered under clause no. 7.4(a) above, built up area equal to 25 percent of the area under that reservation in that plot shall be demanded free of cost by the Slum Rehabilitation Authority for Municipal Corporation or any other appropriate Authority. The built up area of such amenity shall be excluded for the purpose of FSI computation. Thereafter the development for Dharavi Redevelopment Project be allowed as per the full permissible FSI of the entire plot according to regulation 33(10)(A) read with this appendix and subject to provisions in clause No. 7.1

7.5 Where DP road / Proposed road passes through Dharavi Redevelopment Project area, the entire 100 percent FSI of the road may be given in the same site, on the remainder of the plot.

7.6 Development of Slum Plots under DCR 33(10) (A) and Urban Renewal plots under DCR 33(9) (A) in a planning sector may be allowed to be developed together in order to promote flexibility of design as well as to raise more resources. The power under D.C. Regulation 11(4) for shifting and / or interchanging the purpose of designations / reservations shall be exercised by the OSD, DRP (SRA) in respect of Dharavi Notified Area as a Special Planning Authority.

7.7 In case of Dharavi Redevelopment Project adjoining railway tracks, a boundary wall of minimum, 2.4 meters in height shall be constructed.

7.8 Slums / structures under renewal on lands designated or reserved for purpose of public housing, public housing / high density housing or housing for dishoused shall be treated as sites for slum redevelopment and redevelopment to be allowed according to this regulation.

7.9 Existing slums occupying lands / structures under renewal in dangerous locations such as marshy lands, near water bodies, lands abutting railway tracks / in railway lands, no development zones and sites immediately required for the public and semi public projects may be relocated on other suitable locations within the planning sectors and may be allowed to be developed in accordance with this regulation read with this appendix.

8. WELFARE HALL, BALWADI, SOCIETY OFFICE AND RELIGIOUS STRUCTURE

8.1 There shall be a welfare hall in each Project as part of the rehabilitation component. It shall be at the rate of 25.00 sq.mt. for every multiple or part of 100 hutment dwellers' families, but located so as to serve all the floors and buildings equitably. Further, they may be clubbed together suitably for its better utility. In case of misuse, it shall be taken over by the DRP (SRA) which will be competent to allot the same to some other organization / institution for public use. Balwadi shall also be provided for in a similar scale. An office for the Co-operative Housing Society shall be also constructed in accordance with D.C. Regulation No. 38(11). However, if the number of Rehab Tenements exceeds 100 then for every 100 Rehab Tenements such additional society office shall be constructed. Religious structures existing prior to redevelopment, if allowed in accordance with the guidelines issued by Government from time to time as part of redevelopment shall not exceed the area that existed prior to redevelopment. Social infrastructure/s like School/s, Dispensary/s, Gymnasium/s certified by the Competent Authority as existed prior to the redevelopment shall be allowed without increase in existing area.

8.2 All the areas underlying social infrastructure/s like School/s, Dispensary/s, Gymnasium/s certified by the Competent Authority as existing prior to the redevelopment shall be free of cost & shall form part of rehabilitation component and it is on this basis the free sale component will be computed.

8.3 Welfare halls, society office, balwadis and religious structure/s, "Social infrastructure/s like school/s, Dispensary/s, Gymnasium/s certified by the Competent Authority as existing prior to the redevelopment in the Rehab Component shall not be counted towards the FSI even while computing 4.00 FSI on site.

However, social infrastructure like school, dispensary, gymnasium run by other than Public Authority or Charitable Trust shall be counted towards F.S.I.

9. PAYMENTS TO BE MADE TO SRA AND INSTALMENTS:

9.1 An amount of Rs. 20,000 or such an amount as may be decided by the Government from time to time per tenement / unit will

have to be deposited by the developer with DRP(SRA) as a corpus fund for utilization by the co-operative housing society of the rehab residents for the purpose of maintenance, in accordance with the time-schedule for such payment as may be laid down by OSD, DRP(SRA). However, by the time of completion of construction for occupation of tenements by the hutment dwellers, the total amount at the rate of Rs.20,000 per tenement completed should have been deposited in full. The building permission for the last 25 percent of the free sale component would be given only after the entire required amount is deposited in full with DRP (SRA). A matching amount of Rs. 20,000/- per rehab tenement / unit shall also be deposited by DRP and added to the said corpus fund.

9.2 An amount of Rs 840 per sq.mt.or such an amount as may be decided by Government from time to time shall be paid by the Developer for the built up area over and above the normally permissible FSI, for the rehabilitation and freesale components. This amount shall be paid to the Slum Rehabilitation Authority in accordance with the time schedule for such payment as may be laid down by the Officer on Special Duty, Dharavi Redevelopment Project of Slum Rehabilitation Authority, provided the installments shall not exceed beyond the completion of construction. This entire amount will remain with SRA and the same shall be used for Schemes to be prepared for the improvement of infrastructure within Dharavi Redevelopment Project Areas.

9.3 The part of land premium to be made available to the land owning authority as per rates to be decided by Govt. of Maharashtra shall be exclusively used for schemes to be prepared for the improvement of infrastructural developments in the benefit of Dharavi Redevelopment Project.

Note:-

A)All words and expressions used in these Regulations and not defined herein shall have meanings assigned to them under the Maharashtra Regional and Town Planning Act, 1966 or the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971, or the National Building Code, or the Building Regulations and Bye-Laws or the Development Control Regulations of the Municipal Corporation of Greater Mumbai, as amended from time to time.

B)The provisions of the Development Control Rules for Greater Mumbai, 1991 and all other applicable sections of the Maharashtra

Regional and Town Planning Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions " Municipal Corporation of Greater Mumbai" and "Municipal Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

C)Nothing contained herein shall derogate from any right or power exercisable by the Municipal Corporation of Greater Mumbai under the provisions of the Bombay Municipal Corporation Act, 1888, and the rules, regulations and bye-laws made there under. Any development of land shall be carried out without prejudice to such provisions] **(25012012)**

[ ]**(25012012)** This regulation was modified/added under final sanction under Section 37(2) of the Maharashtra Regional and Town Planning Act. 1966, vide, Notification No. TPB 4310/1631/CR-139/2010/UD-11 Dated 25 January 2012.

[ANNEXTURE –"A"]](25012012)

Additional amenities and facilities to be provided under DRPto be read with clause 7.1 of Appendix IV (A) to Regulation no. 33 (10) (A)]

Sr. No.	Description of the Amenity	Legends	Units	Additional amenities & facilities to be provided under DRP.					
				Sector I	Sector II	Sector III	Sector IV	Sector V	Total I to V
Buildable Amenities for which Sale Incentive is available.									
1	Primary Schools	(P∆P)	Sq. mtr.	9066.97	16433.89	13600.46	12467.09	5100.17	**56668.58**
2	Secondary Schools	(S∆S)	Sq. mtr.	6066.97	16433.89	12650.55	11517.18	10000.00 (with 2 colleges)	**56668.58**
3	Dispensary & Maternity Homes / Polyclinics	(D, MH, POLY)	Sq. mtr.	6272.00	11368.00	9408.00	8624.00	3528.00	**39200.00**
4	Welfare Centres + Gysm + Community Hall	(WC, GYM, CH)	Sq. mtr.	200.00	200.00	200.00	200.00	200.00	**1000.00**
5	Library	(LIB)	Sq. mtr.	200.00	200.00	200.00	200.00	200.00	**1000.00**
6	Fire Station	(FB)	Sq. mtr.	0.00	0.00	0.00	3990.00	0.00	**3990.00**
7	Post Office	(PO)	Sq. mtr.	665.00	0.00	0.00	665.00	0.00	**1330.00**
8	Police Station	(PS)	Sq. mtr.	1995.00	1995.00	0.00	0.00	0.00	**3990.00**
9	Retail Market	(RM)	Sq. mtr.	2511.04	4551.26	3766.56	3452.68	1412.46	**15694.00**
10	Police Chowky	(PCKY)	Sq. mtr.	140.00	140.00	140.00	140.00	140.00	**700.00**
11	Potters Institute (common work space)	-	Sq. mtr.	0.00	2230.00	0.00	0.00	0.00	**2230.00**

	Total			**27116.99**	**53552.04**	**39965.57**	**41255.95**	**20580.64**	**182471.17**
Total Land Area of Buildable Amenities not to be constructed by the developers.									
12	Best Bus Station	**(BBS)**	Ha	0.00	0.00	0.06	0.00	0.00	**0.06**
13	Best receiving station	**(BRS T)**	Ha	0.00	1.30	0.00	0.00	0.00	**1.30**
14	Pumping station	**(PS)**	Ha	0.00	0.00	0.37	0.00	0.00	**0.37**
15	NID & ITI	**(NID – ITI)**	Ha	0.00	0.30	0.00	0.00	0.00	**0.30**
	Total			**0.00**	**1.60**	**0.43**	**0.00**	**0.00**	**2.03**
Total Land Area of Un-Buildable Amenities									
16	Parking Lot	**(PL)**	Ha	0.00	0.00	0.00	0.00	1.84	**1.84**
17	Recreational Open Public Spaces (can be mixed user / part of layout)	**(RG)**	Ha	1.58	0.00	1.58	1.58	1.58	**6.32**
18	Layout RG that would be provided in sale and rehab areas to be multi used	**(LAY – RG)**	Ha	0.77	1.39	1.15	1.06	0.43	**4.81**
19	PG attached to schools (mixed use / part of layout)	**(PG)**	Ha	0.40	0.73	0.60	0.55	0.23	**2.50**
20	Mahim RG (Rajiv	**(RG)**	Ha	0.00	0.00	0.00	0.00	3.20	**3.2**

	Gandhi Nagar)								
21	Potters Institute (common open space)	-	Ha	0.00	0.22	0.00	0.00	0.00	**0.22**
22	Land to be given to TATA Power Electric Co.	**(TAT A)**	Ha	0.00	0.40	0.00	0.00	0.00	**0.40**
	Total			**2.75**	**2.74**	**3.33**	**3.19**	**7.28**	**19.29**
Notes	i) All the additional amenities and facilities to be provided within Dharavi Notified Area are deemed to be treated as DP Proposals. ii) All proposed Roads having width of 12 mt. & above are deemed to be treated as DP Proposals. iii) The Slum Rehabilitation Authority may add, alter or amend category and quantum of additional amenities and facilities to be provided within Dharavi Notified Area with the approval of State Government.								

Note:-

A)All words and expressions used in these Regulations and not defined herein shall have meanings assigned to them under the Maharashtra Regional and Town Planning Act, 1966 or the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971, or the National Building Code, or the Building Regulations and Bye-Laws or the Development Control Regulations of the Municipal Corporation of Greater Mumbai, as amended from time to time.

B)The provisions of the Development Control Rules for Greater Mumbai, 1991 and all other applicable sections of the Maharashtra Regional and Town Planning Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions " Municipal Corporation of Greater Mumbai" and "Municipal Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

C)Nothing contained herein shall derogate from any right or power exercisable by the Municipal Corporation of Greater Mumbai under the provisions of the Bombay Municipal Corporation Act, 1888, and the rules, regulations and bye-laws made there under. Any development of land shall be carried out without prejudice to such provisions] **(25012012)**

[ ]**(25012012)** This regulation was modified/added under final sanction under Section 37(2) of the Maharashtra Regional and Town Planning Act. 1966, vide, Notification No. TPB 4310/1631/CR-139/2010/UD-11 Dated 25 January 2012.

[ ](11012016) This words were replaced vide Notification No. TPB 4313 /156/ CR-22 / 2014/UD-11, Dated 11th January, 2016 under 37(1)(AA)(C) of MRTP act.

APPENDIX V
(Regulations 33 (11)

Regulations for sites and services and for small size tenements for the Housing Schemes under the Urban Land (Ceiling and Regulations) Act, 1976 approved by Government from time to time.

1. *F. S. I.*:- The FSI shall be the same as is permissible under these Regulations which shall prevail over the corresponding provisions of Rules/Regulations in force as amended from time to time.

2.*Density* :- Density upto 450 tenements per net hectare (180 tenements per net acre) shall be permitted on 70 per cent of net developable land for plots above 4,000 sq. m. on which the sites and services schemes is implemented according to Government orders. For land below 4,000 sq. m. the normal Regulations shall apply.

3.*Minimum Plot size* :- (a) A serviced site shall be 25 sq. m. and shall have plinth of adequate height for W. C. and bathroom. The size of the plinth for W.C. shall be 1.2 m. x 0.9 m. (4'x3').

(b) In the case of a dwelling unit as a core house, in addition to the services mentioned in (a) the said unit shall have plinth with adequate height, the total area of which shall not exceed 21 sq. m. in a plot with an area of 25 sq. m. Further, in the case of a core house on a plot of 25 sq. m. a room of a minimum size of 5.57 sq.m. with a toilet arrangement in the first phase shall be permitted. In the second phase, one room of 9.30 sq.m. may be allowed to be added. However, the occupation certificate shall be granted initially to the first phase only and sub-sequent certificates for second phase issued as and when required.

4.*Multi-purpose rooms* :- A multipurpose room shall be allowed with a minimum size of 12.5 sq. m. and with a minimum width of 2.4 mt.

5.*Cooking space (Alcove)* :- Provision of separate kitchen shall not be necessary. However a separate cooking space shall be allowed with a minimum size of 2.4 sq. m. with minimum width of 1.2 m.

6.*Combined Toilet*.- A combined toilet shall be permitted for more than one tenement upto five tenements with a minimum area of 1.85 sq. m. with a minimum width of one meter.

7.*Height*.- The average height for a habitable room with sloping roof shall be 2.6 m. with a minimum height of 2 m. at the eaves. In case of a flat roof, the minimum clear height shall be 2.6 m. for a habitable room. Kitchen shall have minimum height of 2.4 m., and bath and W. C. (without loft) shall have a clear minimum height of 2.2 m.

8.*Plinth*.-The minimum plinth height shall be 30 cm. but in any case above high flood level.

9.*External Walls*.-115 mm. for external brick wall without plaster shall be permitted.

10. *Front open space*.-The front open space from the roads having width of 9.14 m. and below shall be of a minimum of 1.5 m.

11.*Open spaces (side and rear)*.-The distance between two ground floor structures shall be of a minimum of 4.5 m. for purposes of light and ventilation of habitable rooms. In the case of toilets, deriving light and ventilation from an open space, the distance between the two ground floor structures shall be of a minimum 1.5 m.

12.*Pathways*.-The width shall be as follows:--

(i) 2.5m. width for pathways upto 40m. in length.
(ii) 3.0 m. width for pathway upto 50 m. in length.

13.*Water Closet Pan Size*.- The water closet pan size shall be of a minimum of 0.46m. (18 inches) in length.

14.*Flashing Cistern*.-In water closets, a flushing cistern shall not be essential and toilets without this provision may be permitted.

15. *Septic Tank and Leaching Pits(soak pits).*-A septic tank shall be provided with capacity of 141.6 litres (five cubic feet) per capita where municipal services are likely to be available within 4 to 5 years or so. Pour flash water seal latrines(NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high.

16.*Convenience shopping* - Convenience shopping as defined in these Regulations shall be permitted along layout roads with width of 12.2 m. to 18.49m. provided that a minimum setback of 1.5 m. and a minimum plot area of 25.2 sq.m. are available and provided.

17.*Recreation ground*- In the layouts of housing schemes under this category, provision for recreation ground shall be as normally required by these Regulations .

18.*Ancillary structures*- Ancillary structures such as underground tank overhead tank sub-station etc. shall be permissible in the compulsory recreation space subject to the condition that not more than 10 per cent of such recreation space shall be allowed to be utilised for such purposes.

APPENDIX VI

[Regulations 33(12)]

Regulations for the schemes undertaken by the Maharashtra Housing and Area Development Authority exclusively with the World Bank Assistance

The following Regulations in addition to the Regulations in Appendix I shall be applicable to schemes to be undertaken by the Maharashtra Housing and Area Development Authority in collaboration with the Mumbai Metropolitan Region Development Authority etc. exclusively with World Bank Assistance i.e. BUDP (I):-

(1) *Recreational Open Spaces*_- The proportion of recreational open spaces to the net area of plot shall be 9.5 per cent provided that the proportion of such spaces together with the area under school and playgrounds , where provided shall be 8.5 per cent of the total gross area of the project. However the percentage shall not be less than 9.5 per cent exclusives of the area of development plan roads, and other facilities such as schools , hospital, markets etc. the minimum area of such open space shall be 10.0 sq.m. with a minimum dimension not less than 4 meters.

(2) *Roads*._(a) Arterial network of the roads, according to the development plan will be retained in the sites and services project.

(b) Internal layout roads shall have a right of way of 9 m. out of which 4.75 m. shall be the paved width.

(c) The access pathways serving plots of less that 50 sq. m. shall have a minimum right of way of 3m. Alternatively, if such plots are arranged in a cluster, a paved access of at least one meter width serving the plots only on one side shall be sufficient , but in such a case an open space of minimum width of 4 m. shall be provided. In both the above cases the maximum length of the access pathway should not exceed 50m.

(3) *Floor Space Index*.-(a) Floor space index shall be allowed to be increased by upto 20 per cent over and above the normally permissible floor space index, if 60 per cent of the total number of plots have an area of less than 40 sq.m. which are to be used for lower income shelter.

(b) For the purpose of calculating the Floor space index, the entire net plot area of a layout shall be considered and the under-utilised floor space index on pots less than 40 sq.m. in area (used for low income shelters) shall be allowed to be uitilised on remaining plots in the scheme.

[APPENDIX VII – A]**
(Regulations 34)

Regulations for the grant of Transferable Development Rights (TDRs) to owners/developers and conditions for grant of such Rights

1. The owner (or lessee) of a plot of land which is reserved for a public purpose in the development plan and for additional amenities deemed to be reservations provided in accordance with these Regulations, excepting in the case of an existing or retention user or any required compulsory or recreational open space, shall be eligible for the award of Transferable Development Rights (TDRs) in the form of Floor Space Index (FSI) to the extent and on the conditions set out below. Such award will entitle the owner of the land to FSI in the form of Development Rights Certificate (DRC) which he may use himself or transfer to any other person.
2. Subject to the Regulations I above, where a plot of land is reserved for any purpose specified in section 22 of Maharashtra Regional and Town Planning Act, 1966, the owner will be eligible for Development Rights (DR's) to the extent stipulated in Regulations 5 and 6 in this Appendix had the land been not so reserved, after the said land is surrendered free of cost as stipulated in Regulations 5 in this Appendix, and after completion of the development or construction as in Regulation in this Appendix if he undertakes the same.
3. Development Rights (DRs) will be granted to an owner or a lessee only for reserved lands which are retainable/non-retainable under the Urban Land (Ceiling and Regulations) Act, 1976, and in respect of all other reserved lands to which the provisions of the aforesaid Act do not apply, and on production of a certificate to this effect from the Competent Authority under that Act before a Development Right is granted. In the case of non-retainable lands, the grant of Development Rights shall be to such extent and subject to such conditions as Government may specify. Development Rights (DRs) are available only in cases where development of a reservation has not been implemented i.e. TDRs will be available only for prospective development of reservations.
4. Development Rights Certificates (DRCs) will be issued by the Commissioner himself. They will state, in figures and in words, the FSI credit in square meters of the built-up area to which the owner or lessee of the said reserved plot is entitled, the place and user zone in which the DRs are earned and the areas in which such credit may be uitilised.
5. The built-up area for the purpose of FSI credit in the form of a DRC shall be equal to the gross area of the reserved plot to be surrendered and will proportionately increase or decrease according to the permissible FSI of the zone where from the TDR has originated.

   [Provided that in specific cases considering the merits, where Development Plan Roads / reservations are proposed in No Development Zone, the Commissioner with prior approval of the Government shall grant FSI for such road land/reserved land equivalent to that of the adjoining zone.][6]

6. When an owner or lessee also develops or constructs the amenity on the surrendered plot at his cost subject to such stipulations as may be prescribed by the Commissioner or the appropriate authority, as the case may be and to their satisfaction and hands over the said developed/constructed amenity to the Commissioner /appropriate authority, free of cost, he may be granted by the Commissioner a further DR in the form of FSI equivalent to the area of the construction/development done by him, utilisation of which etc. will be subject to the Regulations contained in this Appendix.
7. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in this Appendix.
8. If a holder of a DRC intends to transfer it to any other person, he will submit the DRC to the Commissioner with an appropriate application for an endorsement of the new holder's name, i.e. transferree on the said Certificate. Without such an endorsement by the Commissioner himself, the transfer shall not be valid and the Certificate will be available for use only by the earlier original holder.
9. A holder of a DRC who desires to use the FSI credit certified therein on a particular plot of land shall attach to his application for development permission valid DRCs to the extent required.
10. Irrespective of the location of the land in which they originate, DRCs shall not be used in the Island City. They may be used-

(a) on any plot in the same ward as that in which they have originated (neither ward being in the Island city), or
(b) on any plot lying to the north (wholly or partially) of the plot in which they have originated (but not in the Island city).

11. A DRC shall not be valid for use on receivable plots in the areas listed below:-
(a) Between the tracks of of the Western Railway and the Swami Vivekanand Road;
(b) Between the tracks of the Western Railway and the Western Express Highway;
(c) Between the tracks of the Central Railway (Main line) and the Lal Bahadur Shastri Road;
(d) On plots falling within 50 m. on roads on which no new shops are permitted as specified in sub-regulation (2) of Regulation 52.
(e) Coastal areas and areas in No Development Zones, Tourism Development Zones, and areas for which the Mumbai Metropolitan Region Development Authority or Maharashtra Housing and Area Development Authority is the Special Planning Authority;
(f) ~~On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-regulation (10) of Regulation 33~~;

[On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-regulation (10) of Regulation 33. However, in cases where non-slum plot is amalgamated with the slum plot for the purpose of better planning etc. then DRC will be receivable on the non-slum plot. In such cases utilization of DCR shall be governed as per procedure and provisions stipulated in Appendix VII-A and Appendix VII-B of DCR 1991.](8)

(g) Areas where the permissible FSI is less than 1.0.
(h) [on plots situated in 'M' Ward except TDR generated from 'M' Ward and slum TDR generated elsewhere.](4)

12. The user that will be permitted for utilisation of the DRCs on account of transfer of development rights will be as under:-

Zone in which designated/reserved plot is situated	User to be permitted in receiving areas
(1) Residential ..	Only residential users and in Residential Zones only.
(2) Commercial (C-2) ..	Commercial (C-2) users if the plot where the FSI is to be utilised is situated in C-2 Zone. Commercial (C-1) if the plot where the FSI is to be utilised is situated in C-1 Zone. Residential in Residential Zones.
(3) Commercial (C-1)	Commercial (C-1) if the plot where the FSI is to be utilised is situated in C-1 Zone. Residential in Residential Zones.
(4) Industrial (I-1), (I-2), (1-3)	Residential only in Residential Zones.

13. DRCs may be used on one or more plots of land whether vacant or already developed or by the erection of additional storeys, or in any other manner consistent with these Regulations, but not so as to exceed in any plot a total built-up FSI higher than that prescribed in Regulation 14 in this Appendix.

14. ~~*[The FSI of a receiving plot shall be allowed to be exceeded by not more than 0.4 in respect of a DR available in respect of the reserved plot as in this Appendix and upto a further 0.4 in respect of a DR available in respect of land surrendered for road widening or construction of new roads according to sub-regulation (1) of Regulation 33.]*~~(2)

[14. The FSI of receiving plot shall be allowed to be exceeded by not more than 0.8 earned either by way of a DR in respect of reserved plots as in this appendix or by way of land surrendered for road widening or construction of new roads according to sub-regulation No. (1) of Regulations 33 or by way of

both provided that incase the receiving plot is situated in the areas listed in categories specified in clause (a) to (g) of regulation 11 of Appendix VII of these Regulation, the same shall not be allowed to be further loaded by way of TDR beyond the limit already specified in these regulations.][(3)]

[However, such FSI on the receiving plots under regulation 56(3)(c)(ii) and 57(4)(c)(ii) shall be allowed on 100% of the net plot area after deducting the required public amenity space.][(7)]

15. DRs will be granted and DRCs issued only after the reserved land is surrendered to the Corporation, where it is Appropriate Authority, otherwise to the State Government as the case may be, free of cost and free of encumbrances, after the owner or lessee has levelled the land to the surrendering ground level and after he has constructed a 1.5 m. high compound wall (or at a height stipulated by the Commissioner) with a gate at the cost of the owner, and to the satisfaction of the Commissioner, or the State Government (where the Corporation/ is not the appropriate authority). The cost of any transaction involved shall be borne by the owner or lessee.

[Provided that in case of encumbered plots which are required for implementation of public project on very urgent basis following policy guidelines shall be applicable.

1) In case of land which are fully encumbered and where encumbered had/have to be removed and rehabilitated elsewhere by the project implementing authority, the owner of such lands shall be considered eligible for claim of TDR to the extent of 25% of the plot area.
2) In case of land which are partly encumbered and where encumbrance are/were removed and rehabilitated elsewhere by the Project Implementing authority, then the owner of such land will be considered eligible for claim to TDR as under:

(a)For the portion of land which is/was vacant ---- 100% of the vacant area of the land.

(b) For the portion of land which is/was encumbered ---25% of the area of the land under encumbrance

Project implementing authority shall separately certify the area of land which was vacant and the area of land under encumbrance along with details as per the joint measurement survey carried out in this respect with the City Survey Officer. The area of vacant land and land under encumbrance shall be clearly distinguished and demarcated, otherwise the land under part encumbrance shall be treated as fully encumbered land.

3) The owner has to follow the procedure laid down by the Municipal Corporation of Greater Mumbai for granting the Development Right Certificate.

Provided further that TDR admissible under this Regulation shall also be available in respect of properties owned by Central Government, the State Government and the statutory agencies.](06072015)

16. With an application for development permission, where an owner seeks utilisation of DRs, he shall submit the DRC to the Commissioner who shall endorse thereon the writing in figures and words, the quantum of the DRC proposed to be utilised, before granting development permission, and when the development is completed, the Commissioner shall endorse on the DRC in writing , in figures and words, the quantum of DR's actually utilized and the balance remaining thereafter, if any, before issue of occupation certificate.

17. A DRC shall be issued by the Commissioner himself as a certificate printed on bond paper in an appropriate form prescribed by Commissioner. Such a certificate will be a transferable "negotiable instrument" after due authentication by the Commissioner. The Commissioner shall maintain a register in a form considered appropriate by him of all transactions, etc. relating to grant of utilisation of DRs.

18. The surrendered reserved land for which a DRC is to be issued shall vest in the Corporation or the State Government, if the appropriate authority is other than the Corporation, and such land shall be transferred in the City Survey Records in the name of the Corporation or the State Government, as the case may be, and shall vest absolutely in the Corporation or the State Government. The surrendered land, so transferred to the State Government in respect of which the Corporation is not the appropriate authority, may, on application, thereafter be allotted by the State Government in favour of the concerned authority which may be a State or Central Government Department, authority or organization, or an other public authority or organization on appropriate terms as may be decided by the State Government.

19. The Commissioner/appropriate authority shall draw up in advance and make public from time to time a phased annual programme (allowing a 10 per cent variation to deal with emergency development) for utililsation of TDRs in the form of DRs, prioritising revised, (draft or sanctioned) development plan reservations to be allowed to be surrendered and indicating the areas for their utilisation on receiving plots. Notwithstanding this, in urgent cases the Commissioner/appropriate authority, may for reasons to be recorded in writing, grant DRs, as and when considered appropriate and necessary.

[20. Notwithstanding anything contained in these Regulations, additional FSI upto the extent of 50% permissible as per the provisions under Regulation 33(2) may be allowed to be utilized in the form of TDR (except in the Island City) in case of buildings on independent plots of Medical Institutions of Public Charitable Trusts, Private Medical Institutions (9)[Or of Medical Institutions run on cooperative basis established for charitable purposes and registered under the Provisions of Income Tax Act or Maharashtra Cooperative Societies Act](***) provided that utilization of TDR will be allowed only after availing of fully the remaining additional FSI of 50% requiring the payment of premium.](1)

21) [Notwithstanding anything contained in these Regulations, additional FSI upto the extent of 50% permissible as per the provisions under Regulation

33(2) may be allowed to be utilised in the form of TDR (except in the Island City and non receivable plots for TDR as per clause 11 of Appendix VII of the said Regulations) in case of buildings on independent plots of Educational Buildings of Public Charitable Trusts, provided that utilisation of TDR will be allowed only after availing of fully the remaining additional FSI of 50% requiring the payment of premium] (5)

[ ](1) – This clause shall be added to Appendix-VII of DCR 34 u/s. 37(2) vide Government Notification under No. DCR 1098/628/CR-94/98/UD-11 Dt. 30.10.2000.

[ ](2) – This clause was deleted vide Government Order under No. DCR 1095/1145/255/UD-11 Dt. 19.04.2001 u/s. 37(2) of MR&TP Act 1966.

[ ](3) – This clause was added vide Government Order under No. DCR 1095/1145/255/UD-11 Dt. 19.04.2001 u/s. 37(2) of MR&TP Act 1966.

[ ](4) – This clause shall added u/s. 37(2) vide Government Notification CMS/FSI/1196/CR-130/97/UD-11 Dt. 22.09.1999.

[ ] (5) This clause was added vide Government Notification No. DCR 1199/622/CR-70/99/UD 11 dated 10 th of March 2003.

[ ]6) This clause was added vide Government Notification No. TPB-4303/CR-143/2003/UD-11 dated 15th June, 2004.

[ ] Appendix VII is renumbered as Appendix VII--A vide order under number DCR/1095/1209/CR-273/95/UD-11 dated 15th October,1997.**

[ ](7) This clause was inserted vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB 4304/2770/CR-312/04/UD-11: Dated the 14th May, 2007.

[ ](***)--- This proviso was added vide Govt. sanction under section 37(2) vide No. TPB 4309/752/CR-60/2009/UD-11

[ ](8) This clause was inserted vide Govt. orders under section 37(2) of M.R.&T.P. Act, 1966 vide order No.TPB/4309/1242/CR-7/09/UD-11 dated 2nd September, 2009.

[ ](9) These words were added vide final sanction under section 37(2) vide order no. TPB/4309/1020/CR74/09/UD11 dated 05/05/2010.

[ ](06072015) These words were added in Clause 15 of Appendix VII-A of Regulation 34, vide final sanction under section 37(2) vide order no. TPB 4313/570/CR-40/2015/UD-11 Dated 6th July, 2015.

APPENDIX VII-B

[Regulations for the grant of TDR to the developers/Co-operative Housing Societies/NGOs in respect of slum rehabilitation scheme vide DCR 33(10) and DCR 33(14)-

1. **The developer/society/NGO on a plot of land for which the Slum Rehabilitation Project is sanctioned under these Regulations shall be eligible for the award of TDR for the FSI, if any, in excess of 2.5 or as may be specifically permitted by the Chief Executive Officer, Slum Rehabilitation Authority.**
2. **DRC for the TDR will be issued by the Commissioner, Brihan Mumbai Municipal Corporation himself on recommendation by Chief Executive Officer, Slum Rehabilitation Authority. The FSI credit in square metres of built-up area will be stated in figures and in words, the place where TDR is earned.**
3. **The built-up area for the grant of DRC shall be equal to the FSI of the sanctioned Slum Rehabilitation Project allowed to be taken in the form of TDR.**
4. **When a buildable amenity on the reserved plot for which slum rehabilitation project is sanctioned and handed over free of cost to the Municipal Corporation, the Commissioner may grant a further TDR due for the construction of the said amenity, and in accordance with the general policy of the Municipal Corporation in this regard.**
5. **A DRC will be issued only on the satisfactory compliance with the conditions prescribed in this Appendix as well as in Appendix IV.**
6. **If the holder of a DRC intends to transfer it to any other person/s he will submit it to the Commissioner with an appropriate endorsement of the new holder's name. Without such endorsement by the Commissioner himself, the transfer shall not be valid, and will be available for use only by the original holder.**
7. **A holder of a DRC who desires to use the FSI credit certified therein on a particular plot shall attach to his application for development permission valid DRCs to the extent required.**
8. **Irrespective of the location in which they originate, DRCs shall not be used in the Island city.**
9. **Notwithstanding any provisions contained in Appendix VII-A, the DRCs may be used-**

(a) On any plot in the same ward in which TDR has originated, the ward not being in the Island City.

(b) On any plot lying to the north wholly or partly of the plot in which TDR originated, the plot not being in the Island City.

10. A DRC shall not be valid for use on receivable plots in the area listed below :

(i) Coastal Regulations Zone-1 and areas in NDZ, TDZ and the areas for which the MMRDA has been appointed as Special Planning Authority.

(ii) On plots where Slum Rehabilitation Projects have been taken up or are possible. . However, in cases where a non-slum plot is amalgamated with a slum plot then DRC shall be valid for use on non-slum plot. In such cases utilization of DRC shall be governed as per procedure and provisions stipulated in Appendix VII-a and Appendix VII-B of DCR 1991.(2)

(iii) Areas where the permissible FSI is less than 1.0 FSI except " M" Ward.

(iv) Heritage buildings and precincts notified under DC Regulation No. 67.

11. Notwithstanding the provisions in Appendix VII-A, sub-regulation 12, the use of DRC on the TDR receiving plot will be subject to the same regulations that are applicable to the TDR receiving plot. There will be no restrictions on which zone TDR can be received, except the provisions in sub-regulation 9 and 10 above.

12. The DRC may be used on one or more plots of land whether vacant or already developed by the erection of additional floors, or in any other manner consistent with these regulations, but not so as to exceed the FSI prescribed below.

13. Any TDR receiving plot shall not be eligible for more than 100 per cent additional FSI in whichever combination TDRs are received provided at least 20 percept of the FSI shall be mandatorily kept for use of TDR generated as surplus from slum rehabilitation scheme. The source of TDR could be from slum redevelopment, DP reservations or DP road going through TDR receiving plot.

14. Before granting development permission to use TDR in full or in part, the Commissioner shall endorse in writing in figures and in words the quantum of DRC proposed to be utilised in the development permission.

15. A DRC shall be issued by the Commissioner himself as a certificate printed on bond paper in an appropriate form prescribed by the Commissioner. Such a certificate shall be a transferable/negotiable instrument after due authentication by the Commissioner.

16. The Commissioner shall maintain a register in a form considered appropriate by him of all transactions relating grant or utilisation of DRCs arising out of slum rehab projects. From time to time at least once in three months these transactions shall be published in the Maharashtra Government Gazette for the information of the public, provided however the utilisation of TDR/ DRCs shall not be dependent upon any such publication.

17 Wherever TDR arising out of slum rehabilitation project is received, the relaxation as required shall be given for such slum TDR on the same basis as for free sale component in the slum rehabilitation project.][(1)

[ ] (1) --- Entire Appendix VII-B was added vide Govt. Notification under section 37(2) of MR&TP Act 1966, vide order under number DCR-1095/1209/CR 273/95/UD 11 dated 15 th October 1997.

[ ] (2) These words were added vide Govt. Notification under section37(2) of MR&TP Act 1966, vide order under numberTPB/4309/1242/CR7/09/UD11dated 2nd September, 2009.

APPENDIX VIIA

(Regulations No. 67)

REGULATIONS FOR THE GRANT OF TRANSFERABLE DEVELOPMENT RIGHT TO OWNERS / LESSEES OF HERITAGE BUILDINGS / HERITAGE PRECINCTS AND CONDITIONS FOR GRANT OF SUCH RIGHTS

1. As provided in Regulation 67(6) Development Rights of the owner / lessee of any Heritage buildings who suffers loss of Development Rights due to any restrictions imposed by the Commissioner or Government under Regulations 67 shall be eligible for award of Transferable Development Rights (TDR) in the form of Floor Space Index (FSI) to the extent and on the conditions set out below. Such award will entitle the owner of the Heritage Building to FSI in the form of a Development Right Certificate (DRC) which he may use himself or transfer to any other person.
2. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in this Appendix.

3. If a holder of a DRC intends to transfer it to any other person, he will submit the DRC to the Commissioner with an appropriate application for an endorsement of the new holders name, i.e. transferee on the said Certificate. Without such an endorsement by the Commissioner himself, the transfer shall not be valid and the Certificate will be available for use only by the earlier original holder.

4. A holder of a DRC who desires to use the FSI credit certified therein on a particular plot of land shall be attach to his application for development permission valid DRC's to the extent required.

5. DRCs may used -

   On any plot in the same ward as that in which they have originated or in any ward in the suburbs except as specified in clause (6) below:

6. A DRC shall not be valid for use on receivable plots in the areas listed below
   (a) On plots falling within 50 mt. on roads on which no new shops are permitted as specified in sub-regulation (2) of regulation 52.
   (b) Coastal areas and areas in No Development Zones, Tourism Development Zones, and areas for which the Mumbai Metropolitan Region Development Authority or Maharashtra Housing and Area Development Authority is the Special Planning Authority
   (c) On plots for housing schemes of slum dwellers for which additional FSI is permissible under sub-regulation (10) of Regulation 33.
   (d) Any heritage building;
   (e) Any Heritage Precinct except with the prior approval of the Heritage Conservation Committee and subject to compliance with the regulations of the particular precincts.

7. The user that will be permitted for utilisation of the DRCs on account of transfer of development rights will be as under:

Zone in which designated / reserved plot is situated	User to be permitted in receiving areas
1. Residential	Only residential users and in Residential Zones only.
2. Commercial (C-2)	Commercial (C-2) users if the plot where the FSI is to be utilised is situated in C-2 Zone. Commerical (C-1) if the plot where the FSI is to be utilised is situated in C-1 Zone. Residential only in Residential Zones.
3. Commercial (C-1)	Commerical (C-1) if the plot where the FSI is to be utilised is situated in C-1 Zone. Residential in Residential Zones.
4. Industrial (I-1), (I-2),(I-3)	Residential only in Residential Zones.

8. DRCs may be used on one or more plots of lands whether vacant or already developed or by the erection of additional storeys, or in any other manner consistent with these Regulations, but not so as to exceed in any plot a total built up FSI higher than that prescribed in clause 9 below in this Appendix.

9. The FSI of a receiving plot shall be allowed to be exceeded by not more than 0.4 in respect of a DR available in respect of a Heritage Building and upto a further 0.4 in respect of a DR available in respect of land surrendered for road-widening or construction of new roads (accodring to sub-regulation (1) of Regulation 33), where the said Road as shown as passing through the receiving plot itself.

10. With an application for development permission, where an owner / lessee seeks utilisation of DRs, he shall submit the DRC to the Commissioner who shall endorse thereon in writing in figures and words, the quantum of the DRC proposed to be utilized, before granting development permission, and when the development is complete, the Commissioner shall endorse on the DRC in writing, in figures and words, the quantum of DRs actually utilised and the balance remaining thereafter, if any, before issue of Occupation Certificate.

11. A DRC shall be issued by the Commissioner himself as a certificate printed on bond paper in an appropriate form prescribed by Commissioner. Such a certificate will be a transferable "negotiable instrument" after due authentication by the Commissioner. The Commissioner shall maintain a register in a form considered appropriate by him of all transactions, etc relating to grant of utilisation of ~~[DRS]~~[(1)] DRC.

Entire appendix VIIA was added vide govt. notification number DCR/1090/3197/RDP/UD11 dated 21/04/1995.

[ ][(1)] This word was corrected by corrigendum under No. DCR-1090/3197/RDP/UD-11 dated 11-09-1995.

APPENDIX VIII
(Regulations 43)

Additional Fire protection Requirements for multi-storeyed High Rise and special Building .

1. *Genera*l- (1) In addition to the provisions of Part IV fire Protection National Building code of India. the Chief Fire Officer may insist on suitable provisions in multi-storeyed, high rise and special buildings or premises from the fire safety and fire - fighting point of view depending on their occupancy and height.
2. *Construction* - (1) Building materials:-

    (i) Load bearing elements of construction and elements of construction for which the required fire resistance is one hour or more shall be of non-combustible material. Interior finish materials (wall panellings , floor coverings etc.)may be permitted of materials having their rating for flame spread and smoke developed not exceeding a very low flame spread limit in accordance with IS:1642,1960 (Class I) Ceiling linkings shall be non-combustible or of plasterboard.

    (ii) Stairways and corridors shall not contain combustible materials.

(2) Structural members such as supports and load bearing walls shall have fire resistance rating of 3 hour, transoms and ceilings at least 2 hours.

(3) Internal walls and partitions separating corridors from areas on floors that are used for any purpose other than circulation shall have a fire resistance of not less than one hour. There shall be no openings in such walls other than for doors or delivery hatches with fire resistance not less than half an hour. Fire sections (fire walls) sub-dividing the building to prevent fire spread, shall have a fire resistance, rating not less than two hours.

(4) Facades excluding windows and doors shall consist of non-combustible building materials. The minimum distance between the top of the opening on a lower floor and the sill of that on the floor above it shall be 0.9 m., so that the fire would have to travel at least 0.9 m. between storeys.

3. *Staircase enclosures*.- (1) The internal enclosing walls of staircase shall be of brick or R.C.C. construction with a fire resistance of not less than two hours. All enclosed staircases shall be reached via a ventilated lobby and shall have access through self-closing doors of at least half an hour fire resistance. These shall be single swing doors opening in the direction of the escape. The door shall be fitted with check section door closers. The floor landing of staircases shall not form part of common corridor.

(2) The staircase enclosures on the external wall of a building shall be ventilated to the atmosphere at each landing or mid-landing.

(3) A permanent vent at the top equal to 5 per cent of the cross sectional area of the enclosure and open able sashes at each landing level with area not less than 0.5 sq. m. on the external wall shall be provided. The roof of the shaft shall be at least 1 m. above the surrounding roof. There shall be no glazing or glass bricks in any internal enclosing wall of a staircase. If the staricase is in the core of the building and cannot be ventilated at each landing, a positive pressure of 5 mm. water gauge by an electrically operated blower shall be maintained.

(4) The mechanism for pressuring the staircase shaft shall be so installed that it opeartes automatically and also manually when the automatic fire alarm operates.

4. *Lift enclosures*.-(1) The walls enclosing the lift shafts shall have a fire resistance of not less than two hours. Shafts shall have permanent vents at the top not less than 1800 m.m.- (0.2 sq.m.) in clear area. Lifts motor rooms should preferably be sited at the top of the shaft and shall be separated from lift shafts by the enclosing wall of the shaft or by the floor of the motor rooms.

(2) Landing doors in lift enclosures shall open into the ventilated or pressurised corridor/lobby and shall have fire resistance of not less than one hour.

(3) The number of lifts in one lift bank shall not exceed four. The shaft for the fire lift in a lift bank shall be separated from each other by a brick masonry or R.C.C. wall of fire resistance of not less than two hours. Lift car doors shall have fire resistance of not less than one hour.

(4) If the lift shaft and lift lobby are in the core of the building, a positive pressure of not less than 2.5 mm. and not more than 3 mm. water gauge by an electrically operated bower shall be maintained in the lift lobby and positive pressure of not less than 5 mm.

water gauge shall be maintained in the lift shaft. The mechanism for pressuring the lift shaft and lift lobby shall be so installed that they shall operate automatically when the automatic fire alarm operates. The mechanism shall have facilities to operate manually.

(5) Exit from the lift lobby, if located in the core of the building, shall be through a self closing smoke stop door of an half-hour fire resistance.

(6) The lift machine room shall be separate and no other machinery shall be installed therein.

(7) Lifts shall not normally communicate with the basement. However, one of the lifts may be permitted to reach the basement level provided the lift lobby at each basement level is pressurized and separated from the rest of the basement areas, by a smoke-actuated fire resisting door of two hours fire resistance. These doors can also be kept in hold-open position by an electro-magnetic device to be linked with a smoke detector.

5. *External windows*.-The area of the open able external windows on a floor shall be not less than 2 1/2 per cent of the floor area. The locks for these windows shall be fitted with budget lock of the carriage key type (which can be opened with the point of a fireman's' axe).

6. *Fire lifts*.-The following provisions shall be made for a fire lift.-

(a) To enable fire services personnel to reach the upper floors with minimum delay, one or more of the lifts shall be so designed as to be available for the exclusive use of such personnel in an emergency and be directly accessible to every dwelling/lettable floor space of each floor.

(b) The lift shall have a floor area of not less than 1.4 sq.m. with a minimum dimension of 1.12 m. It shall have a loading capacity of not less than 545 kg. (8 persons lift) with automatic closing doors.

(c) There shall be an alternate electric supply from a generator of an adequate capacity apart from the electric supply in the building and the cables shall run in a route safe from fire, i.e. within the lift shaft. In case of failure of normal electric supply, it shall automatically trip over to alternate supply. For apartment buildings, this change over of supply could be done through a manually operated change-over switch.

(d) The operation of a fire lift shall be by a simple toggle or two button switch situated in a glass fronted box adjacent to the lift at the entrance level. When the switch is on, landing call-points will become inoperative and the lift will be on care control only or on priority control device. When the switch is off, the lift will return to normal working. This lift can be used by the occupants in normal times.

(e) The words 'FIRE LIFT' shall be conspicuously displayed in fluorescent paint on the lift landing doors at each floor level.

(f) Collapsible gates shall not be permitted for lifts; the lifts shall have solid doors with fire resistance of at least one hour.

(g) The speed of the fire lift shall be such that it can reach the top floor from ground level within one minute.

7. *Basements*.-(1) Each basement shall be separately ventilated. Vents with cross, sectional area (aggregate) not less than 2.5 percent of the floor area spread evenly around the perimeter of the basement shall be provided in the form of grills or breakable stall boards lights or pavement lights or by way of shafts. Alternatively, a system of air inlets shall be provided at basement floor level and smoke outlets at basement ceiling level. Inlets and outlets may be terminated at ground level with stall boards or pavement lights as before but ducts to convey fresh air to the basement floor level shall have to be laid. Stall boards and pavement lights should be in position easily accessible to the Fire Brigade personal and rescue teams and clearly marked 'SMOKE OUTLET' or AIR INLET' with an indication of area served at or near the opening.

(2) The staircase of basements shall (a) be of enclosed type having fire resistance of not less than two hours; (b) be situated at periphery of the basement to be entered at ground level only from the open air and in such a, position that smoke from any fire in the basement shall not enter any exit serving the ground and upper storeys of the building;; and (c)communicate with basement though a lobby provided with fire-resisting self-closing doors of one hour fire resistance. If the travel distance exceeds 18.50 m, additional staircases at proper places shall be provided.

(3) Intake ducts may serve al basement levels but each basement and basement compartment shall have separate smoke outlet duct or ducts.

(4) Mechanical extractors for smoke-venting system from lower basement levels shall also be provided. The system shall be of such design as to operate on actuation of heat sensitive detectors or sprinklers if installed and shall have a considerably higher performance than the standard units. The system should also have an arrangement to start it manually and shall be designed to function at a temperature not less than 550^{0}C.

(5) Kitchens working or gas fuel, department stores and shops shall not be permitted in basements.

8. *Floor space division (fire sections*). If the undivided floor space on a floor exceeds 750 sq.m. it shall be separated into compartments each not exceeding 750 sq.m. by means of fire walls of not less than two hours fire resistance. In extended buildings, fire walls should be erected at distance exceeding 40 m. For floors with sprinklers, the area mentioned above may be increased by 50 per cent.

9. *Service ducts*.-(1) Service ducts shall be enclosed by walls having a fire resistance of not less than two hours. Doors for inspection or access shall also have a fire resistance of not less than two hours.

(2) If the cross sectional area of a duct exceeds 1 sq m. it shall be sealed where it passes a floor with non-combustible light material. The seal within the duct maybe pierced for any service pipe or ventilated trunk and shall fit as closely as possible around any such pipe or trunk.

(3) A permanent vent shall be provided at the top of the service shaft of cross-sectional area. not less than 460 sq. cm. or 6.25 cm. for each 900 sq.cm. of the area of the shaft, whichever is more.

10. *Refuse chutes and refuse chambers*.- (1) Hoppers under refuse chutes shall be situated in a well ventilated position and the chutes shall be continued upwards with an outlet above roof level and with an enclosure wall of non-combustible material with fire resistance of not less than two hours. The hoppers shall not be located within the staircase enclose.

(2) Inspection panels and hopper (charging station) opening shall be fitted with light fitting. metal doors, covers, having a fire resistance of not less than one hour. Flap doors/covers i.e. push-in or lift-up type shall not be permitted.

(3) Refuse chutes shall not be provided in staircase walls and air conditioning shafts, etc.

(4) Refuse chambers shall have walls and floors or roofs constructed of non-combustible and impervious material and shall have a fire resistance of not less than two hours. They shall be located at a safe distance from exit routes.

11. *Building services*.-(1) Electrical Services.-(a) The electric distribution cables wiring shall be laid in a separate duct. The duct shall be sealed at every alternate floor with non-combustible materials having the same fire resistance as that of the duct.

(b) Water mains, telephone lines, inter-com lines ,gas pipes or any other service line shall not be laid in the duct for electric cables.

(c) Separate circuits for water pumps, lifts, staircase and corridor lighting and blowers for the pressurising system shall be provided directly from the main switch gear panel and these circuits shall be laid in separate conduit pipes so that a fire in one circuit will not affect the others. Master switches controlling essential services circuits shall be clearly labelled.

(d) The inspection panel doors and any other opening in the shaft shall be provided with air-right fire doors having a fire resistance of not less than two hours.

(e) Medium and low voltage wiring. running in shafts, and within a false ceiling, shall run in metal conduits.

(f) An independent and well ventilated service room shall be provided on the ground floor with direct access from outside or from the corridor for the purpose of termination of electric supply from the licensees' service and alternative supply cables. The doors provided for the service room shall have fire resistance of not less than two hours.

(g) If the licensees agree to provide meters on upper floors, the licensees' cables shall be segregated from consumers' cables' by a partition in the duct. Meter rooms on upper floors shall not open into staircase enclosures and shall be ventilated directly to open air outside.

(h) PVC cables should have an additional sheathing or protection provided by compounds sprayed on after installation.

(2) *Town gas/L.P. Gas supply pipes*.-These pipes shall be run in shafts exclusively for this purpose and shall be on external walls, away from the staircases. There shall be no inter-connection between these shafts and the rest of the floors, Gas meters shall be housed in a suitable constructed metal cupboard located in a well ventilated space at ground level.

(3) *staircase and Corridor Lightings*.-(a) The staircase and corridor lighting shall be on separate circuits and shall be independently connected so that they could be operated by one switch installation on the ground floor easily accessible to fire-fighting staff at any time irrespective of the position of individual control of light points, if any.

(b) Staircase and corridor lighting shall also be connected to alternate supply as defined in sub-Regulations (4). However, for assembly and institutional buildings less than 24 m.

when the alternate source of supply may be provided by battery continuously trickle-charged from the electric mains.

(c) Double throw switches should be installed to ensure that the lighting in the staircase and the corridor do not get connected to two sources of supply simultaneously. A double throw switch shall be installed in the service room to terminate the stand-by-supply.

(d) Emergency lights shall be provided in the staircase/corridors for multistoried high rise and special buildings.

(4) *Alternate source of electric supply*.-A stand-by electric generator shall be installed to supply power to staircase and corridor lighting circuits, fire lifts, the stand-by fire pump, pressurisation fans and blowers, smoke extraction and damper systems in case of failure of normal electric supply. The generator shall be capable of taking starting current of all the machine and circuits stated above simultaneously. If the stand-by pumps is driven by diesel engine, the generator supply need not be connected to the stand by pump.

(5) *Transformers*.-(a) If transformers are housed in basement, they shall be necessarily in the first basement in a separate fire resisting room of four house rating, at the periphery of the basement. The rooms shall be protected by carbon dioxide or BCF fixed installation system to protect transformers. The entrance to the room shall be provided with a steel doors of two hours fire rating. A curb (sili) of a suitable height shall be provided with at the entrance in order to prevent the flow of oil from a ruptured transformer into other parts of the basement. Direct access to the transformer room shall be provided preferably from outside. The switch gears shall be housed in a separate room separated from the transformer bays by a fire resisting wall with fire resistance of not less than four hours.

(b) If housed in basement, the transformer shall be protected by an automatic high pressure water spray system (emulsifying).

(c) transformers housed at ground floor level shall be cut-off from the other portion of the premises by fire resisting walls of four hours' fire resistance.

(d) They shall not be housed on upper floors.

(e) A tank of RCC construction of capacity capable of accommodating the entire oil of the transformers shall be provided at lower level, to collect the oil from the catch-pit in an emergency. The pipe connecting the catch-pit to the tank shall be of non-combustible construction and shall lbe provided with a flame-arrester.

(6) *Air-conditioning*.-(a) Escape routes like staircases, common corridors, lift lobbies etc. shall not be used as return air passages.

(b) The ducting shall be constructed of substantial gauge metal in accordance with IS-655-1963 Metal Air Ducts (Revised).

(c) Wherever the ducts pass through fire-walls or floors, the opening around the ducts shall be sealed with fire-resisting materials such as asbestos rope or verniculire concrete glass wool.

(d) As far as possible, metallic ducts shall be used even for the return air instead of space above the false ceiling.

(e) The materials used for insulating the duct system (inside or outside) shall be of non-combustible materials such as glass wool, spun glass with neoprene facing.

(f) Area more than 750 sq.m. on the individual floor shall be segregated by a fire-wall and automatic fire dampers for isolation shall be provided where the ducts pass through fire walls. The fire dampers shall be capable of operating manually.

(g) Air ducts serving floor areas, corridor etc. shall not pass through the staircase enclosure.

(h) The air handling units shall as far as possible be separate for each floor and air ducts for every floor shall be separate and in no way interconnected with the ducting of any other floors.

(i) Automatic fire dampers shall be provided at the inlet of the fresh air duct and the re-turn air duct of each compartment on every floor. They shall be so arranged as to close by gravity in the direction of the air movement and to remain tightly closed upon operation of a smoke detector.

(j) If the air handling unit serves more than one floor, the requirements given above shall be compiled with an addition to the conditions given below :-

(i) Proper arrangements by way of automatic fire dampers working on smoke detectors for isolating all ducting a every floor from the main riser shall be made.

(ii) When the automatic fire alarm operates, the respective air handling units of the air-conditioning system shall automatically be switched off.

(k) The air filters of the air-handling units shall be of non-combustible materials.

(l) The air handling unit room shall not be used for storage of any combustible materials.

(m) Inspection panels should be provided in main trunking to facilitate the cleaning of the duct of accumulated dust and to obtain access for maintenance of fire dampers.
(n) No combustible material shall be fixed nearer than 15 cm. to any duct unless such duct is properly enclosed and protected with non-combustible material (glass wool) or spun glass with neoprene facing enclosed and wrapped with aluminum sheeting) at least 3.2 mm. thick and which does not readily conduct heat.
(o) Materials used for false ceilings, runners and suspenders shall be of non-combustible type.

(7) *Boiler room* :- Boiler and boiler rooms shall conform to the Indian Boilers Act. The following additional aspects should be taken into account in the location of boiler/boiler room :-
(a) Boilers shall not be allowed in a lower basement but may be allowed in basements at first level and away from the escape routes.
(b) The boilers shall be installed in a fire-resisting room of 4 hours' fire resistance rating situated on the periphery of the basement. Catch-pitch shall be provided at the low level.
(c) Entry to this room shall be provided with a composite door of two hours fire resistance.
(d) The boiler room shall be provided with fresh air inlets and smoke exhausts directly to the atmosphere.
(e) The furnace oil tank for the boiler, if located in the adjoining room, shall be separated by-fire resisting walls 4 hours rating. The entrance to this room shall be provided with double composite doors. A kerb of suitable height shall be provided at the entrance in order to prevent the flow of oil into the boiler room in case of tank rupture.
(f) Foam inlets shall be provided on the external walls of the building near the ground level to enable the fire services to use foam in case of fire.

12. *Provision of First Aid and Fire-fighting Appliances* :- (1) First-aid fire fighting equipment shall be provided on all floors including basements, lift rooms, etc. in accordance with IS : 2217-1963 Recommendations for providing First-Aid Fire Fighting Arrangements in Public Buildings.
(2) The fire fighting appliances shall be distributed over the building in accordance with IS : 2190-1971 Code of Practice for Selection, Installation and Maintenance of Portable First-Aid Fire Appliances.

13. Fixed Fire-Fighting Installations :- (1) Buildings shall be protected by wet riser, wet riser-cum-down corner, automatic sprinkler, installation, high pressure water spray or foam generating system as prescribed in sub-Regulations (2) to (7) below :-

(2) The wet riser/riser-cum-down comers' installation with capacity of water storage tanks and fire pumps shall conform to the requirements specified in Table 24 hereunder.

Table 24

Fire fighting installation requirements :-----

		Requirements				
		Water Supply			Pump Capacity	
Serial No. (1)	Type of the building occupancy (2)	Type of Installation (3)	Underground Static Tank (4)	Terrace Tank (5)	Near the underground Static Tank (6)	Terrace Level (7)
1	Residential buildings below 24 m. in height	Nil	Nil	Nil	Nil	Nil

2	Residential buildings-					
	(a) Above 24 m. and not exceeding 35 m. with shopping area upto 250 sq.m. and restricting the shopping area to the ground floor only.	Wet riser-cum-down comer.	50,000 liters	20,000 liters	1,400 liters per minute giving a pressure not less than 3.2 kg/cm2. At the topmost hydrant.	900 liters per minute giving a pressure not less than 2.1 kg/cm2. At the topmost hydrant.
	(b) Above 24 m. and not exceeding 35 m. with shopping area exceeding 250 sq.m.	Wet riser cum-down comer.	1,00,000 liters	20,000 liters	2,400 liters per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	900 liters per minute giving a pressure not less than 2.1 kg/cm2 at the topmost hydrant.
	(c) Exceeding 24 m. but not exceedin g 45 m.	Wet riser cum down corner	50,000 litres	20,000 litres	1400 litres per minute giving pressure not less than 3.2 kg/cm 2 at the top most hydrant.	450 litres per minute giving pressure not less than 2.1 kg/cm2 at the top most hydrant.
(3)	Non-residential /special type buildings-					
	(a) Upto 15 m. in height.	Nil	50,000 liters	Nil	Nil	Nil
	(b) Above 15 m. but not exceedig 24 m. in height except educationa	Wet riser-cum-down corner.	50,000 liters	10,000 liters	1,350 liters per minute giving a pressure not less than 3.2 kg/cm2 at the topmost hydrant.	450 liters per minute giving a pressure not less than 2.1 kg/cm2 at the top hydrant.

	l buildings. (c) Above 15 m. but not exceeding 24 m. in height except educationa l buildings. (d) Above 24 m. but not exceeding 45 m.	Wet riser-cum-down corner Wet riser-cum-down corner.	Nil 75,000 liters	10,000 liters 20,000 liters	Nil 2,400 liters per minute giving a pressure not less than 3.2 kg./cm2.	Nil 450 liters per minute giving a pressure not less than 2.1 kg/cm2 at the topmost hydrant.

Note 1 :- Any of the above categories may incorporate an automatic sprinkle / a drencher system, if the risk is such that it requires such protective methods.

Note 2 :- A minimum of two hydrants shall be provided within a courtyard.

Note 3 :- Wet riser-cum-down corner is an arrangement for fire fighting within the building by means of vertical rising mains of not less than 10 cm. Internal dia, with hydrant and hose reel on each floor landing connected to an overhead water/storage tank for fire fighting purpose through a booster pump, check valve and a non-return valve near the tank end and a fire pump, gate and non-return valve over the underground static tank. A fire service inlet at ground level filled with a non-return valve shall also be provided to the rising main for charging it by a fire service pump in case of failure of static fire pumps over the underground static tanks,(Fig 2)

Note 4 :- The performance of pumps specified above shall be at R.P.M. not exceeding 2,000.

Note 5 :- The above quantities of water shall be exclusively for fire fighting and shall not be utilised for domestic/or other use. The layout of underground static water tank shall be as per sketch attached.

Note 6 :- The size of the riser in the non-residential buildings over 24 m. high shall be 15 cm. (internal dia.) with twin hydrant outlets and hose reel on each floor.)

Note 7 :- A facility to boost water pressure in the riser directly from the mobile pump shall also be provided to the wet riser system with suitable fire service inlets (collecting head with with two 63 mm inlets for 10 cm rising main and four 63 mm inlets with check valves for 15 cm. Dia rising main) and a non-return valve and a gate valve.

Note 8 :- Hose Reel-The Internal diameter of rubber hose for the hose reel shall be a minimum of 19 mm. A shut-off branch with a nozzle of 4.8 mm. Size shall be provided.

(3) *Wet Riser Installations* :- They shall conform to IS : 3644-1966 Code of Practice for Installations of Internal Fire Hydrants in multistoreyed or high-rise buildings. In addition, the wet-riser shall be designed for zonal distribution ensuring that unduly high pressure does not develop in risers and hose pipes.

In addition to wet-riser, wet riser-cum-down corner, first aid hose reels shall be installed on the floors of buildings above 24 m. and shall conform to IS :884-1969 Specifications for First Aid Hose Reel for Fire Fighting (Fixed Installation). The first aid hose reel shall be connected to one of the female couplings of twin couplings of landing valves directly to the wet riser in the case of single outlet of the wet riser installations by means of adapter :-

(i) *Static Water Storage Tank* :- A satisfactory supply of water for the purpose of fire fighting shall always be available in the form of an underground static storage tank with capacity specified for each building with arrangements of replenishment by main or alternative source of supply at 1,000 liters per minute. The static storage water supply should easily be accessible to fire engines. Provision of suitable number of manholes shall be made available for immersion, repairs and inspection of suction hose etc. The covering slab shall be able to withstand a vehicular load of 18 tonnes. The domestic suction tank connected to the static water storage tank shall have an overflow capable of discharging 2250 litres per minute to a visible drain point from which by a separate conduit the overflow shall be conveyed to a storm water drain.

(ii) To prevent stagnation of water in the static water storage tank, the suction tank of the domestic water supply shall be fed only through an overflow arrangement to maintain the level therein at the minimum specified capacity (See Fig. 1)

(iii) The static water storage tank shall be provided with a fire brigade collecting breaching with four 63 mm. Dia. (two of 63 mm. dia. for pump with capacity 1,400 liters/minute) instantaneous male inlets arranged in a valve box at a suitable point at street level and connected to the static tank by a suitable fixed pipe of not less than 15 cm dia. to discharge water into the tank when required at a rate of 2250 litres per minute.

(iv) Typical layout of wet riser-cum-down corner are shown in Figures 3 and 4.

(v) Automatic Sprinklers :- Auto-sprinklers shall be installed,-

(a) in basements used as car parks except in apartment buildings and residential hotels if the area exceeds 500 sq.m.
(b) in basements of multi-storeyed and high-rise buildings used as car parks and for permissible essential services ancillary to a particular occupancy.
(c) In any rooms or other compartment of a building exceeding 500 sq.m.
(d) In department stores or shops in an area exceeding total of 750 sq.m.
(e) In all all non-domestic floors of mixed occupancy considered to constitute a hazard and not provided with staircase independent of the remainder of a building;
(f) In godowns and warehouses as considered necessary;
(g) In dressing rooms, scenery decks, stages, and stage basements of theatres.

(4) *Automatic High Pressure Water Spray (emulsifying)* :- This system shall be provided for protection of indoor transformers of a substation in a basement area.

(5) *Foam Generating System* :- This system shall be provided for protection of boiler rooms with ancillary, storage of furnace oils in a basement.

(6) *Carbon-dioxide (Co2) Fire Extinguishing System* :- Fixed Co2 fire extinguishing installation shall be provided as per IS : 6382-1971 Code of Practice for Design and Installation of Fixed Co2 Fire Extinguishing System on premises where water or foam cannot be used for extinguishing fire because of the special nature of the contents of the buildings/areas to be protected. Where possible, BCF installation may be provided instead of Co2 installation.

14 . *Fire Alarm System* :- All buildings mentioned below shall be equipped with fire alarm systems as given below :-

(a) *Special buildings above 15 m. in height and Business and Industrial buildings above 24 m. in height*.- (a) Such buildings shall be equipped with a manually-operated electrical fire alarm system with one or more call boxes located at each floor. The call boxes shall be so located that one or other of them shall be accessible to all occupants of the floor without having to travel more than 22.5 m.

(b) The call boxes shall be of the 'break-glass' type without any moving parts where the call is transmitted automatically to the control room without any other action on the part of the person operating the call box.
(c) All call boxes shall be wired in a closed circuit to a control panel in the control room located as given in this rule so that the floor number where the call box is actuated is

clearly indicated on the control panel. The circuit shall also include one or more batteries with a capacity of 48 hours normal working at full load. The battery shall be arranged to be continuously trickle-charged from the electric mains. The circuit may be connected to an alternate source of electric supply as in sub-Regulations (4) in Regulations 11 in this Appendix.

(d) The call boxes shall be arranged to sound one or more sounders so as to ensure that all the occupants of the building are warned whenever any call box is actuated .

(e) The call boxes shall be so installed that they do not obstruct the exit-ways and yet their location can easily be noticed from either direction. The base of the call box be at a height of 1 m. from the floor level.

(ii) All other buildings exceeding 24 m. height excluding those mentioned in clause (i) Above :-

These buildings shall, in addition to the manually operated electrical fire alarm system, be equipped with an automatic fire alarm system. The latter shall be in addition to any automatic fire-extinguishing system installed in any particular occupancy in accordance with these rules. The detectors for the automatic fire alarm shall conform to the relevant IS Specification Heat Smoke Sensitive Type Fire Detector and the system shall be installed in accordance with IS : 2189-1976 Code of Practice for Automatic Fire Alarm System of any other relevant Indian Standard, prescribed from time to time.

Provided that, no automatic detector shall be required in any room or portion of a building which is equipped with an approved installation of automatic sprinklers.

15. *Lightning Protection of Buildings* :- The lightning protection systems for buildings shall be in accordance with the provisions of Part III, National Building Code of India.

16. *Control Room* :- For all buildings mentioned in Regulations 14 in this Appendix except residential buildings, there shall be a control room on the entrance floor of the building with communication system (suitable public address system) to all floor planers along with the details of fire fighting equipment and installations shall be maintained in the control room. The control room shall also have facilities to detect a fire on any floor through indicator boards connecting fire detecting and alarm systems on all floors. The staff in-charge of the control room shall be responsible for the maintenance of the various services and fire fighting equipment and installations. Control room shall be manned round the clock.

17. *Fire drills and fire orders* :- Fire notices/orders shall be prepared indicating the requirements of fire fighting and evacuation of the building in the event of fire or other emergency. Occupants shall be thoroughly familiarised with their contents and action needed in the event of an emergency. Such notices should be displayed prominently.

18. With the approval of Government the Commissioner, in consultation with the Chief Fire Officer, may, from time to time, add to, alter or amend the provisions in this Appendix.

(19)

i) Manner of providing refuge area :

a) The refuge area shall be so located that it shall preferably face the access road/s or otherwise face the wider open space on the side of the building perpendicular to the main access road.

b) The cantilevered Refuge area on cantilever will be permissible at the mid-landing of the staircase only. All other refuge areas shall be within the building line only.

c) The cantilevered refuge area shall necessarily be of RCC Type .

d) The refuge area shall be provided with railing / parapet of 1.20 mt.

e) R.C.C. covering shall be provided above the topmost cantilever refuge area.

f) The refuge area shall have a door which shall be painted or fixed with a sign in luminous paint mentioning "REFUGE AREA"

g) The lift/s shall not be permitted to open into the refuge areas.

h) The refuge area provided within building line shall be accessible from common passage/ staircase.

ii) Use of refuge area :

a) The refuge area shall be earmarked exclusively for the use of occupants as temporary shelter and for the use of Fire Brigade Department or any other organization dealing with fire or other emergencies when occur in the building and also for exercises/drills if conducted by the Fire Brigade Department.

b) The refuge areas shall not be allowed to be used for any other purpose and it shall be the responsibility of the owner/occupier to maintain the same clean and free of encumbrances and encroachments at all times.

iii) Facilities to be provided at refuge area

a) Adequate emergency lighting facility shall be provided.

iv) Terrace floor as a refuge floor:

a) The necessary facilities such as emergency lighting, drinking water etc shall be provided.

b) The access door/s from the enclosed staircase/s to the terrace floor shall have louvers at top half portion of the door. The entrance doors to the terrace shall be painted or fixed with sign painted in luminous paint mentioning "REFUGE AREA ***[06012012]***

[ ](06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11,Dated 6th January, 2012

APPENDIX IX

(Regulations 12)

Regulations relating to Development in large Holdings in the Residential Zone.

The following facilities will be available for residential development undertaken by a single developer as one scheme in a single plot of 20,000 sq.m. in area :-

A platform or podium may be built at floor 1 or 2 level but not over 7.5 m. from the level of the approach road to join residential building towers (subject to the lightning and ventilation requirements being fulfilled) and to cross over public roads adjoining this development, with the clearance of the Chief Fire officer.

The recreational open space prescribed in these Regulations may be provided either at ground level or as an open to sky podium to be developed as lawn/garden.

A shopping centre may be provided exclusively within the building towers with no access or frontage on any public road. Such centre shall be limited in area to 5 percent of the total F.S.I.

If a public amenity like a kinder-garten school, milk centre, electric sub-station, bus shelter, etc. is provided within the project the area of such facility not exceedingly 5 percent of the total plot area shall be allowed free of F.S.I.

Pathways :- Pathways upto 2.5m. wide connecting the residential tower buildings may be provided, covered by a roof with a clear height not exceeding 2.4 m. such pathways shall be exclusively for pedestrian use and will be free of F.S.I.

The required open space from the boundary of the holding shall not be reduced by construction of a podium.

APPENDIX X

[Regulations 5(1), 5(3) (iii), (iv)]

Form of Notice and first Application for development Under Sections 44,45,58,69 of the Maharashtra Regional and Town Planning Act 1966 and to erect a building under section 337 of the Mumbai Municipal Corporation Act, 1888.

To

The ……..
Municipal Corporation of Greater Mumbai,
Mumbai.

Sir,

I intend to carry out development in the site/to erect, to re-erect/to make material alteration in the building……on/in plot No. C.S.No./C.T.S. No……..of……..Division/village/Town Planning Scheme No……situated at Road/Street……
ward……and in accordance with section 44,45,58,69 of the Maharashtra Regional and Town Planning Act, 1966/section 337, 342 of the Mumbai Municipal Corporation Act, 1888, and the Maharashtra Development Plan Rules, 1970.

2. I enclose the following plans and statements (Items 1 to 6) wherever applicable, inquadruplicate, signed by (Name in block letters)……
licensed surveyor/engineer/structural engineer/supervisor, License No……
or architect, who has prepared the plans and designs on my behalf and copies of other statements/documents as applicable (Items 7 to 12) :-

Key Plan (Location Plan)
Site Plan
Sub-division/layout plan
Building Plan
Particulars of development in the form in Annexure-I
Ownership Title
Attested copy of receipt for payment of building permit fee
Clearance certificate of municipal tax arrears.
No objection certificate/s, where required.
Appointment letter in favour of licensed technical personnel or architect.
Supervision memorandum of licensed technical personnel or architect.
Property register card, and city survey plan for plot in original signed by the Competent City Survey Authority, owners' affidavit regarding area of the plot and Architect's certificate for plot area along with area calculations by triangulation method.

Please approve the proposed development/construction and permit me to execute the work.

Yours faithfully,

Date : …… Signature of Owner ……
Name of Owner ……
(in block letters) ……
Address of Owner ……..

ANNEXURE 1

(Part of Appendix X-Item 5)
Particulars of Development

1.(a) (i) Applicant's Full Name ……
(in block letters) ……
(ii) Applicant's address ……..
……..
(b) Name and address of Licensed Surveyor/Engineer/Structural Engineer or Supervisor / Architect employed ……..
……
(c) No. and date of issue of license …….. valid upto ……
(2) Is the plot affected by any reservation or road lines? If so, are these correctly and clearly marked on the block plan ?
3. *(a) What is the total area of the plot according to the document ?
*(b) Does it tally with the Collector's record ?
*(c) What is the actual area available on site measured by the licensed surveyor/architect/engineer/structural engineer/supervisor or architect ?
(d) If there is any deduction in the original area of the plot on account of road lines or reservation ? Please state the total area of such deductions.
(e) If so, what is the net area ?
(f) Is the clearance under Urban Land (Ceiling and Regulations) Act, 1976 obtained ? If so, what is the area allowed for development ?
*Permission will be based on the minimum of areas in (a),(c) or (f) above.

Note.-INDICATE DETAILS ON THE SITE/BUILDING PLAN AS IN FORM 1.
(4) Are all plans as required under Regulations 5(3) enclosed?
5(a) Is the plot part of a city triangulation survey number, revenue survey number or hissa number or a final plot number (city survey number) of a Town Planning Schemes or a part of an approved layout ?
(b) Please state sanction number and date of sub-division/layout.

6(a) In what zone does the plot fall ?
(b) What is the permissible Floor Space Index of the Zone ?
(c) What is the number of tenements per net hectare permissible in the zone?
7(a) Is the use of every room in the proposed work marked on the plans?
(b) Is it in accordance with the Regulations?

(c) Does the building fall in the category of-
(i) Special building as defined in Regulations 2(3)(11)(m) ?
(ii) Multi-storeyed building or high rise building as defined in Regulations 2(3)(11)(i)?

8 If the work is in connection with an industry-
a) Please briefly describe the main and accessory processes.
b) Please state the maximum number of workmen and the total KW likely to be employed per shift in the factory.
c) Under what industrial classification does it fall ? (Reference to relevant Regulation should be given).
d) Is the proposal for relocation of an existing industry ? If so, give the name and address of the existing industry.

Note.- The permission will be based on the area which is minimum.

e)If the proposal is for the establishment of a new industry or for the expansion of an existing industry, is a copy of the "No Objection Certificate" from the Department of Industries enclosed [see Regulations No. 16 (m)] wherever applicable ?
f) Will the building be away from the boundary of a residential or commercial zone or as per Table 10 (c) in Regulations 29 (5) ?

g)Is the proposal for a service industrial estate on a plot reserved for service industries or in a general or special industrial zone ?
h)Nature and quantum of industrial waste/effluents and methods of disposal be stated.

9(a) What is the average-
(i)prescribed width ? and
(ii)existing width of the street ?
(If the plot abuts two or more streets, information for all streets should be given).
(b)What is the height of the building-
(i) above the centre of the street ?
(ii) above the average ground level of the plot ?

Does it comply with Regulations 31 ?

10(a) If there are existing structures on the plot-
(i)Are they correctly marked and numbered on the site plan ?
(ii) Are those proposed to be demolished immediately coloured yellow ?
(iii) What is the plinth area and total floor area of all existing structuresto be retained ?
(Please indicate in the appended Statement 'A' with details)
(iv) What is the number of existing tenements in the structure(s) to be retained ?
(b)What is the plinth area and total floor area of the proposed work or building ?
(Please indicate in appended statement'B' with details
(c) What is the number of tenements proposed ?

Note.- INDICATE DETAILS OF THE BUILDING PLAN AS IN FORM 1.

11 (a) Please state the plinth area and total floor area, existing and proposed (i.e. totals of items 10(a) (iii) and 10(b).
b) Please state the Development Rights, if any, proposed to be used and the floor space index credit available there under.
c) Please state the overall floor space index [Item 11(a) divided by Item 3(e)] plus the floor space index available due to Development Rights.
d) Does the work consume the full floor space index of the plot, as given in item 6(b) ?
If not, why not ?
e) Is the building proposed with setbacks on upper floors ?
f) What is the total number of tenements [Item 10(a) (iv) plus Item 10(c)] ?
Note.-INDICATE DETAILS ON THE BUILDING PLAN AS IN FORM 1.

12(a) What is the width of the front open space ? If the building abuts two or more streets, does the front open space comply with Regulations 28 (a) ?
b) Please state which of the sub-Regulations of Regulations 29 and/or any other Regulations is applicable for the open space ?
Does the front open space comply with the Regulations ?

13) What is the distance from the centre line of the street ?
Does it comply with Table 10 (B) to Regulations 29 (5) ?

14(a) What is-
(i) the width of side open space (s) ?
(ii) the width of rear open space (s) ?
(iii) the distance between buildings ?
(b) Do they comply with Regulations 29 (1) (a) ?
Regulations 29 (1) (b) ?
Regulations 29 (6) ?

(c)Are there two or more wings to the buildings?
If so, are the open spaces separate or distinct for each wing as required by Regulations 28(b)?

(15) If the plot is narrow, which clause under Regulations 29(7)(a) or Regulations 29(7)(b), do you propose to take advantage of (whatever applicable)?

16(a) What are the dimensions of the inner or outer chowk?
(b)(i) Does any room depend for its light and ventilation on the chowk? If so, are the dimensions as required for each wing of the buildings?

(ii)If not, is the area at least equal to square of one-fifth of the height as per Regulations 29(9)?

(17) If the height of the building is greater than 16 m. above the average ground level, is provision for lift (s) made?

If so, give the following details of the lift(s) :-

(a)Details of lift

Type | Passenger Capacity |No. of lifts |Types of doors
(b)Details of fire lift.
---do---

18(a) Does the building fall under the purview of clause (i) or (m) of sub-Regulations (2), Regulations 3.?

(b) If so, do the proposed fire protection requirements conform to those in Appendix VIII?
(c) If not, give reasons.

19(a) (i) What is the requirement of parking spaces under Regulation 36(2) and (3)?
(ii) How many are proposed?
(iii) How many lock-up garages are proposed?
(b)(i) Are parking spaces for transport vehicles provided (Regulations 36(4))?
(ii) If so, what is the requirement?
(iii) How many are proposed?

NOTE :- INDICATE DETAILS ON BUILDING PLAN AS IN FORM 1.

20(a) (i) What are the maximum widths of balconies?
(ii) Will they reduce the required open space to less than the provisions of the Regulation?
(iii) Do they serve as a passage to any part of the building?
(iv)What is their total area?
(v) What is the maximum width of weather-frames, sun-shades (chajja), sun-breakers, cornices, caves, or other projections?
(c)(i) Are any porches/canopies proposed?
(ii)Do they comply with requirements of Regulations 30?

21(a) What is the width of the means of access?
(b) What is its clear height?
(c) Will it be paved, drained and kept free of encroachment?

22 Is the recreational or amenity open space provided as required under Regulations 23(I), 23(2)?
23 (a) Are any accessory buildings proposed? If so, for what purpose?
(b)What are their heights?
(c) Are they 7.5 meters away from the street or front plot boundary and if located within the open spaces, 1.5 meters from any other boundary?
(d) Is their area calculated in floor space Index?

24 (a) What is the proposed height of the compound wall?
Is it at a junction?

(b) Does it comply with Regulations 38(27)?

25(a) (I) Is the proposal in the airport zone?

(b) (ii) Is a "No Objection Certificate" for height and character of smoke from chimneys obtained from Civil Aviation Authorities (Attach copy).

(c) Does the proposal fall in the category of tower-like structure vide Regulation 2(2)(93) and 29(1)(e)? If so, does it comply with the requirement thereof?

26. Indicate provision for common conventional antenna for receipt of television transmission in residential building with more than ten tenements (Regulations 30)

27. Does the proposal fall in any of the areas/zones such as those of the Mumbai Metropolitan Region Development Authority/ Maharashtra Housing and Area Development Authority/Railway/Highway/Slum Authorities/Power Transmission line/Coastal Area/No Development Zone/Tourism Development Zone/Communication Authorities etc.?

28 (a) Does any natural water course pass through the land under development?

(b) Is the necessary set back provided according to Regulations 16(b)?

29 (a) Is the plinth level proposed to be above the level of the surrounding ground level?
(b) Will the proposed plinth level be above 27.55 metres Town Hall Datum?
(c)Is the plot proposed to be filled upto the level of the abutting road or Reduced Level (R.L.) 27.55 metres Town Hall Datum, whichever is more?

30 The details of the materials to be used in construction with specifications are as follows :
Roofs----------
Floors----------
Walls----------
Columns----------
Beams----------
Any other Material----------

31 The number of water closets, urinals, kitchens, baths to be provided are as follows :
Water closets |Baths | Urinals |Kitchen
Existing----------
Proposed----------

32) Details of the source of water to be used in the construction.

33) Distance from the sewer.

34) How much municipal land, if any, will be used for stacking building material?

35) Please explain, in detail, in what respect the proposal does not comply with these Regulations and the reasons therefore, attaching separate sheets for this information, if necessary.

I am the owner-lessee/mortgagee in possession/---------- of the plot on which the work is proposed and that the statements made in this Form are true and correct.

Date :
Address : Signature of the applicant.

Form of certificate be signed by the Licensed Surveyor/Engineer/Structural Engineer/Supervisor or Architect employed by the Applicant

1 (Name) ---------- have been employed by the applicant as his Licensed Surveyor/Engineer/Structural Engineer/Supervisor or Architect. I have carefully pursued his covenant or conveyance in respect of this plot and have examined the boundaries and the area of the plot and I certify that I have personally verified all the statements made by the applicant who is the owner/lesses/mortgage in possession of the plot as in the above Form and the attached Statements A and B and found them to be correct.

Date :
Address:

Signature of Licensed Surveyor/Architect
Engineer/StructuralEngineer/Supervisor

Note :- INDICATE IN BUILDING PLAN AS IN FORM II.

STATEMENT 'A'
(Serial No. 10(a)(iii) in ANNEXURE "A")
Existing Building to be Retained

Existing Building No. (1)	Floor No. (2)	Plinth Area (3)	Total floor area of the Existing Building (4)	Use or Occupancy of floors (5)

STATEMENT 'B'

[Sr. No. 10(b) in ANNEXURE "A"]
Proposed Work/Buildings

Building No.	Floor No.	Area	Total Floor Area of proposed work	Use or Occupancy of Floors

FORM I

(Sr. No. 2,9,10,11,19 in ANNEXURE "A")

(At right top corner of site/building plan at Ground Floor Level)

A. Area Statement Square meter

1. Area of plot .. ..

2. Deductions for .. ..
(a) Road set-back area .. .. ..
(b) Proposed road .. .. ..
(c) Any reservation .. ..

Total (a+b+C) ..

3. Balance area of plot (1 minus 2) .. ..

4. Deduction for recreational ground (if deductible) ..

5. Net area of plot (3 minus 4) .. .. ..

6. Additions for floor space index .. .. ..
2(a) 100 % .. ..
2(b) 100 % .. ..

7. Total Areas (5 plus 6) .. ..

8. Floor Space Index permissible .. .. ..

9. Floor Space Index credit available by Development Rights (Restricted to 40 % of the balance area vide item 3 above).

10. Permissible Floor Area (7 plus 8) plus 9 above. .. ..

11. Existing floor area .. ..

12. Proposed area .. ..

13. Excess balcony area taken in floor space index (as per B(iii) below). ----------

14. Total built-up area proposed (11+12+13) .. ..

(B) Balcony Area Statement
(i) Permissible balcony area per floor .. ..
(ii) Proposed balcony area per floor .. ..
(iii) Excess balcony area per floor .. ..

(iv) Total excess balcony area for all floor .. ..

(c) Tenement Statement
(i) Proposed area (Item A, 12 above) .. .. ..
(ii) Less deduction of Non-residential area (Shop etc.) ..
(iii) Area available for tenements [(I) minus (ii).] ..
(iv) Tenements permissible (Density of tenements/hectare ..
(v) Tenements proposed .. ..
(vi) Tenements existing .. ..

Total Tenements on the Plot ----------..

(D) Parking Statement
(i)_Parking required by Regulations for.-
Car .. ..
Scooter/Motor cycle
outsiders(visitors) .. ..
(ii) Covered garage permissible .. .. ..
(iii) Covered garages proposed
Car .. ..

Scooter/Motor cycle .. ..
Outsider (Visitors) .. ..

(iv) Total parking provided ..

E. Transport Vehicles Parking
(i) Spaces for transport vehicles parking required by Regulations :

(ii) Total No. of transport vehicles parking spaces provided : ..

FORM II
(At right bottom corner of plans/below Form I)

Contents of sheet

Stamp of date of receipt of plans

Stamp of approval of plans

Revision	Description	Date	Signature

Certificate of Area

Certified that I have surveyed the plot under reference on…….. and that the

dimensions of the sides, etc. of the plot stated on the plan are as measured on site and the area so worked out is*…….square metres and tallies with the area stated in the document of ownership/Town Planning Scheme records.

Signature of Licensed Surveyor/Architect/Engineer/Structural Engineer/Supervisor or Architect

Description of proposal and property

Name of owner

Job No. Drg no. Scale Checked by Drawn by

North Line

Signature, Name (in block letters) and Address of Licensed Surveyor/Engineer/Structural Engineer/Supervisor or Architect.

*Area to be stated in figures and also in words.

APPENDIX XI

[Regulations 5 (3) (ix)]
Form for Supervision

To

The ……
Municipal Corporation of Greater Mumbai,
Mumbai.

Sir,

The development/erection/re-erection/demolition or material alteration of the building …….. on Plot No./C.S. No./C.T.S. No. …… of Division/village/Town Planning Scheme No. ……situated at Road/Street……ward……..will be carried out under my supervision. All the materials (type and grade) and the workmanship of the work will generally tally with the general specifications submitted alongwith the plans and the work will be carried out according to the sanctioned plans. I shall be responsible for the execution of the work in all respects.

Yours faithfully,

Signature of Licensed/ Surveyor/Engineer/
Structural Engineer/supervisor of Architect.

Name: ……
(inblock letters)
LicenceNo : ……..
Address : ……..

Date : ……

APPENDIX XII
(Regulations No. 5 (4) (ii))

Qualification Competence, Duties and Responsibilities etc. of Licensed Technical Personnel or Architect for preparation of schemes for Development Permission and supervision

C-1. General :

C-1-1 The qualifications of technical personnel and their competence to carry out different jobs for development permission and supervision for the purpose of licensing shall be given in Regulations C-2 to C-6. The procedure for licensing technical personnel is given in Regulations C-6.

C-2. Architect :

C-2.2. *Competence of Architect*.-To carry out work related to development permission as given below and to submit,-

(a)All plan s and information connected with development permission;

(b)structural details and calculations for buildings on Plot upto 500 sq.m. and upto 3 storeys or 11 m. height; and

(c) Certificate of supervision and completion for all buildings.

C-3. Engineer:

C-3.1. *Qualifications*.-Corporate memberships (Civil) of the Institution of Engineers or a Degree or Diploma in civil or Structural Engineering which makes him eligible for such membership.

C-3.2. *Competence*.-To carry out work related to development permission as given below and to submit,.-

(a) All plans and related information connected with development permission;

(b) Structural details and calculations of buildings on plot upto 500 sq.m. and 5 storeys or 16 m. height;. and

(c) Certificate of supervision and completion for all buildings.

C-4. *Supervisor* :

C-4.1. Qualifications.-(a) For Supervisor I :

(i) Three years` architectural assistantship or intermediate in architecture with two years experience ;or

(ii) Diploma in Civil engineering with two years` experience.

(b) For Supervisor II :

(i) Draftsman in civil Engineering from I.T.I. with five years` experience under architect/engineer.

C-4.2. *Competence*.-(a) For Supervisor I.-To submit,-

(i) All plans and related information connected with development permission on plots upto 200 sq.m. and upto two stroreys; and

(ii) Certificate of supervision of buildings on plots upto 200 sq.m. and upto two storeys and completion thereof.

(b) For Supervision II. To submit-

(i) All plans and related information upto 50 sq.m. built-up area and upto two storeys ;and

(ii) certificate of supervision for limits at (i) above and completion thereof.

C-5.1. Structural Engineer :

C-5.1. *Qualifications*.-Three years` experience in structural engineering practice with designing and field work, and

(a) A Degree in Civil Engineering of a recognised Indian or Foreign University and Chartered Engineer or Associate Memberships in the Civil Engineering Division of the Institution of Engineers (India) or equivalent overseas Institution ; or

(b) Associate Membership in Civil Engineering Division of the Institution of Engineers (India) or equivalent overseas institution possessing exceptional merit.

Three years` experience will be reduced to two years for those with a post-graduate degree of a recognised Indian/Foreign University in the branch of Structural Engineering and to one year for those with a Doctorate in structural Engineering.

C-5.2. *Competence*.-To submit the structural details and calculations for all buildings and supervision.

C-5.2.1. Complicated buildings and sophisticated structures, as decided by the Commissioner which are within the horizontal areas and vertical limits under C-2-1(b),C-3-2-(b) andC-4-2-(a)-(i) shall be designed only by structural engineers.

C-6. *Licensing.* :

C-6.1. *Technical personnel to be licensed.*-The qualified technical personnel or group referred to in Regulations C-3, C-4 and C-5 shall be licensed with the Municipal Corporation and the licence shall be valid for one calendar year ending 31st December after which it shall be renewed annually.

C-6.2. *Fees for Lilcensing.*-The annual licensing fees shall be as follows:-

For Engineers and Structural Engineers .. .. Rs. 250 per annum.
For Supervisors S-I .. .. Rs. 100 per annum.
For Supervisors S-II .. .. Rs. 50 per annum.

C-6.3. *Duties and Responsibilities of Licensed Technical Personnel or Architect.*-(1) It will be incumbent on every licensed technical person or architect in all matters in which he may be professionally consulted or engaged to assist and co-operate with the Commissioner and other Municipal Officers in carrying out and enforcing the provisions of the Mumbai Municipal Corporation Act and Maharashtra Regional and Town Planning Act and of any Regulations or rules for the time being in force under the Acts.

(2) Every licensed technical person or architect shall in every case in which he may be professionally consulted or engaged be responsible so far as his professional connection with such case extends, for due compliance with the provisions of Chapters IX, X XI and XII of the Mumbai Municipal Corporation Act, the Maharashtra Regional and Town Planning act and of any rules or Regulations for the time being in force under the said Acts, or such of then as may respectively be applicable to the circumstances of the particular case and in particular it will be obligatory on him to satisfy himself that a qualified and competent site supervisor with qualifications prescribed by the Commissioner is constantly employed and present on the work supervise the execution of all work and to prevent the use of any defective material therein and the improper execution of any such work.

(3) In every case in which a licensed technical person or architect is professionally concerned with any building or work upon any premises, in respect of which a right to required a set-back has accrued or is about to accrue to the Commissioner under the provisions of sections 291,297 to ascertain whether "the regular line of the street" has been prescribed under sections 291, 297 and whether any portion of the said premises is required for the street and no licensed 298 and 299 of the BMC Act, or any of them, it will be incumbent on such licensed technical person,or Architect must, on any account or under any pretence, be a party to any evasion or attempted evasion of the set-back (if any) that may be required.

(4) In every case in which a licensed technical person or architect is professionally concerned with any building or work upon any premises designed or intended to be used or any purpose for which the written permission of licence of the Commissioner is prescribed by the said Act as necessary condition to the establishment or use of such premises for such purpose, it shall be incumbent on such licensed technical person or Architect ,so far as his professional connection with such case extends, to see that all conditions prescribed by the said Act, or by any rules or Regulations for the time being in force thereunder, are duly fulfilled or provided for.

(5) A licensed technical person or architect shall not carry out any work in connection with any building or other erection on a plot of land leased or agreed to be leased by the Municipal Corporation in contravention of any condition of the lease or agreement for lease.

(6) When a licensed technical person or architect ceases to be in employment for the development work he shall report the fact forthwith to the Commissioner.

APPENDIX XIII

Regulations (5)(5)(i)

Form of sanction of development permission, building permission and commencement certificate.

To

……..
……..
……..

Sir,

With reference to your application No. ……..dated……for Development Permission and grant of Commencement Certificate under sections 45 and 69 of the Maharashtra Regional and Town Planning Act, 1966, to carry out development and building permission under section 346 of the Mumbai Municipal Corporation Act 1888,to erect building in building No…….

On plot No./CS/C.S.T./No……..div./village/Town Planning Scheme no…….situated at Road/street……..ward…….the commencement certificate/building permit is granted on the following conditions :-

1. The land vacated in consequence of the enforcement of the set-back line/road widening line shall form part of the public street.
2. No new building or part thereof shall be occupied or allowed to be occupied or used or permitted to be used by any person until occupancy permission has been granted.
3. The commencement certificate/development permission shall remain valid for one year commencing from the date of its issue.
4. This permission does not entitle you to develop land which does not vest in you.
5……
6……

Yours faithfully,

Executive Engineer (Building Proposal)(……..Ward)

Municipal Corporation of Greater Mumbai.

Office No. ……
Office Stamp ……..
Date ……

APPENDIX XIV

[Regulations 5 (5) (i)]

Form of refusal of Development Permission, Building Permission and Commencement Certificate

To

……
……
……

Sir,

With reference to your application No……..dated……for the grant of sanction of the development works; the erection of a building/execution of work for Building on ……..plotNo./C.S.No./C.T.S.No.of…….Divn./Village/Town Planning /Scheme No…….Situated at……. Road/Street ……..Ward……, I regret to inform you that the sanction is refused on the following grounds under Section 346 of the Mumbai Municipal Corporation Act, 1888, and under Section 45/69 of the Maharashtra Regional and Town Planning Act, 1966.

1. ……
2 ……
3. ……
4. ……
5. ……
6. ……

Yours faithfully,

Executive Engineer,
(Building Proposal)(……Ward)
Municipal Corporation of Greater Mumbai.

Office No. ……
Office Stamp ……..
Date ……

APPENDIX XV

[Regulations No.6(2) and Section 347(i)(a) of the Mumbai Municipal Corporation Act, 1888]

Form of Notice for Start of Work

To

The Executive Engineer (Building Proposal),.....Ward, Municipal Corporation of Greater Mumbai, Mumbai.

Sir,

The development work/erection/re-erection/demolition or material alteration in/of Building No. .....on/in Plot No./C.S. No./C.T.S.No. .....Division/Village/Town Planning Scheme No. .....Situated at ..... Street/Road .....Ward .....will start on .....in accordance with your permission No. .....date.....

Under the supervision of

.....

Licensed Surveyor/ Engineer /Structural Engineer/ Supervisor, or Architect License No .....and in accordance with the plans sanctioned.

Yours faithfully,

Signature of Owner .....

Name of the Owner .....

In Block Letters .....

Address of Owner .....

.....

.....

.....

Date : .....

APPENDIX XVI

[Regulations No. 6(4)]

Form of intimation of Completion of Work upto Plinth Level

To
The Executive Engineer (Building Proposal) ……..Ward,
Municipal Corporation of Greater Mumbai.

Sir,

The construction upto plinth/column upto plinth level has been completed in Building No……on/in Plot No./C.S. No./ C.T.S.No. …….. Division/Village/Town Planning Scheme No. ……Road/Street……Ward…… ……in accordance with your permission No. ……dated ……..under my supervision and in accordance with the sanctioned plan.

Please check the completed work and permit me to proceed with the rest of the work.

Yours faithfully,

Signature of Licensed Surveyor/
Engineer/Structural Engineer/Supervisor or Architect
Name……
(in block letters)

Address……
……
……

Date : ……

APPENDIX XVII

[Regulations No. 6(4)]

Form of Approval/Disapproval of Development Work upto Plinth Level

To

……..
……..
……..

Sir,

Please refer to your intimation No. ……dated ……..regarding the completion of construction work upto plinth/columns upto plinth level in Building No……..on/in Plot No/C.S. No./C.T.S. No. ……..Division/Village/Town Planning Scheme No. ……..situated at ……..Road/Street ……Ward ……You may/may not proceed with the further work as per sanctioned plans/as the construction upto plinth level does/does not conform to the sanctioned plans.

Yours faithfully,

Executive Engineer (Building Proposal)
(……Ward)
Municipal Corporation of Greater Mumbai.

Office No. ……..
Office Stamp …….

Date : ……..

APPENDIX XVIII
(Regulations No. 6(7))
Form for Development completion certificate
To
The executive Engineer (Building Proposal),……Ward,
Municipal Corporation of Greater Mumbai,

Sir,
I certify that the erection/re-erection or part/full development work in/on building/part building No. ……..on/in Plot No., C.S.No./C,T,S, No. ……
Division/Village/Town Planning scheme No. ……..Situated at……
Road/Street……Ward……..
has been supervised by me and has been completed on……according to the plans sanctioned (office communication No. ……
dated……). The work has been completed to my best satisfaction the workmanship and all the materials (type and grade) have been used strictly in accordance. with general and detailed specifications. No provisions of the Act or Development Control Regulations or no requisitions made, conditions prescribed or orders issued thereunder have been transgressed in the course of the work. I am enclosing three copies of the completion plans, one of which is cloth mounted. The building is fit for occupancy for which it has been erected/re-erected or altered, constructed and enlarged.

I have to request you to arrange for the inspection and give permission for the occupation of the building.

Yours faithfully,

Signature of Licenced surveyor/Engineer/Architect
StructuralEngineer/SupervisorArchitect.
……

Name …….
(In Block letters)
Address ……..
……

Date : …… Licence No. …….

APPENDIX XIX
(Regulations No. 6(6))

(See sub-section (3) of section 259-A of the Mumbai Municipal Corporation Act, 1888)

Drainage Completion Certificate

To

……
……
……

Sir,

The following work ……(insert full particulars of the work) has been completed to my satisfaction; the workmanship and the whole of the materials used are good; and no provision of the Act or the Development control Regulations or building Bye-laws and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work,

Yours faithfully,
Signature of Licensed Plumber……
Name (in Block letters) ……
Address ……
……

Date : …… Licence No. ……

APPENDIX XX
(Regulations No. 6(6))
(See sub-section (I) of section 353-A of the Mumbai Municipal Corporation Act, 1888)

Building completion Certificate

To
……..
……..

Sir,
The following building work (insert full particulars of the work) has been supervised by me and has been completed to my satisfaction; the workmanship's and the whole of the materials used are good; and no provision of the Act or the Regulations, Bye-laws and no requisitions made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

Yours faithfully,

Signature of Licensed Surveyor/
Engineer/Structural
Engineers/Supervisor or Architect,
Name (in block letters)_____
_____

Address ……..
……
……

Date : …….. Licence No. ……..

APPENDIX XXI
(Regulations 6(6) and 6(7)
Form of Acceptance of Completion Certificate
Municipal Corporation of Greater Mumbai
No……of

To

……
……..
……..

Subject :

Reference :

Sir,

The Completion certificate submitted by you on ……..for the above work is hereby accepted.

Yours faithfully,

Executive Engineer/Asst Engineer…….Dn.
Municipal Corporation of greater Mumbai
Zone ……..

Date :
Office Stamp :

No. ……of

Copy forwarded to

……Dn.

The Assistant Engineer/
Executive Engineer,
Development Plan/
Chief Engineer,
Vigilance,

……..For information

Executive Engineer
Zone……..

APPENDIX XXII
(Regulations 6(7))
Form for Occupancy certificate

To
……
……
……

Sir,

The part/full development work/erection/re-erection or alteration in/of building/part building No. ….....on/in Plot No. ……
Block No. ……situated at ……..Road/
Street ……City S. No. …….
…….completed under the supervision of ……

Licensed surveyor/Engineer/Structural Engineer/Supervisor, Architect/Licence No……...
……..may be occupied on the following conditions:-
1)

2)
3)
4)…….
……
……
……
A set of certified completion plans is returned herewith.

Yours faithfully,

Executive Engineer
(Building Proposal)
(……Ward)
Municipal Corporation of Gr. Mumbai.

Office No. ……..
Office Stamp……...
Date ……

APPENDIX XXIII

(Regulations 6(8)
Form of Indemnity for Part Occupancy Certificate

To
……..
Municipal Corporation of Greater Mumbai
Mumbai.

Subject :

Sir,

While thanking you for letting me occupy a portion of the above building before acceptance of the Completion Certificate of the whole building for the plans approved in communication No. …… dated …….. I, *indemnify the Municipal Corporation of Greater Mumbai against any risk, damage and danger which may occur to occupants and users of the said portion of the building and also undertake to take necessary security measures for their safety. This undertaking will be binding on me/us, our heirs, administrators and our assignees.

Yours faithfully,

Signature of Owner ……

Name of the Owner …….
(in block letters)

Witness
(Signature and name in block letters) ……
Address : ……
……..
Date : ……
*of such value as decided by the Commissioner.

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

D. T. JOSEPH
Secretary to Government.

[Appendix XXIV

Conditions and guidelines for implementation of Reg. No. 33(9) (A) are incorporated in this Appendix – XXIV.

1) Applicability of the provisions of this appendix :-

For achieving comprehensive planning and development of non slum areas of Dharavi Notified Area (DNA) through sectoral layouts of Dharavi Redevelopment Project, the provisions in this appendix shall apply to the renewal and redevelopment of buildings / chawls including cessed properties and such schemes on areas which are part of DRP Area undertaken by DRP (SRA) through the developer to be appointed by following competitive bidding process for Dharavi Redevelopment Project or through Public Authority

The properties which are not part of DRP Area as defined above shall be developed in accordance with DCR 32 only. The other provisions of DCR 1991 allowing higher FSI permitted under DCR 33 and provisions of this Appendix shall not be applicable to such properties which are not part of DRP Area.

2) Renewal & Redevelopment project formulated by Slum Rehabilitation Authority for buildings / chawls including cessed properties shall be with FSI of 1.72 or the FSI required for rehabilitation of existing eligible occupants whichever is more which will exclusively be used for rehousing the existing eligible occupants and to generate additional tenements / units if any, The built up area of such construction with 1.72 FSI or more shall be termed as Renewal Rehab Component.

3) (a) If areas redeveloped earlier under SRD / SRA schemes are included in the DRP Area for renewal and redevelopment under DRP, the TDR generated from the plot in the said SRD/SRA scheme would be deducted from overall calculation of FSI 4.00.

(b) For private unencumbered plot/s situated within DNA but presently excluded, the FSI shall be 4.00 on their inclusion in DRP. The developer however, shall have to pay premium as decided by DRP on built up area equivalent to 2.67 FSI of that plot upon which he would be entitled to add built up area equivalent to 4.00 FSI of that plot to his free sale component.

4) The construction of Renewal Rehab Component will be carried out by the developer so appointed under Dharavi Redevelopment Project at his cost as per the specifications, planning and requirements of DRP (SRA). Each eligible occupants shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum

fixed carpet area of 27.88 sq.mt. (300 sq.ft.) and maximum area equivalent to the area occupied in the old building. The carpet area upto 70 sq.mt. shall be part of Renewal Rehab Component and shall be provided at free of cost. However area above 70 sq.mt. will be at construction cost to be determined by OSD, DRP (SRA) and the said cost to be paid by the respective occupant to the developer. Such surplus residential renewal area shall not qualify for calculating incentive Renewal Sale Component.

In case of non-residential occupier the area to be given will be equivalent to the area occupied in the old building. The renewal tenements in the so completed buildings shall be handed over to the respective eligible occupiers of the old building as certified by the concerned Competent Authority free of encumbrances.

5) Eligibility for Renewal Rehab Tenements:-
For Urban Renewal Schemes the existing tenants / occupants residing as on 1st January, 2000 shall be held eligible. No new tenancy / occupancy created after 1.1.2000 shall be considered. Further unauthorized construction made in buildings / chawls, and unauthorized extensions to the tenements shall not be considered while computation of existing FSI and size of tenements. A certified inspection extract of the M.C.G.M. for the year 1999-2000 or Courts order proving the existence of tenements prior to 1.1.2000 shall be considered adequate evidence to establish number of tenements and size of the tenement.

6) (a) If the Renewal Rehab Component is 10 sq.m. of built up area, then an additional 13.33 sq.m. of built up area will be permitted and this area of additional 13.33 sq.m. can be utilized for disposal in the open market as a Renewal Sale Component and the Renewal Rehab Component subsidized. Renewal Sale Component can be clubbed with Slum Sale Component and Amenity Sale Component generated under DCR 33(10) (A) within the same planning sector.

(b) If the FSI required for rehabilitation of existing eligible occupants plus Renewal Sale Component exceeds FSI 4.00 of a particular plot, such excess quantum shall get absorbed while calculating overall FSI of 4.00 on entire DRP Area.

7) Non Residential User in Free Sale Components: - Non Residential User as permissible in R-2, C-1 and C-2 zones as per DCR-52, 53 & 54 shall be allowed in Free Sale Components.

8) Renewal Rehab Component shall be located at suitable location within the respective planning sector layout and not necessarily be on the plot where they exist at present. In case of any site constraints by which if it is not possible to locate the same within the respective sector layout, the same may be allowed to be located outside the particular sector layout, but within the Dharavi Notified Area, with the special permission of OSD, DRP(SRA).

9) The FSI for Urban Renewal schemes in CRZ area within DNA, shall be governed by the MOEF notifications issued from time to time.

10) After the proposed Renewal Rehab Component buildings are constructed in the sector layout, at approved location, in all respect including amenities such as water supply, sewerage lines, electricity etc, the present occupiers of the respective buildings, chawls, tenanted properties etc. of the concerned authorities shall be shifted to their respective newly built tenements as per the allotment to be finalized by the concerned authorities.

11) An individual agreement shall be entered into by the Land Owning Authority / SRA / the developer so appointed under Dharavi Redevelopment Project by DRP (SRA) with the eligible occupier of each tenement / unit of the structure on the renewal plots.

12) The said individual agreement entered into between the said eligible occupier and the Land Owning Authority / SRA / developer shall be in the joint names of pramukh occupier and spouse for every structure.

13) Tenements having a physically handicapped person or female-headed households shall be given first preference in allotment of tenements. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the other occupiers.

14) In respect of those eligible occupiers on site who do not join the project willingly the provisions laid down under clause no. 1.15 (i) to 1.15 (vi) of Appendix-IV (A) of Reg. 33(10) (A) of these regulations shall be applied.

15) The Managing Committee of the proposed Co-operative housing society of occupants to be formed after allotment of reconstructed tenements shall have women to the extent of one-third of the total strength and actual members on the committee at any time.

16) Restriction on Transfer of Tenements: The tenement obtained under this scheme cannot be sold / leased / assigned or transferred in any manner for a period of ten years from the date of allotment / possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by DRP (SRA).

17) Building permissions for the Urban Renewal development shall be as per the procedure laid down under clause no. 2.1 to 2.8 of Appendix-IV (A) of Reg. 33(10) (A) of this regulations.

18) The temporary transit accommodation shall be provided within Dharavi Notified Area, and if needed to be on the area of amenity open space in accordance with the procedure laid down under clause no. 4.1 to 4.7 of Appendix-IV (A) of Regulation No. 33(10) (A) of this regulations.

19) Relaxation in building and other requirements for the Urban Renewal development shall be as per the provisions laid down under clause no. 6.1 to 6.24 of Appendix-IV (A) of Reg. 33(10)(A) of these regulations.

20) Urban Renewal Development and Development Plan Reservations shall be as per the provisions laid down under clause no. 7.1 to 7.9 of Appendix-IV (A) of Reg. 33(10)(A) of these regulations.

21) The concerned land owning authority shall give development rights of their land to DRP (SRA) in lieu of 70% of net premium that is payable by the developers, proportionate to the Renewal Rehab Component generated on the said land. In case project to be undertaken by the Public Authority, the premium payable shall be as per decision of the Government.

22) Ownership and Terms of lease – The part of Government / MCGM / MHADA / MMRDA / Any Undertaking land on which the Renewal Rehab Component of DRP will be constructed shall be leased to the co-operative Housing Society of the occupants on 30 years lease at the lease rent of Rs 1001 for 4000 sq.mt. of land or part thereof and renewable for a further period of 30

years. The same conditions shall prevail for the land under the free sale component and the land shall be leased directly to the Society / Association of the purchasers in the free sale component and not through the society of renewal rehab occupants.

23) As soon as the approval is given to the Project, the no objection certificate for building permission of the land owning authority shall be given in respect of that property to be developed under this Urban Renewal Scheme on lands belonging to any department, undertaking, agency of the State Government including MHADA, or any local self – Government such as the Municipal Corporation within 30 days after the intimation of such approval to the Project is communicated. In the event of its not been given within the period, it shall be deemed to have been given.

24) **24.1** An amount of Rs. 20,000 or such an amount as may be decided by the Government from time to time per renewal tenement / unit will have to be deposited by the developer with DRP (SRA) as a corpus fund for utilization by the co-operative housing society of the renewal rehab occupants for the purpose of maintenance, in accordance with the time-schedule for such payment as may be laid down by OSD, DRP (SRA). However, by the time of completion of construction for occupation of tenements by the renewal rehab occupants, the total amount at the rate of Rs.20,000 per tenement completed should have been deposited in full. The building permission for the last 25 percent of the free sale component would be given only after the entire required amount is deposited in full with DRP(SRA). A matching amount of Rs. 20,000/- per renewal rehab tenement / unit shall also be deposited by DRP(SRA) and added to the said corpus fund.

24.2 An amount of Rs. 840 per sq.mt. shall be paid by the Developer for the built up area over and above the normally permissible FSI, for the rehabilitation and free sale components. This amount shall be paid to DRP(SRA) in accordance with the time schedule for such payment as may be laid down by the OSD, DRP(SRA), provided the installments shall not exceed beyond the completion of construction. This entire amount will remain with DRP (SRA) and the same shall be used for Schemes to be prepared for the improvement of infrastructure within Dharavi Redevelopment Project Areas.

25) The Slum Rehabilitation Authority, after consultation with the concerned authorities may add, alter or amend the conditions under these regulations with the previous approval of the State Government.

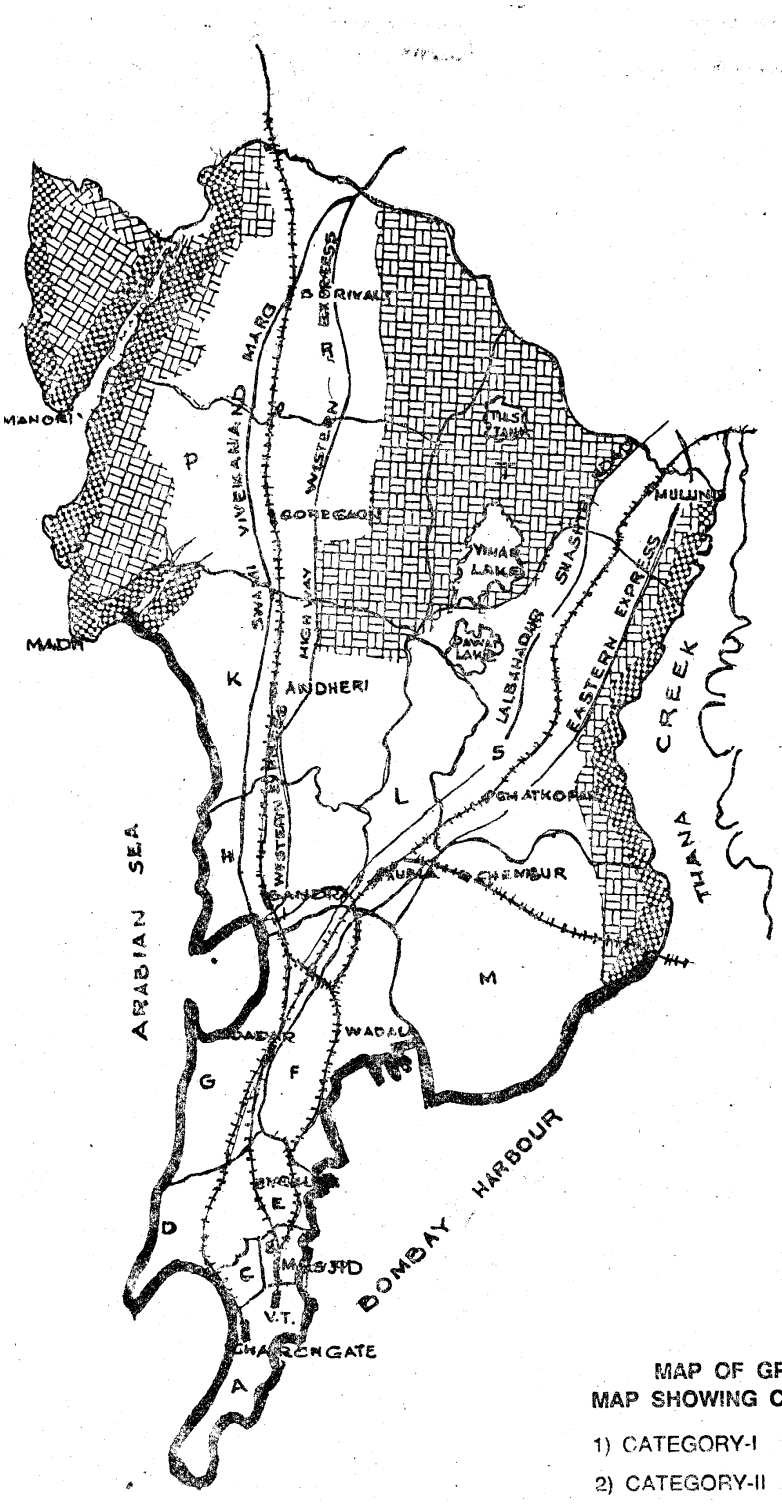
Note:-

A)All words and expressions used in these Regulations and not defined herein shall have meanings assigned to them under the Maharashtra Regional and Town Planning Act, 1966 or the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971, or the National Building Code, or the Building Regulations and Bye-Laws or the Development Control Regulations of the Municipal Corporation of Greater Mumbai, as amended from time to time.

B)The provisions of the Development Control Rules for Greater Mumbai, 1991 and all other applicable sections of the Maharashtra Regional and Town Planning Act, 1966, shall apply *mutatis mutandis* to the development of land with the modification that the expressions " Municipal Corporation of Greater Mumbai" and "Municipal Commissioner" shall be substituted by the expressions "Slum Rehabilitation Authority" and "Officer on Special Duty, DRP (SRA)" respectively.

C)Nothing contained herein shall derogate from any right or power exercisable by the Municipal Corporation of Greater Mumbai under the provisions of the Bombay Municipal Corporation Act, 1888, and the rules, regulations and bye-laws made there under. Any development of land shall be carried out without prejudice to such provisions.] **(25012012)**

[ ]**(25012012)** This regulation was modified/added under final sanction under Section 37(2) of the Maharashtra Regional and Town Planning Act. 1966, vide, Notification No. TPB 4310/1631/CR-139/2010/UD-11 Dated 25 January 2012.



MAP OF GREATER BOMBAY
MAP SHOWING COASTAL AREA ZONES

1) CATEGORY-I

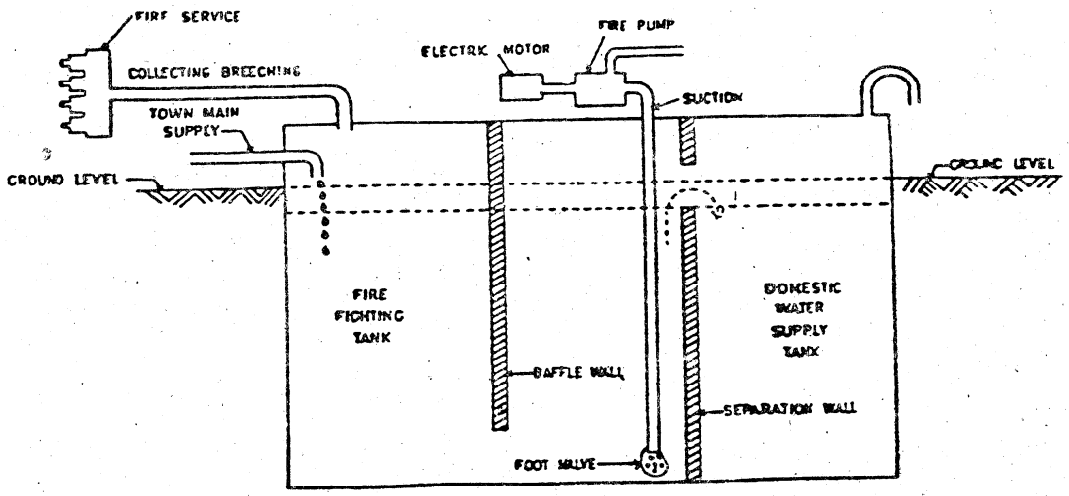
2) CATEGORY-II

Note : Depth not to scale

N

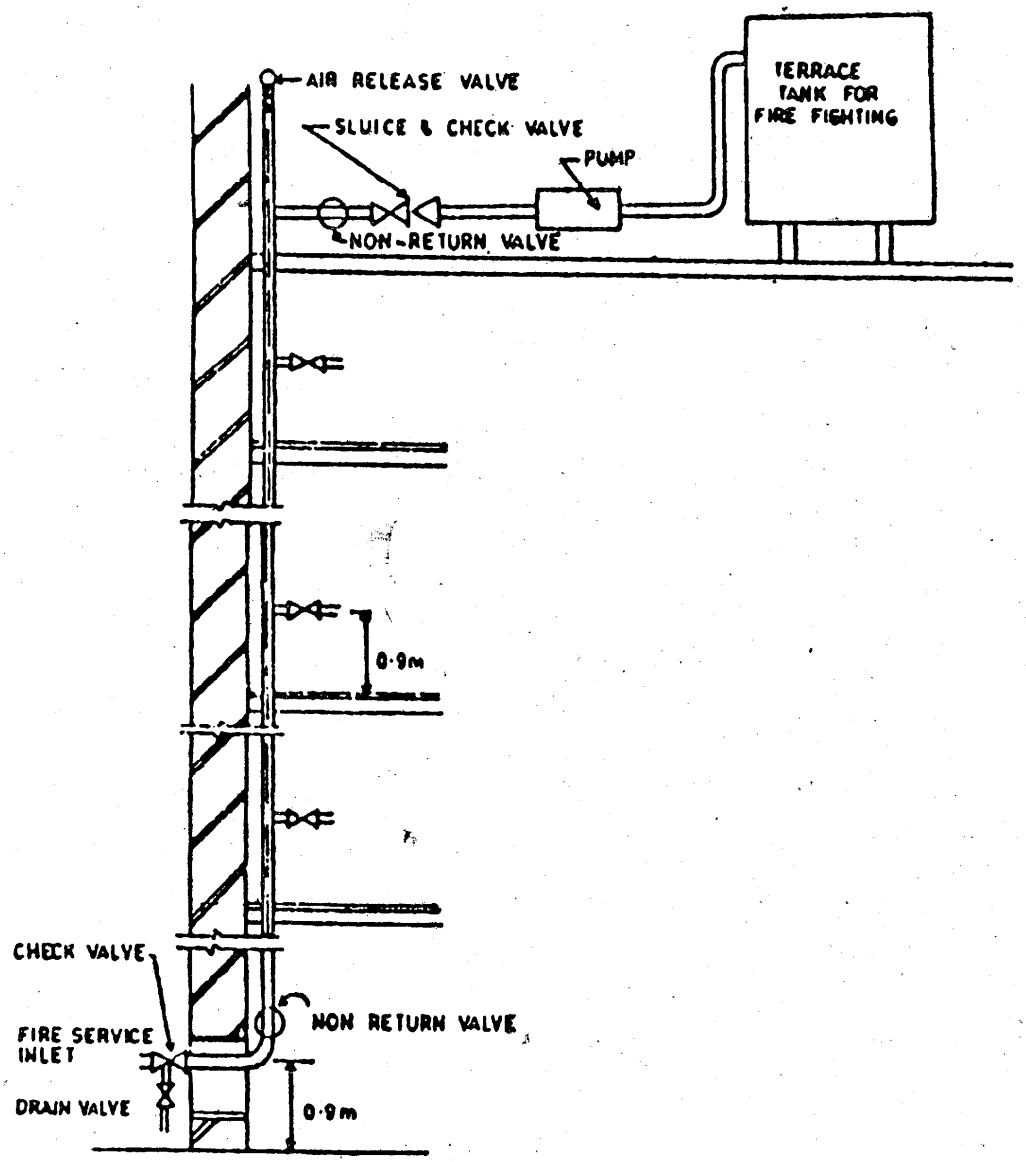
FIGURE I

(*See* Regulation 59)



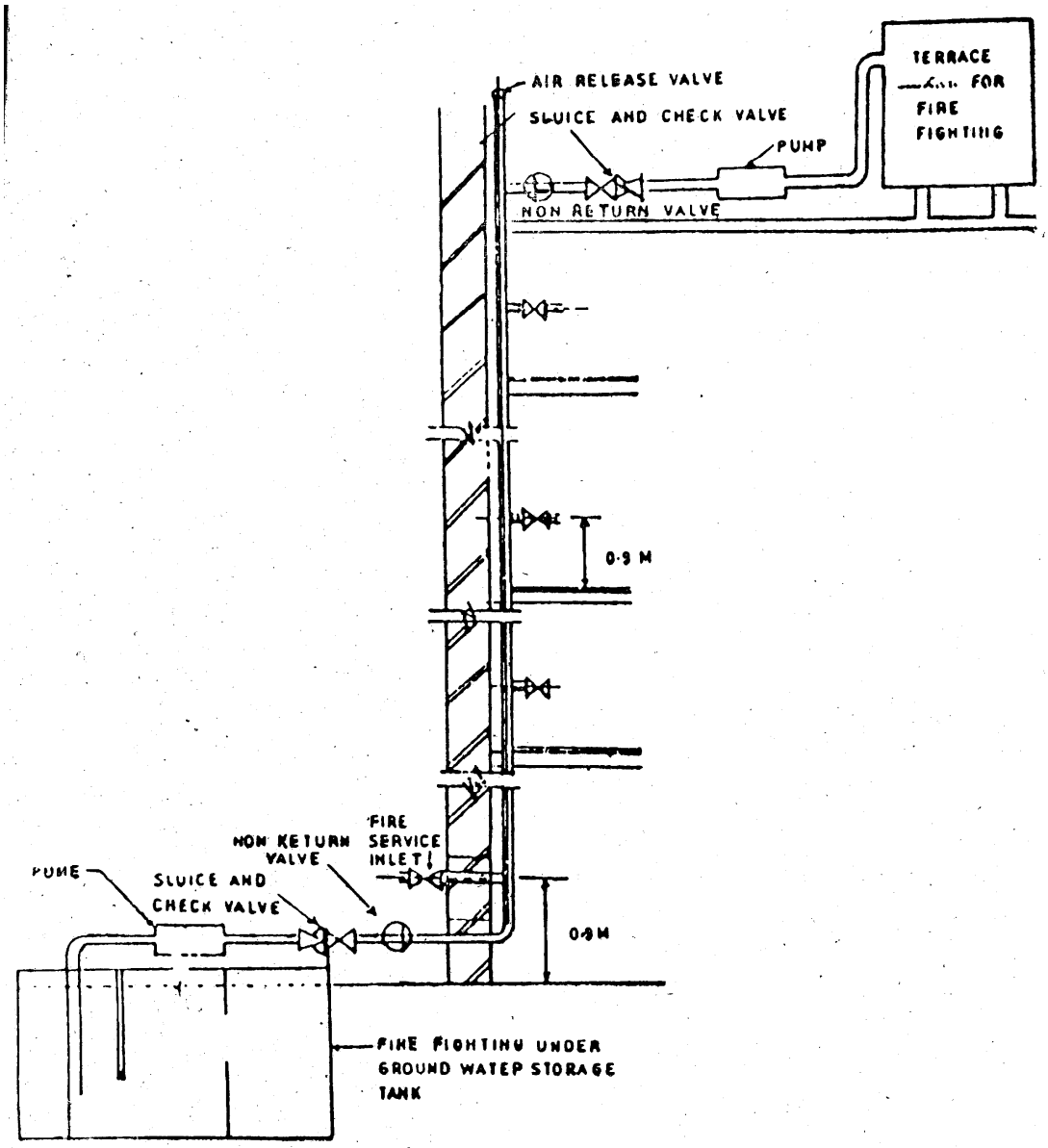
ARRANGEMENT FOR PROVIDING COMBINED FIRE FIGHTING AND DOMESTIC WATER STORAGE TANK AS PER

Figure 2



ARRANGEMENT OF WETRISER-CUM-DOWN COMER FOR APARTMENT BUILDINGS ABOVE 15m. BUT NOT EXCEEDING 24m. IN HEIGHT

Figure 3



ARRANGEMENT OF WET RISER-CUM-DOWN COMER FOR APARTMENT BUILDINGS EXCEEDING 24 M.

Figure 4