

**Maharashtra Regional and Town Planning
Act, 1966 (MRTP Act, 1966)**

Modification to the existing Regulation
46(3) with Appendix-VI in the Development
Control Regulations for Navi-Mumbai
Municipal Corporation, 1994 under Section
37(2) of the Act.

GOVERNMENT OF MAHARASHTRA

Urban Development Department

Mantralaya, Mumbai 400 032.

Dated 4th February, 2015.

NOTIFICATION

No. TPB-4312/643/CR-9/1/2014/UD-11:-

Whereas the Government of Maharashtra, in Urban Development Department, vide its Notification No. TPB-4306/564/CR-55/06/UD-11, dated 12th December 2007, under sub-section (2) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") sanctioned the proposal of modification to the Development Control Regulations 1994, (hereinafter referred to as "the said Regulations") as submitted under sub-section (1) of the Section 37 of the said Act by Navi Mumbai Municipal Corporation (hereinafter referred to as " the said Corporation") for its area by keeping some of the Regulations in abeyance and whereas the said Regulations have become applicable with effect from 27th December 2007;

And whereas, the Government in Urban Development Department, vide its Notification No. TPB/4306/564/CR-55/06/UD-11, dated 21st July 2008, has sanctioned the Regulations which were kept in abeyance vide its earlier Notification dated 12th December 2007, under sub-section (2) of Section 37 of the said Act, and the same have come into force with effect from 23rd July 2008;

And whereas, the said Corporation vide its Resolution No.1267 dated the 11th May 2012, has decided to modify the existing Regulation 46(3) along with Appendix-VI in the Development Control Regulations of the said Corporation regarding reconstruction /redevelopment of building or buildings previously constructed by CIDCO within the limits of the said Corporation and accordingly, in exercise of the powers conferred by sub-section (1) of Section 37 of the said Act, the said Corporation, vide its Notice No. NMMC/TP/SSNR/2400/2012, dated 25th May, 2012 has proposed to modify the existing Regulation 46(3) alongwith Appendix-VI in the Development Control Regulations of the said Corporation (hereinafter referred to as "proposed modification") and invited objections / suggestions in respect thereof from the general public;

And whereas, the said Corporation, vide its letter No. NMMC/TPD/ADTP/5010/2012, dated the 7th September 2012 has submitted the proposed modification in the said Regulations to the State Government for final sanction, after following the procedure as contemplated under Section 37(1) of the said Act.;

And whereas, the Govt. finds it appropriate to sanction with certain changes the proposed modification submitted by the said Corporation regarding redevelopment of dangerous and dilapidated buildings constructed by CIDCO;

Now therefore, after considering the above facts and circumstances and after consulting Director of Town Planning and in exercise of powers conferred by sub-section (2) of Section 37 and of the said Act and of all other powers enabling it in this behalf, the Government hereby—

- A. Sanctions the proposed modification to Regulation 46(3) with Appendix-VI of the said Regulations with certain changes as described more specifically in the Schedule appended hereto ;
- B. Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification;
- C. Directs the said Corporation that, in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the schedule referred at (A) above shall be added:

This Notice shall also be made available on the Govt. website—
www.Maharashtra.gov.in

By order and the name of the Governor of Maharashtra.



(Sanjay Banait)
Under Secretary to Government.

SCHEDULE

(Accompaniment to Notification No.TPB 4312/643/CR-9/1/2014/UD-11, Dated : 04/02/2015)

The existing Regulation 46 (3) & Appendix VI of the said Regulation is substituted by the following new Regulation -

46(3):- Regulation for reconstruction/redevelopment schemes undertaken by CIDCO/ Owners' Association / Co-operative Housing Society (CHS) in respect of the authorised buildings previously constructed by CIDCO but subsequently destroyed by natural calamities or accidental fires or which have collapsed by aging or are demolished or being demolished under a lawful order of the Municipal Commissioner etc. :-

Reconstruction / Redevelopment, in whole or in part of a building, previously constructed by CIDCO (not being a building wholly occupied by warehousing/ Industrial user and also not being an individually owned structure, which has ceased to exist for the reasons mentioned above) or a building constructed by CIDCO which has been declared dilapidated by the Commissioner NMMC or a buildings constructed by CIDCO which is above 30 years of age, irrespective of its status of dilapidation, (hereinafter collectively referred to as "dangerous/ dilapidated building") shall be permissible in accordance with the provisions contained in Appendix-VI of this Regulation.

Appendix- VI

[Regulation No. 46(3)]

Regulation for Reconstruction / Redevelopment :-

1. For redevelopment of building or buildings in the housing schemes of CIDCO, containing houses or tenements for (i) EWS/LIG and/or (ii) MIG and/or (iii) HIG, the total permissible FSI shall as specified in Table-A below and shall be based on gross plot area :-

Table - A

Sr. No.	Category	Permissible FSI
i	Plot area of 1000 sq. m. or more and having access road of minimum 15m width .	2.50
ii	Plots area of 1000 sq.m.or more and having access road of minimum 9m width.	2.00
iii	All other plots having access road below 9m width.	1.80 or Authorisedly consumed FSI + 50% Incentive whichever is less

Identification of dangerous / dilapidated buildings shall be done by a Committee Under the Chairmanship of the Municipal Commissioner, NMMC, comprising Superintendent Engineer, Public Works Department, Thane; Joint Director, Town Planning, Konkan Division; City Engineer, NMMC; Chief Engineer, CIDCO; Chief Planner, CIDCO and such other members as may be appointed by the Municipal Commissioner, NMMC, having regard to their academic qualifications, technical competence and previous experience in the field of Structural Engineering.

2. Where redevelopment of any dangerous / dilapidated building(s) in a Housing Scheme of CIDCO constructed building is undertaken by the Co-op Housing Society or the occupiers of such building(s) or by the lessees of CIDCO, the Rehabilitation area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows :-

A) Rehabilitation Area Entitlement :

i) Under redevelopment of any dangerous / dilapidated building(s) in a Housing Scheme of CIDCO, 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 - B below :-

Table - B

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	10%
Above 2 hect to 5 hect	15%
Above 5 hect to 10 hect	20%

Explanation : *The plot under redevelopment, means the total area of the land on which redevelopment of dangerous / dilapidated building (s) is to be undertaken.*

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 any dangerous / dilapidated building(s) in a Housing Scheme of CIDCO, the entitlement of rehabilitation area of any

existing authorised commercial unit / 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 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 - C below :-

Table - C

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)
Above 3.00	70%
Above 2.00 and upto 3.00	80%
Above 1.00 and upto 2.00	90%
Upto 1.00	100%

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 NMMC, with prior approval of CIDCO.

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.

- 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 existing or proposed Co-operative Housing Society/Apartment Ownership Association and CIDCO, in the form of built-up area, as given in Table D below and the share of CIDCO shall be handed over to CIDCO free of cost.

Table - D

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Society /Association Share	CIDCO Share
Above 3.00	30%	70%
Above 2.00 and upto 3.00	40%	60%
Above 1.00 and upto 2.00	50%	50%
Upto 1.00	60%	40%

Provided that building or buildings under redevelopment in the NMMC area, upto 20% of the CIDCO's share in the form of tenements shall be handed over free of cost to the NMMC, NMMC require the same for rehabilitation of the project affected persons.

2.1 Where redevelopment of dangerous / dilapidated building(s) in a Housing Scheme of CIDCO is undertaken by CIDCO directly or jointly by CIDCO along with the Co-operative Housing Society / Association or the occupiers of such building(s) or by the lessees of CIDCO, 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 Clause 2 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 Clause 2.

C) Sharing of the balance FSI: There shall be no sharing of the balance FSI, which shall be entirely available to CIDCO for implementing Affordable Housing Project.

3. Other requirement/Criteria :

i. For the purpose of calculating the FSI, the entire area of the layout including widening of existing roads and internal roads but excluding the land earmarked for public amenities shall be considered. Sub-division as well as amalgamation of plots shall be permissible. Amalgamation of more than one Apartment Owners' Association / Co. op. Hsg. Society (CHS) / Residents' Association shall be permissible and after such amalgamation, the amalgamated plot should be in the name of the applicant CHS with legal ownership title, without considering the provision made in the Regulation of this DCR. However consent of at least 70% leaseholders / occupants who intend to amalgamate such condominium shall be necessary.

- ii. In a condominium/plot area, widening of existing roads as per the regular line of street prescribed by the Commissioner, NMMC or widening of road providing vehicular access to the condominium plot to bring it to the minimum right of way as prescribed in Table-A, shall be permissible for reconstruction/ redevelopment, after handing over required stretch of land under road to NMMC, free of cost, duly developed with storm water drains and footpath, if any, to the satisfaction of the Municipal Commissioner.
- iii. In case where there are a number of dangerous / dilapidated buildings on a plot, in such cases, equivalent Land component of such buildings shall be worked out and incentive F.S.I. shall be based on such land component.
- iv. The normal permissible tenement density per net hectare may be allowed to be exceeded in multiple of F.S.I. permissible.
- v. The existing residential premises (other than R+C premises) shall be permitted to be redeveloped for residential user only. No change of Use from Residential to Residential cum Commercial shall be permitted. However, in such premises. if area of such plot is more than 1000sqm and the same is fronting on a road having width of 20 mtr and above then it shall be permissible to construct convenience shopping to the extent of 5% of the plot area and if the plot area is more than 1000 sq.mtr and the plot is fronting on a road having width of 30 mtrs and above then this limit for convenience shopping will be upto 10 %.
- vi. In a condominium/plot area, It shall be mandatory to keep minimum 10% or 15%, as the case may be, compulsory recreational open space on ground clearly open to sky over and above podium garden, in the proposed redevelopment project in respect of land area between 2500 sq. mtrs. to 4000 sq.mtrs. or more than 4000 sq.mtrs., respectively.
- vii. 5% of the Plot area under reconstruction / redevelopment project shall be surrendered to the Municipal Corporation, free of cost, towards essential amenity area, in case the plot area is more than 2500 sq.mt. The FSI of such amenity area shall be permissible on the balance plot area and the entire area of such amenity space will be considered for computation of FSI, without deducting this area from the gross plot area. However, 1.0 FSI out of amenity space FSI will be deducted from the total permissible FSI. Alternatively carpet area equivalent to 5% of the area of the plot Under redevelopment can be constructed within the Scheme, providing Separate access, and handed over to NMMC free of cost as Social amenity
- viii. The Layout of entire condominium / residential /Residential cum commercial premises, duly signed by the Apartment owners' Association/CHS shall be submitted at the time of Commencement Certificate to ascertain the feasibility of the entire condominium for redevelopment, so that in future, proper redevelopment of other buildings in the condominium/residential premises is smoothly feasible. However, such redevelopment can be undertaken in a phased manner in respect of one or two buildings likewise as per the approved layout of the entire condominium/ residential premises. In case of such partial redevelopment, the infrastructure charges shall also be deposited in proportion to the area under such partial redevelopment.

- ix. For the purpose of deciding the authenticity of the age of the structure, if the approved plans of such existing structure are not available, the Municipal Commissioner shall consider other evidence such as Assessment Record, or city survey record or sanad.
- x. In any Redevelopment project where the existing or proposed Co-operative Housing Society/Apartment Owners' Association/Developer appointed by the concerned Society/Associations has obtained No Objection Certificate from the CIDCO, thereby securing 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. However, in case of Apartment owners' Association, the Consent as per the concerned Act will be required.
- xi. For redevelopment of any dangerous / dilapidated buildings in any Housing Scheme of CIDCO under clause 2.1 hereinabove, by CIDCO, 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. Similarly in case of Apartment Owners' Association, the consent as per the concerned Act will be required.
- xii. For providing the requisite infrastructure for the increased population, an infrastructure charge at the rate of 10% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be levied and charged by the NMMC for the extra FSI granted for the redevelopment project, over and above the Basic Zonal FSI.
- xiii. A corpus fund, as may be decided by Municipal Commissioner, shall be created by the Developer which shall remain with the concerned Co-operative Housing Society / Apartment Owners' Association for the maintenance of the new buildings under the Rehabilitation Component.
- xiv. For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government in the Housing Department from time to time.
- XV. Any redevelopment proposal where NMMC has already issued Commencement Certificate (C.C.) 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 be allowed to convert to redevelopment projects under this Regulation, provided it satisfies all the requirements specified in this Regulation.

By order and the name of the Governor of Maharashtra.



(Sanjay Banait)

Under Secretary to Government.