

Implementation of Rental Housing Scheme
on Area exempted under Section 20 of
Urban Land (Ceiling & Regulation) Act,
1976 for Housing/Special Land Plot Scheme

Government of Maharashtra
Urban Development Department
Government Resolution No.ULC 2209/C. No.35/ULCH 2
Mantralaya, Mumbai 32
Date: 25th August 2011

Preamble

The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed in the state with effect from 29-11-2007 and the Central Government's Urban Land (Ceiling & Regulation) Repeal Act of 1999 has been adopted in the State. Under the Repeal Act protection has been given to the implementation on land actually taken in possession and implementation on land exempted for various purposes under section 20 of the clauses 10(3) and 10 (5) of the original act. Since the implementation of land exempted under Section 20 of the Repeal Act is given protection, the implementation of the housing/special land schemes sanctioned under this section is under progress.

In the meanwhile, the implementation of Rental Housing Scheme has been started through the Mumbai Metropolitan Region Development Authority. It is under this scheme that additional carpet area index is sanctioned to the Landowner/Developer. But to take advantage of the Scheme the primary condition is that the original land should be free from encumbrances.

The government has a right over the land where plans are sanctioned under Section 20. Instead of acquiring surplus declared land under the ULC Act, with a view to maximize the housing stock, landowner/developer is permitted to implement housing/special land schemes. Requests have been received by the government from various landowners/developers/Maharashtra Chamber of Housing Industry seeking permission to implement Rental Housing Scheme on areas of housing/special land schemes sanctioned under Section 20 and started by the Mumbai Metropolitan Region Development Authority.

With intention to maximize creation of housing. The Rental Housing Scheme seems have an objective similar in nature. As a result, it appears that land will be utilized more effectively. Taking into consideration all these aspects, the government has taken the following decision pertaining to land exempted under Section 20 in order to implement the Rental Housing Scheme following decision is taken.

Government Resolution:

The government is pleased to sanction the implementation of "Rental Housing Scheme" on lands sanctioned for implementation of housing/special land schemes under Section 20 of the Urban Land ceiling Act falling in the jurisdiction of Mumbai Metropolitan Region Development Authority on the following terms and conditions:-

1. For seeking permission under the Rental Housing Scheme under Section 20 for land under housing/Talegaon Dabhade Special Land scheme, it will be necessary for the holder of the scheme to obtain extension of time limit for the scheme and to pay the necessary amount of penalty with the government.
2. There should be no litigation case pending in respect of land of a scheme under section 20.
3. While implementing the Rental Housing Scheme on land exempted for housing scheme under Section 20, it will be obligatory to fulfill, along with the terms and conditions laid down in the order of sanction for the housing scheme under section 20, the terms and conditions like surrender of 5 percent of area as due to government, to adhere to prescribed area norms, to implement the scheme within prescribed time limit, to obtain extension of time etc. The concerned landholder/Developer will have to submit to the Mumbai Metropolitan Region Development Authority a undertaking to comply these conditions.
4. If the Special Land plot scheme under Section 20 is converted into Housing Scheme, then while implementing the Rental Housing Scheme on such land area, it will be obligatory to allow 5 percent of the constructed area to government; similarly, if an area is to be given over to government free of cost it will be obligatory to transfer first; subject to fulfill the terms and conditions mentioned in the sanction order of the scheme as also to follow the implementation process in accordance with the prevailing government policy.
5. Out of the 3 additional FSI the Developer/Landholder will get in respect of the proposed Rental Housing Scheme on area under the Section 20 scheme, it will be necessary for the Developer/Landholder to deposit with the government surplus value of 2 FSI at the rate of 2.5 percent of the value of land at market rate in respect of residential construction and at the rate of 5 percent in respect of commercial construction.

The Landholder/Scheme Planner/Developer should directly apply to Mumbai Metropolitan Region development Authority accompanied with a undertaking stating acceptance of the above terms and conditions and requesting permission to implement the Rental Housing Scheme on land for Scheme under Section 20.

The Mumbai Metropolitan Region development Authority should take the required decision after necessary scrutiny of terms and conditions in respect of

sanction of Rental Housing Scheme in the area of Housing/Special land Scheme under Section 20. The Metropolitan commissioner is empowering to take the said decision.

Besides the terms and conditions mentioned above in respect of area under section 20, the prescribed terms and conditions laid down by MMRDA in respect of Rental Housing Scheme will also be applicable. Similarly, if changes are made by the Authority in the terms/ conditions of Rental Housing Scheme from time to time, those terms/conditions will also remain binding.

The Mumbai Metropolitan Region Development Authority should endorse to the concerned Additional/Deputy Collector or Competent Authority the orders in respect of cases where Rental Housing Scheme has been sanctioned after scrutiny, so that It will be possible for the Additional/Deputy Collector or Competent Authority of the concerned urban group and through them the government, to monitor observance of the terms and conditions of scheme under Section 20. Similarly, the concerned Additional District collector/Deputy District Collector or Competent Authority should undertake spot inspection of such schemes every six months and submit a report to the government stating whether the terms/conditions are being fulfilled or not.

In implementing this Scheme, it will be the responsibility of the Mumbai Metropolitan Region Development Authority to see that the Holder of Scheme/Developer/Landowner fulfills all the terms and conditions of Section 20 Scheme like surrendering 5 percent of the constructed area in the form of flats, and surrender out of the land to the govt. as per scheme free-of-cost, obtaining extension of time and to deposit the requisite penalty amount with government, in a similar way to ascertain whether out of the additional FSI the surplus value on 2 FSI is deposited with the government or not.

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

Sd.

(Suresh Kakani)

Joint Secretary, Government of Maharashtra

Copy to:

1. Hon'ble Chief Secretary, Maharashtra State
2. Principal Secretary to Hon'ble Chief Minister
3. Private Secretary of Hon'ble Minister of State, ULCH
4. Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, B.-K. complex, Bandra(E), Mumbai-51

5. Commissioner, Mumbai, Thane, Mira-Bhayandar, Kalyan-Dombivali, Ulhasnagar Municipal Corporation
6. Joint Secretary, Urban Development, Urban Development Department, Mantralaya, Mumbai
7. Additional District Collector/Deputy District Collector or Competent Authority
8. Deputy Director, Town Planning and Valuation, Konkan Division/Mumbai Division
9. Chief Officer, Ambernath/Kulgaon-Badlapur Nagar Parishad
10. Chairman, Maharashtra Chamber of Housing Industry, Maker Bhavan-2, Fourth Floor, V.T. Marg, New Marine Lines, Mumbai-20
11. Personal Assistant to Principal Secretary (Ud-1/2), Urban Development Department
12. Personal Assistant to Joint Secretary (ULCH), Urban Development Department
13. Under Secretary/Desk Officer, ULCH-1,2,3
14. Select File, ULCH-2