


विकास नियंत्रण नियमावली - मिरा-भाईंदर
विनियम ९, टेबल ३ मधील अ.क्र. IV (f) पार्किंग व
अ.क्र.V(४) (a) टाऊन हॉल व ड्रामा थिएटरच्या
नियमावलीत फेरबदल करणेबाबत.
महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम १९६६ चे कलम
३७(२) ची अधिसूचना निर्गमित करणेबाबत.

महाराष्ट्र शासन
नगर विकास विभाग,
शासन निर्णय क्र. टिपीएस-१२१२/३६७/प्र.क्र.४०/१३/नवि-१२
४ था मजला, मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : - १७ जुलै, २०१५.

शासन निर्णय:- सोबतची शासकीय अधिसूचना (मराठी व इंग्रजी) महाराष्ट्र शासनाच्या
राजपत्रात प्रसिध्द करावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(सुनिल फाटक)
कार्यासन अधिकारी

- प्रति,
- १) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई.
 - २) संचालक, नगररचना, महाराष्ट्र राज्य, पुणे.
 - ३) संचालक तथा सह सचिव, (नगर रचना), यांचे स्विय सहाय्यक, मंत्रालय, मुंबई-३२.
 - ४) सहसंचालक, नगर रचना, कोकण विभाग, कोकण भवन, नवी मुंबई.
 - ५) आयुक्त, मिरा-भाईंदर महानगरपालिका, भाईंदर.
 - ६) सहाय्यक संचालक नगर रचना, ठाणे शाखा, ठाणे.
 - ७) व्यवस्थापक, शासकीय मुद्रणालय, चर्नी रोड, मुंबई.
- (त्यांना विनंती की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या राजपत्राच्या
भाग-१ कोकण विभागीय पुरवणीमध्ये प्रसिध्द करुन त्यांच्या प्रत्येकी ५ प्रती या विभागास,
संचालक नगर रचना, महाराष्ट्र राज्य, पुणे, सहसंचालक, नगर रचना, कोकण विभाग, कोकण
भवन, नवी मुंबई, आयुक्त, मिरा-भाईंदर महानगरपालिका, भाईंदर व सहाय्यक संचालक, नगर
रचना, ठाणे शाखा यांना पाठवाव्यात.)
- ✓ कक्ष अधिकारी, कार्यासन नवि-२९, नगर विकास विभाग, मंत्रालय, मुंबई
२/- त्यांना विनंती की, सदरहू अधिसूचना विभागाच्या वेब साईटवर प्रसिध्द करावी.
- ९) निवडनस्ती (कार्यासन नवि-१२)

महाराष्ट्र शासन
नगर विकास विभाग
मंत्रालय, मुंबई-४०००३२.
दिनांक :- १७ जुलै, २०१५.

अधिसूचना

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
क्रमांक-टिपीएस-१२१२/३६७/प्र.क्र.४०/१३/नवि-१२.

ज्याअर्थी, मिरा-भाईंदर महानगरपालिकेसाठीची (यापुढे जिचा उल्लेख "उक्त महानगरपालिका" असा करण्यात आला आहे) विकास नियंत्रण नियमावली (यापुढे ज्याचा उल्लेख "उक्त नियमावली" असा करण्यात आला आहे.) महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करण्यात आला आहे) च्या कलम ३१ (१) अन्वये शासन नगर विकास विभागाची अधिसूचना क्रमांक टिपीएस- १२९६/८४७/प्र.क्र.१६२/९६/नवि-१२, दिनांक १४ मे, १९९७ अन्वये भागशः मंजूर झाली असून, ती दिनांक १५/७/१९९७ पासून अंमलात आली आहे आणि वगळलेल्या भागाची विकास नियंत्रण नियमावली (त्यापुढे जिचा एकत्रितपणे उल्लेख "उक्त नियमावली" असा करण्यात आला आहे) शासनाने अधिसूचना क्र. टिपीएस-१२९८/९४१/ प्र.क्र.८९/९८/नवि-१२, दि.२५ ऑगस्ट २००० (यापुढे ज्याच्या एकत्रितपणे उल्लेख "उक्त अधिसूचना" असा करण्यात आला आहे.) मंजूर झाली असून ती दि.१५/१०/२००० पासून अंमलात आली आहे.

आणि ज्याअर्थी, उक्त नियमावलीच्या विनियम ९ च्या टेबल-३ नुसार मिरा- भाईंदर शहराच्या विकास योजनेमधील जमिन वापर व त्याची विकास पध्दती अवलंबविण्यात येते;

आणि ज्याअर्थी, उक्त नियमावलीच्या विनियम ९ टेबल-३ मधील अ.क्र. IV(f) नुसार पार्किंगचे आरक्षण व अ.क्र. V(४)(a) नुसार टाऊन हॉल व ड्रामा थिएटरचे आरक्षण विकसित करण्याची तरतुद असून, उक्त महानगरपालिकेने उक्त अधिनियमाच्या कलम ३७ (१) अन्वयेची कार्यवाही पूर्ण करून सदर विनियम ३२ (७) मध्ये खालीलप्रमाणे फेरबदल करण्याच्या प्रस्ताव दि.२१/१२/२०१० च्या पत्रान्वये शासनाच्या मान्यतेकरीता सादर केला आहे (यापुढे ज्याच्या उल्लेख "प्रस्तावित फेरबदल" असा करण्यात आला आहे.);

Proposed Modification to Table-3

			Existing Provision as per Sanctioned Regulations	Modification Proposed by the Mira-Bhayander Municipal Corporation
Sr. No.	Use (Allocation designation or reservation)	Person/Authority who may develop	Condition subject to which development is permissible	Condition subject to which development is permissible
IV(f)	Parking	Municipal Council/ public Authority/ Public Organisation/ Owner	----	(3.00 FSI) Parking area only for construction (a) Minimum plot area shall be 4000 Sq. mtr. (b) Minimum width of the road fronting to plot shall be 15.00 mtr.
V(4)(a)	Town Hall & Drama Theatre	Municipal Corporation or Owner	-----	Municipal Corporation may acquire or the owner may be allowed to develop to according to the policy, design, specifications and conditions prescribed by the Municipal Corporation.

आणि ज्याअर्थी, आवश्यकती चौकशी केल्यानंतर व संचालक,नगर रचना,महाराष्ट्र राज्य,पुणे यांचा सल्ला घेतल्यानंतर प्रस्तावित फेरबदलापैकी अ.क्र. IV (f) येथील पार्किंगबाबतचा प्रस्तावित फेरबदल नामंजूर करणे व अ.क्र. V(4)(a) येथील टाऊन हॉल व ड्रामा थिएटर बाबतचा प्रस्तावित फेरबदल काही बदलांसह मंजूर करणे आवश्यक आहे, असे शासनाचे मत झाले आहे ;

आणि त्याअर्थी, आता उक्त अधिनियमाच्या कलम ३७ चे पोटकलम (२) अन्वये शासनास प्रदत्त असलेल्या शक्तींचा वापर करुन शासन प्रस्तावित फेरबदलापैकी अ.क्र. IV (f) येथील पार्किंगबाबतचा प्रस्तावित फेरबदल नामंजूर करीत आहे व अ.क्र. V(4)(a) येथील टाऊन हॉल व ड्रामा थिएटरबाबतचा प्रस्तावित फेरबदल काही बदलांसह मंजूर करीत आहे आणि त्यासाठी उक्त विकास योजना

मंजूरीच्या दिनांक १४ मे, १९९५ रोजीच्या अधिसूचनेतील फेरबदलाच्या अनुसूचीमध्ये शेवटच्या नोंदीनंतर पुढील नवीन नोंद समाविष्ट करण्यात येत आहे;

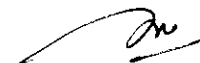
ENTRY

Sanctioned Modification to

TABLE-3

Land Uses and the Manner of Development

Sr. No.	Use (Allocation, Designation or Reservation)	Person/Authority Who May Develop	Condition Subject to Which Development is Permissible
V(4)(a)	Town hall & Drama Theatre	Planning Authority/ Appropriate Authority/ Land Owner	<p>i) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose.</p> <p>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 Bombay Provincial Municipal Corporations Act, 1949 to the Registered Public Institution to develop and running the same.</p> <p>OR</p> <p>The owner may be permitted to develop the reservation subject to handing over to the Planning Authority 50% land area along with 50% construction of the amenity /reservation of the total built-up area free of cost constructed according to norms prescribed by the municipal Commissioner. Then the owner will be entitled to have full permissible F.S.I. on the remaining area of the plot for other permissible users in adjoining zone without taking into account the area</p>



			<p>handed over to the Planning Authority.</p> <p>General conditions to allow development under above regulations:-</p> <p>i) If the area of reservation is not adequate to construct independent building as mention above OR When it is not possible to handover individual plot along with public amenity, then in such cases Municipal Commisioner 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. If ground floor is utilised for parking, then on stilt/first floor with separate entry & exist from public street.</p> <p>ii) If the number of owners is more than one, then the owner/s may come forward jointly or the owners holding atleast 50% or more area shall be allowed to develop the reservation. It is mandatory for other owners to construct amenity contiguous to the earlier development.</p> <p>iii) The owner/developer shall be entitled for construction amenity TDR as per the TDR regulations after handing over the construction amenity free of cost.</p> <p>iv) It shall be obligatory on Planning Authority to make registered agreement with</p>
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			<p>the developer / owner before grating 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 free of cost. The constructed amenity shall be made available to general public for the same public purpose within three months from the possession.</p> <p>v) Planning Authority shall prepare phase programme for development of various reservations.</p>
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०२. सदरचा मंजूर फेरबदल ही अधिसूचना शासन राजपत्रात प्रसिध्द झाल्याच्या दिनांकापासून अंमलात येईल

०३. उक्त मंजूर फेरबदल नागरीकांच्या अवलोकनार्थ कार्यालयीन वेळेमध्ये कामकाजाच्या दिवशी खाली नमूद कार्यालयामध्ये एक महिन्याच्या कालावधी करिता उपलब्ध राहील.

- १) आयुक्त, मिरा-भाईंदर महानगरपालिका, भाईंदर..
- २) सहसंचालक नगर रचना, कोकण विभाग, कोकण भवन, नवी मुंबई.
- ३) सहाय्यक संचालक नगर रचना, ठाणे शाखा, जि.ठाणे.

०४. सदर फेरबदलाची अधिसूचना ही महाराष्ट्र शासनाच्या www.maharashtra.gov.in वेबसाईटवर प्रसिध्द करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,



(सुनिल फाटक)
कार्यासन अधिकारी

GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai-400032.

Dated :- 17th July, 2015

NOTIFICATION

No. TPS-1212/367/CR-40/13/UD-12,

Maharashtra
Regional and
Town
planning
Act, 1966

Whereas, the Development Control Regulations (hereinafter referred to as "the said Regulations") for Mira Bhayander Municipal Corporation (hereinafter referred to as "the said Municipal Corporation") have been sanctioned partly by the Government in the Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966, (hereinafter referred to as "the said Act") vide Notification No. TPS-1296/ 847/C.R.162/96/UD-12, dated the 14th May, 1997 and have come into force with effect from 15th July, 1997 and the Excluded Portion of the said Regulations have been sanctioned by the Government in Urban Development Department vide Notification No. TPS-1298/941/ C.R.89/98/UD-12, dated the 25th August,2000 (hereinafter collectively referred to as " the said Notifications") and have come into force with effect from 15th October, 2000;

And whereas, the Land Uses and the Manner of Development of lands, situated within the area of Development Plan of Mira Bhayander are regulated as per the Table-3 of Regulation 9 of the said Regulations;

And whereas, the entry at Sr. No. IV(f) in the Table-3 of the Regulation of the said Regulations provides for the Development of the reservation of the "Parking" and the entry at Sr. No. V(4)(a) provides for the development of the reservation of "Town Hall and Drama Theatre" and the said Municipal Corporation, after following the legal procedure under sub-section (1) of section 37 of the said Act, has submitted a proposal vide letter dated 21/12/2010 for effecting a modification to the aforesaid provisions as given below (hereinafter referred to as "the Proposed Modifications");

Proposed Modification to Table-3

			Existing Provision as per Sanctioned Regulations	Modification Proposed by the Mira-Bhayander Municipal Corporation
Sr. No.	Use (Allocation /designation	Person/Authority who may develop	Condition subject to which development is permissible	Condition subject to which development is permissible



	or reservation)			
IV(f)	Parking	Municipal Council/ public Authority/ Public Organisation/ Owner	-----	(3.00 FSI) Parking area only for construction (a) Minimum plot area shall be 4000 Sq. mtr. (b) Minimum width of the road fronting to plot shall be 15.00 mtr.
V(4)(a)	Town Hall & Drama Theatre	Municipal Corporation or Owner	-----	Municipal Corporation may acquire or the owner may be allowed to develop to according to the policy, design, specifications and conditions prescribed by the Municipal Corporation.

And whereas, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government is of the opinion that the Proposed Modification in respect of the entry at Sr. No. IV(f) in the Table-3 of the said Regulations for the Development of the reservation of the "Parking" needs to be rejected and the Proposed Modification in respect of the entry at Sr. No. V(4)(a) in the Table-3 of the said Regulations for the Development of the reservation of the "Town Hall and Drama Theatre" should be sanctioned with some changes;

Now therefore, in exercise of the powers conferred under sub section (2) of section 37 of the said Act, the State Government hereby refuses to accord sanction to the Proposed Modification in respect of the entry at Sr. No. IV(f) for the Development of the reservation of the "Parking" and sanctions the Proposed Modification in respect of the entry at Sr. No. V(4)(a) for the Development of the reservation of the "Town Hall and Drama Theatre" with some changes as described below:-

"In the Schedule of modifications appended with the said Notification, dated 14th July, 1997 after the last entry, the following new entry shall be inserted viz. :-

ENTRY

Sanctioned Modification to

TABLE-3

Land Uses and the Manner of Development

Sr. No.	Use (Allocation, Designation or Reservation)	Person/Authority Who May Develop	Condition Subject to Which Development is Permissible
V(4)(a)	Town hall & Drama Theatre	Planning Authority/ Appropriate Authority/ Land Owner	<p>iii) The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose.</p> <p>iv) 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 Bombay Provincial Municipal Corporations Act, 1949 to the Registered Public Institution to develop and running the same.</p> <p>OR</p> <p>The owner may be permitted to develop the reservation subject to handing over to the Planning Authority 50% land area along with 50% construction of the amenity /reservation of the total built-up area free of cost constructed according to norms prescribed by the municipal Commissioner. Then the owner will be entitled to have full permissible F.S.I. on the remaining area of the plot for other permissible users in adjoining zone without</p>



		<p>taking into account the area handed over to the Planning Authority.</p> <p>General conditions to allow development under above regulations:-</p> <p>i) If the area of reservation is not adequate to construct independent building as mention above OR When it is not possible to handover individual plot along with public amenity, then in such cases Municipal Commisioner 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. If ground floor is utilised for parking, then on stilt/first floor with separate entry & exist from public street.</p> <p>ii) If the number of owners is more than one, then the owner/s may come forward jointly or the owners holding atleast 50% or more area shall be allowed to develop the reservation. It is mandatory for other owners to construct amenity contiguous to the earlier development.</p> <p>iii) The owner/developer shall be entitled for construction amenity TDR as per the TDR regulations after handing over the construction amenity free of cost.</p> <p>iv) It shall be obligatory on Planning Authority to make</p>
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			<p>registered agreement with the developer / owner before 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 free of cost. The constructed amenity shall be made available to general public for the same public purpose within three months from the possession.</p> <p>v) Planning Authority shall prepare phase programme for development of various reservations.</p>
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02. The date of publication of this Notification in the Maharashtra Government Gazette is fixed as the date of coming into force of this sanctioned modification.
03. The said sanctioned modification shall be made available for inspection by the general public during office hours on all working days at the following offices for a period of one month:-
- i) The Commissioner, Mira-Bhayander Municipal Corporation, Bhayander.
 - ii) The Joint Director of Town Planning, Konkan division, Konkan Bhavan, Navi Mumbai.
 - iii) The Assistant Director of Town Planning ,Thane Branch, Thane.
04. This notification shall also be published on the Government Website at [www.maharashtra .gov.in](http://www.maharashtra.gov.in).

By order and in the name of the Governor of Maharashtra



(Sunil Phatak)
Section Officer