

THANE MUNICIPAL CORPORATION, THANE

Town Planning Department

NOTICE

(U/s. 37 (1) of Maharashtra Regional & Town planning Act, 1966)

No. TMC/ TPO/ DPC/ 1593

Date :- 26/2/2014

Whereas the Government in Urban Development Department under Government Notification No. TPS/1295/CR-222/94/UD-12, dated 28th April, 1995 have accorded sanction to the draft Development Control Regulation with some modifications and differed sanction to some of the Regulations (hereinafter referred to as "the said Regulations") under the provisions of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") and the said Regulation have come into force with effect from 1st June, 1995:

And whereas, the revised Development Plan of the city of Thane has been sanctioned by Government vide notification no. TPS/1297/1319/CR-148/97/UD-12, dt. 4 th October 1999 & came in to force from 22 nd November 1999. Also the Excluded portion (EP) from revised Development Plan were sanctioned vide Government notification no. TPS/1201/274/CR-28/2009/UD-12, Dt. 3 rd April 2003 & came in to force from 14 th May 2003 (Here in after referred to as "The said sanctioned Development Plan")

And whereas, the Government in Urban Development Department under Government Notification No. TPS-1297/373/CR-88/97/UD-12, date 29th December, 1997 have accorded sanction to the differed provisions of the grant of Transfer of Development Right (TDR) and the Appendix-W there under, with the modification contained therein (hereinafter referred to as the said regulations for (TDR);

And whereas, the Government in Urban Development Department under Government Notification No. TPS-1201/592/CR103/2001/UD-12, Date 1st April, 2003 have accorded sanction to the Appendix-W of the said D C Regulation with the modification contained therein (hereinafter referred to as the said regulations for (TDR);

And whereas, the Government in Urban Development Department under Government Notification No. TPS-1205/2436/CR-286/05/UD-12 Dt. 19/06/2007 have accorded sanction to the modification in Regulation No. 65, Appendix "M" 6.1 of the said D.C. Regulation;

And whereas, Thane Municipal Corporation is of opinion that acquisition and development of amenities is needed to be done effectively by indexing TDR utilisation with prevailing land rates as per ASR, and to formulate regulation to bring transparency, accountability and efficiency in the process of Transfer of Development Rights.

And whereas, the Thane Municipal Corporation, vide Resolution No.472,dated 20/2/2014 has accorded sanction to initiate the process as stipulated under Section 37(1) of the said Act, to substitute the provision of modification in Appendix "W" of D.C. Regulations as follows:

Existing Provisions	Modification Proposed
APPENDIX - W (Paragraph Appendix N.N.1.5 - (a))	APPENDIX - W (Paragraph Appendix N.N.1.5 - (a))
Regulations for the grant of Transferable Development Rights (TDRs) to owners / developers and conditions for grant of such rights.	Regulations for the grant/ Transfer/ Utilisation of Transferable Development Rights (TDRs) to owners / developers/ other Agencies and conditions for grant/ transfer/ utilisation 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 to be developed by Corporation 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 to 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 (F.S.I.) to the extent and on the condition set out below. Such award will entitle the owner of the land to FSI in the form of a Development Right Certificate (DRC) which he may use himself or transfer to any other person.	1. The owner (or lessee) of a plot of land which is reserved for a public purpose in the development plan and such plot of land is to be developed by Corporation or any appropriate authority defined in the appendix 'P' of these Regulations (herein after referred to as "Designated Authority") and further for additional amenities deemed to be reservations, which are to be acquired by TMC or Special areas designated in Development Plan enumerated in Regulation 14 of this Appendix in accordance with these Regulations, shall be eligible for the award of Transferable Development Rights (TDRs) on surrendering the land free of cost to TMC or Appropriate Authority under and on the conditions set out in this Appendix. Provided further that such award of Transferable Development Rights (TDRs) shall not be eligible for the existing/ retention users shown on Development plan and to the compulsory or recreational open spaces required to be provided in the development proposals in accordance with these regulations.

<p>2. Subject to the Regulations 1 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 & 6 in this Appendix had the land been not so reserved, after the said land is surrendered free of cost as stipulated in regulation 5 in this Appendix, and after completion of the development or construction as in Regulation in this Appendix if he undertakes the same.</p>	<p>2. In addition to the Regulations 1 above, where the plot of land is reserved for any purpose specified in section 22 of Maharashtra Regional and Town Planning Act, 1966 and further plot of land deemed to be amenity/ reservations in accordance with these regulations, or where lands falls in special areas designated as enumerated in Regulation 14 of this Appendix the Owner/Developer/Other Agency as the case may be, will be eligible for Development Rights (DR's) to the extent stipulated in Regulations 6 of this Appendix, provided such reservation or the said amenity is constructed/ developed and handed over to corporation along with premium, if any as stipulated in regulation 6 of this Appendix.</p>
<p>3. Development Rights (DR's) will be granted to an owner or a lessee only for reserved lands which are retainable / non-retainable under the Urban land (ceiling & regulations) Act, 1976, and in respect of all other reserved land 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 (DR's) are available only in cases where development of a reservation has not been implemented i.e. TDRs will be available only for prospective development or reservations.</p>	<p>3. i) Development Rights (DR's) will be granted to an owner or a lessee only for reserved lands which are retainable under the Urban land (ceiling & regulations) Act, 1976, and further under the Urban land (ceiling & regulations) Repeal Act- 1999 adopted by Maharashtra State on 29/11/2007 and directives issued there under, and in respect of all other reserved and non-retainable land to which the provisions of the aforesaid Acts and directives issued there under do apply, Development Rights may be granted to such extent and subject to such conditions as Government may specify, on production of No Objection Certificate from the Competent Authority under aforesaid Acts. ii) Development Rights (DR's) are available in cases where development of a land surrendered under reservation has not been implemented i.e. TDRs will be available only for prospective development or reservations as per regulation 5 of this appendix and further DR may be granted for development of amenity/ reservation as per regulation 6 of this appendix.</p>
<p>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 DRC are earned and the areas in which such credit may be utilised.</p>	<p>4. Development Rights Certificates (DRCs) shall be issued by the Commissioner himself or by any officer appointed by the commissioner not below the rank of Assistant Director Town Planning. Such DRC shall clearly indicate, in figures and in words, credit of transferable development rights in lieu of area of surrendered land in square meters, to which the owner or lessee of the said reserved plot is entitled.</p>
<p>5. The built up area for the purpose of FSI credit in the form of 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 as proposed in Green zone, the Commissioner with prior approval of the Government shall grant TDR for such road land/reserved land equivalent to that of the adjoining zone.</p>	<p>5. The built up area credit in the form of DRC shall be equal to the area of land surrendered under the reservation / amenity as per Regulation 2 of this Appendix</p>
<p>6. When an owner or lessee also develop 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.</p>	<p>6. Commissioner or the appropriate authority as the case may be, may get developed or constructed Public amenity or purpose on any plot owned by TMC/ Government or reserved plot, at the cost of any agency to their satisfaction in lieu of DR, equivalent to the area of the construction/ Development, utilization of which shall be subject to the Regulations contained in this Appendix. Selection of the agency for such construction/development shall be through a competitive process wherein, agency offering maximum premium shall be selected.</p>
<p>7. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in the Appendix.</p>	<p>7. Such award will entitle the owner of the land to transferable development rights by way of area credited in the form of a Development Right Certificate (DRC); which owner (Lessee) may use himself or transfer to any other person by a registered transfer deed and with the approval of Commissioner, after submitting details of transfer in the format as prescribed by Commissioner. A DRC will be issued only on the satisfactory compliance of the conditions prescribed in this Appendix.</p>
<p>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. 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.</p>	<p>8. If a holder of a DRC intends to transfer his entitlement to any other person, he shall submit the DRC to the Commissioner with the prescribed format for an endorsement of the new holder's name, i.e. name of transferee on the said certificate. Without such an endorsement by the Commissioner himself, such transfer shall not be valid and the credit in DRC shall not be available for use of transferee. Municipal Commissioner shall Endeavor to bring in transparency and accountability in grant/transfer/utilisation of DRC and may implement ITES/Web based solution to this and may prescribe methodology/format & other necessary documentation for grant /transfer/ utilisation in electronic format of DRC, ensuring that all the information needed for grant/transfer/utilisation of DRC as per these Regulations is captured in Electronic System and incorporating all the safeguard in the process of grant/transfer/utilisation of DRC. Commissioner may publish notice in Official Gazette notifying the date from which onwards DRC shall</p>

			be granted/transferred/utilised in Electronic format.
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.			9. A holder of a DRC who desires to use the Area credit certified therein, on a particular plot of land shall attach valid DRC along with application for development permission, specifying particulars of receiving plot of land, and shall clearly indicate the extent of area credit from such DRC intended to be utilised.
10. The DRCs in Thane can be used as below - DRCs to be issued on			10. 1) Development Rights generated, through surrender of land or through Development of Reservation, Amenities, under Regulation 1 & 2 read with Regulation 5 & 6 of this Appendix, respectively shall be utilised only to the extent of additional FSI over and above Base FSI of the receiving plot which does not entail any relaxation under Section 23(2) of D C Regulation. 2) The Development Rights cannot be utilised within the areas falling under belt of 250 mt. around the hazardous industries as shown on sanctioned Development Plan in Sector No. IV and V or around such periphery of the hazardous industries as Government may specify from time to time. 3) The Development Rights cannot be utilised for the proposals in congested area as shown on Development Plan, in force.
Reserved lands in Planning Sector No. 1.	The Planning Sector where the DRC's can be received 2.		
1.	4 to 6 and 8 to 11		
2.	4 to 6 and 8 to 11		
3.	4 to 6 and 8 to 11		
4.	4 to 6 and 8 to 11		
5.	4 to 6 and 8 to 11		
6.	6, 10, 11, 9		
7.	7		
8.	4 to 6 and 8 to 11		
9.	6, 9, 10, 11		
10.	10, 11		
11.	10, 11		
Note :- 1) Notwithstanding anything contained in Appendix - W, Development Rights generated, through surrender of land for the purposes as mentioned in these regulations from Sector - I, II and III shall be utilised in respective sectors only to the extent of 40% of area of receiving plot. While granting TDR no relaxation will be given in marginal open spaces, tenement density, height, parking spaces and relevant provisions as applicable under sanctioned Development Control Regulation. 2) The Development Rights cannot be utilised within the areas falling under belt of 250 mt. around the hazardous industries as shown on sanctioned Development Plan in Sector No. IV and V. 3) The Development Right Certificates cannot be utilised for the development proposal undertaken for the old dilapidated buildings under regulation No. 1 (a) (ii) of Appendix - R. 4) The Development Rights cannot be utilised for the proposals in congested area as shown on sanctioned Development Plan.			
11. A DRC shall be valid for use on receivable plots in the areas listed below : a) Areas in No Development Zones, and areas for which the Bombay Metropolitan Reg. Development Authority or Maharashtra Housing and Area Development Authority is the Special Planning Authority. b) On plots for housing schemes of slum dwellers for which additional FSI is permissible under Appendix 'S'. c) Areas where the permissible FSI is less than 1.0			11. A DRC shall not be valid for use on receiving plots in the areas listed below : a) Areas in No Development Zones. b) Development rights cannot be utilised on the receiving plots where Base FSI allowed is more than 1.00 or less than 1.00 under different provisions of DCR, e.g. Affordable housing scheme, Rental Housing Schemes, Slum Rehabilitation Schemes, etc. and where relaxation as per Regulation 23(2) of D C Regulation have been permitted.
12. The user that will be permitted for utilisation of the DRCs on account of transfer of development rights will be as under -			12. i) The ratio of area credit of DRC being utilised to the area in form of additional FSI over Base FSI on receiving plot shall be equal to ratio of ASR rate of open land for receiving plot to ASR rate of open land for generating plot. [For Example: Area to be added on receiving plot=Area to be utilised from credited area of DRC X (ASR rate of open land for generating plot / ASR rate of open land for receiving plot)]. ASR Values for above calculations shall be of the year of utilisation proposed. ii) The user that will be permitted for utilisation of the DRCs on account of transfer of development rights shall be as under -
Sr. No.	Zone in which designated Reserved plot is situated	User to be permitted in receiving areas	
1.	2.	3.	
1.	Residential	Only residential users and in Residential Zones only.	
2.	Commercial / Godown	Commercial/Godown if the plot where the FSI is to be utilised is situated in Godown Zone, Residential in Residential Zones.	
3.	Industrial	As per Industrial location policy in Industrial Zone. Residential only in Residential Zones.	
Sr. No.	Zone in which DRC is Generated.	User to be permitted in receiving areas	
1.	Residential	Only residential users and users permitted in Residential Zones only.	
2.	Commercial / Godown	Users permitted in Commercial/Godown Zone, and users permitted in residential zone.	
3.	Industrial	Users permitted Industrial Zone/ and as per Industrial Location policy and rules framed there under. and users permitted in residential / commercial zone.	
4.	Green Zone	In Residential zone, user permissible in Residential	

	Zone.
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.	13. DRCs may be used on one or more plots of land whether vacant or already developed or for erection of additional storey's, or in any other manner consistent with these Regulations.
14. The F.S.I. of receiving plot shall be allowed to be exceeded by not more than 0.8 in respect of either DR available in respect of reserved plot as in this Appendix or DR available in respect of land surrendered for road widening or construction of new road according to N.I.5.	<p>14. Provision for granting DRC for special areas other than Reserved Plot/ Amenities.</p> <p>a) Not Withstanding anything contained in this Regulation, Commissioner may grant DRC as prescribed in this appendix against surrender of lands affected by CRZ areas defined in CZMP and Green Zone area defined in the Development Plan, which may be utilised for Recreation Ground, Garden, Crematorium, Play ground, parks, Stadiums, Urban Forestry Etc.</p> <p>b) Provided further that in case of the contiguous land acquired from Green Zone as per provisions of regulation 14 (a) is more than 5 Hectors same may be allowed to be developed for users like public transport, educational Institutions etc. provided further that FSI available for such plots shall be permissible as per Regulation No 54 (g) (ii)</p> <p>c) Commissioner may grant DRC as prescribed in this appendix against surrender of lands which became unbuildable, due to major portion of such lands suffered from affection of DP roads/Reservations/Nallas, which may be utilised for public conveniences/transport/utilities/Hawker Zone etc.</p> <p>d) If Owner of any plot could not consume base FSI as mentioned in Appendix -N under Regulation 75 & 79, and if he/she seeks relaxations as per regulation 23 of DCR, before granting any concessions, Commissioner shall weigh the option of granting TDR against unutilised FSI on account of constraints against compromises in Planning Standards in this Regulation and decide on merits an option of either granting concessions or TDR for unconsumed FSI.</p>
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 surrounding 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.	<p>15. DRs will be granted and DRCs issued only after the reserved land is surrendered to the Corporation, or designated authority, as the case may be, free of cost and free of encumbrances, and upon compliance of following conditions at his risk and cost:</p> <p>a) After the owner or lessee has leveled the land to the surrounding ground level or to levels as prescribed by the commissioner. If topography of any such land is of the nature suitable for the purpose of Reservation, Commissioner may waive leveling of land in lieu of payment of premium that should be equal to cost of leveling, which however shall not exceed 10% of ASR value of the land.</p> <p>b) And after he has constructed a 1.5 m. high compound wall around the land to be surrendered (or at a height stipulated by the Commissioner) with a gate at the cost of the owner, and to the satisfaction of the Commissioner,</p> <p>c) Surrendered land shall have proper access to the plot of land.</p>
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 in writing, in figures and words, the quantum of the DRC proposed to be utilised, 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.	<p>16. Manner for utilisation/ Transfer of DRC:</p> <p>a) With application for development permission, where Owner seeks utilisation of DRC shall submit his request to the Commissioner in prescribed format provided by Commissioner or to the officer on behalf of him, who shall validate thereon, in figures and words, the quantum of the DRC proposed to be utilised, before granting development permission and the balance remaining thereafter if any. Such validated figures shall be clearly endorsed on the DRC. If applicant wishes to cancel the utilization before commencement of construction under DRC utilization, he may apply to the Commissioner for the same. After confirming non utilization of DRC Commissioner may endorse such cancellation of utilization on the DRC.</p>
17. A DRC shall be issued by the Commissioner himself as a certificate printed on a bond paper in an appropriate form prescribed by the Commissioner such a certificates 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.	17. A DRC shall be issued by the Commissioner himself in an appropriate format prescribed by the Commissioner, such a certificates will be a transferable "negotiable instrument" after due authentication by the Commissioner. The Commissioner shall maintain a register in the format considered appropriate by him of all transactions relating to grant, transfer and 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	18. The surrendered reserved land for which the DRC is to be issued shall vest with the Corporation or the Designated Authority, as the case may be, and such land shall be transferred in the City Survey Records/ Revenue Records in the name of the Corporation or the Designated authority as the case may be. The surrendered land, so transferred to the designated Authority in respect of which the Corporation is not the appropriate authority, may on application, thereafter be allotted to the designated authority on appropriate terms as may be decided by the Commissioner.

<p>Source of the concerned authority, which may be a State or Central Government Department, authority or organisation, or an other public authority or organisation, on appropriate terms as may be decided by the State Government.</p>	
<p>18. The Commissioner/appropriate authority shall draw up in advance and make public from time to time a phased annual programme (allowing a 10 percent variation to deal with emergency development) for utilisation 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.</p>	<p>19. The Commissioner 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 utilisation of TDRs in the form of DRs, prioritising revised (draft or sanctioned) development plan Reservations to be surrendered and indicating the areas for their utilisation. 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.</p>
<p>20) FSI of the plot in the area of permission under regulation No. M-6.1, Note 2 (b) (ii) may be allowed to be exceeded up to 100% of FSI of the said plot area excluding area under road widening or new road without deducting amenity space by way of development rights in respect of the land surrendered for public utilities and amenities to the planning authorities in pursuance of the development permission as per regulation No. M-6.1, Note 2 (b) (ii).</p>	<p>To be deleted</p>

And therefore, this notice is published inviting suggestions/objections from the public to carry out "The said Modification in said sanctioned Development Plan" as per the provisions under section 37(1) of Maharashtra Regional & Town Planning Act 1966. The Notice showing said modification in "said Development Control Regulation" is published and displayed on the notice board in the office of Assistant Director Town Planning, Town Development Department, Thane Municipal Corporation, Dr. Almeida Road, Panchpakhadi, Thane. The draft of such modification is also published on Thane Municipal Corporation's website www.tnctp.com. Any person interested may submit his suggestion or objection to the said modification within 30 (Thirty) days from the publication of this notice in Maharashtra Government Gazette, to the Municipal Commissioner, Thane Municipal Corporation, Thane.



(J. L. Bhopale)
Asst. Director Town planning,
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